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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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[3195-01]

Title 3—The President

PROCLAMATION 4569

National Historic Preservation Week, 1978

By the President of the United States of America

A Proclamation

America's ability to meet the challenges of its third century with confidence and strength will depend upon an appreciation and understanding by the American people of their past.

Among our most important links with the past are the historic sites, structures, and landmarks of earlier times. Together, they form a vast legacy of cultural resources. This legacy, however, is not merely one of monuments, battlefields, and historic buildings. It includes the houses, streets, stores and factories that make up our communities—those familiar places and structures that remind us of the accomplishments, character, and dreams of our forebears.

For our own sake, and for that of future generations of Americans, we must do all that lies within our power to preserve this cultural heritage.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning May 7, 1978, as National Historic Preservation Week. I call upon Government agencies at all levels, interested private individuals and organizations, and Americans everywhere, to mark this observance with appropriate ceremonies and activities in their communities and neighborhoods.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, 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.

Jimmy Carter

[FR Doc. 78-13091 Filed 5-10-78; 11:38 am]

rules and regulations

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

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

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and the General Officers of the Department to reflect the creation of the World Food and Agricultural Outlook and Situation Board.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Terry Barr, Room 3506, South, World Food and Agricultural Outlook and Situation Board, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6030.

SUPPLEMENTARY INFORMATION: This document amends the delegations of authority to the Director of Economics, Policy Analysis and Budget, and makes new delegations to the Chairman, World Food and Agricultural Outlook and Situation Board to reflect the creation of the World Food and Agricultural Outlook and Situation Board (Board). The Board is charged with: (1) Improving the consistency, objectivity, and reliability of situation and outlook material being disseminated to the public by the Department; (2) integrating and coordinating the USDA domestic and international food and agriculture information system; (3) coordinating all weather and climate information and monitoring activities within the Department. Accordingly, part 2, subtitle A, title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.27 is amended by adding new paragraphs (f) and (g) to read as follows:

§ 2.27 Delegations of authority to the Director of Economics, Policy Analysis and Budget.

* * * * *

(f) *Related to weather and climate.* (1) Advise the Secretary on climate and weather activities, and coordinate the development of policy options on weather and climate for consideration by the Program and Budget Review Board.

(2) Coordinate all weather and climate information and monitoring activities within the Department and provide a focal point in the Department for weather and climate information and impact assessment.

(3) Arrange for appropriate representation to attend all meetings, hearings, and task forces held outside the Department which require such representation.

(4) Designate the Executive Secretary of the USDA Weather and Climate Program Coordinating Committee.

(g) *Related to Interagency Commodity Estimates Committees.* (1) Establish Interagency Commodity Estimates Committees for Commodity Credit Corporation price-supported commodities, for major products thereof, and for commodities where a need for such a committee has been identified, in order to bring together estimates and supporting analyses from participating agencies, and to develop official estimates of supply, utilization, and prices for commodities, including the effects of new program proposals on acreage, yield, production, imports, domestic utilization, price, income support programs, carryover, exports, and availabilities for export.

(2) Designate the Chairman, who shall also act as Secretary, for all Interagency Commodity Estimates Committees.

(3) Assure that all committee members have the basic assumptions, background data, and other relevant data regarding the overall economy and market prospects for specific commodities.

(4) Review for consistency of analytical assumption and results all proposed decisions made by Commodity Estimates Committees prior to any release outside the Department.

Subpart K—Delegations of Authority by the Director of Economics, Policy Analysis and Budget

2. Subpart K is amended by adding a new § 2.86 to read as follows:

§ 2.86 Chairman, World Food and Agricultural Outlook and Situation Board.

(a) *Delegations.* Pursuant to § 2.27 (b), (f), and (g) the following delegations are made by the Director of Economics, Policy Analysis and Budget to the Chairman, World Food and Agricultural Outlook and Situation Board:

(1) *Related to food and agriculture outlook and situation.* (i) Coordinate and review all crop and commodity data used to develop outlook and situation material within the Department.

(ii) Oversee and clear for consistency of analytical assumptions and results all estimates and analyses which significantly relate to international and domestic commodity supply and demand, including such estimates and analyses prepared for public distribution by the Foreign Agricultural Service, the Economics, Statistics, and Cooperatives Service, or by any other agency or office of the Department.

(2) *Related to weather and climate.* (i) Coordinate all weather and climate information and monitoring activities within the Department, serving as the representative of the Director of Economics, Policy Analysis and Budget, and acting as the overall focal point in the Department for weather and climate information and impact assessment.

(ii) Arrange for appropriate representation to attend all meetings, hearings, and task forces held outside the Department which require such representation.

(iii) Serve as Executive Secretary of the USDA Weather and Climate Program Coordinating Committee.

(3) *Related to interagency commodity estimates committees.* (i) Establish Interagency Commodity Estimates

Committees for Commodity Credit Corporation price-supported commodities, for major products thereof, and for commodities where a need for such a committee has been identified, in order to bring together estimates and supporting analyses from participating agencies, and to develop official estimates of supply, utilization, and prices for commodities, including the effects of new program proposals on acreage, yield, production, imports, domestic utilization, price, income, support programs, carryover, exports, and availabilities for export.

(ii) Serve as Chairman or designate a Chairman, who shall also act as Secretary, for all Interagency Commodity Estimates Committees.

(iii) Assure that all committee members have the basic assumptions, background data and other relevant data regarding the overall enonomy and market prospects for specific commodities.

(iv) Review for consistency of analytical assumption and results all proposed decisions made by Commodity Estimates Committees prior to any release outside the Department.

(b) *Reservations.* The following authorities are reserved to the Director, Economics, Policy Analysis and Budget:

(1) Review all proposed decisions having substantial economic policy implications.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

Dated: May 5, 1978.

For subpart C.

M. RUPERT CUTLER,
Acting Secretary of Agriculture.

For subpart K.

HOWARD W. HJORT,
Director of Economics, Policy Analysis and Budget.

[FR Doc. 78-12875 Filed 5-10-78; 8:45 am]

[3410-02]

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

[Valencia Orange Reg. 588]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 12-18, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: May 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 9, 1978 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges has improved for size 113's and larger, but is slower on size 138's and smaller.

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

§ 908.888 Valencia Orange Regulation 588.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period May 12, 1978 through May 18, 1978, are established as follows: (1) District 1: 378,000 cartons; (2) District 2: 483,000 cartons; (3) District 3: 189,000 cartons.

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

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

Dated: May 10, 1978.

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

[FR Doc. 13089 Filed 5-10-78; 12:16 pm]

[3410-02]

[Nectarine Reg. 10]

PART 916—NECTARINES GROWN IN CALIFORNIA

Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for fresh shipments of California nectarines for the period May 12 through July 15, 1978. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Nectarine Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of nectarines, as hereafter provided, will tend to effectuate the declared policy of the act.

This regulation is based upon the Department's appraisal of the current and prospective market conditions for California nectarines. The committee estimates a record large 13,576,000 packages of nectarines will be available for fresh shipment during the 1978 season compared to the 12,948,000 packages shipped last season. The 1978 California nectarine crop is reported to be of good quality with normal size development. Industry reports indicate that large supplies of California peaches and plums will provide strong market competition for fresh California nectarines. The grade and size requirements are necessary to

prevent the shipment of California nectarines of a lower grade and smaller size than specified and are designed to provide ample supplies of good quality nectarines in the interest of producers and consumers pursuant to the declared policy of the act.

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

§ 916.352 Nectarine Regulation 10.

(a) Nectarine Regulation 9 (42 FR 24229, 35143) is hereby terminated as of the effective date hereof.

(b) During the period May 12, 1978, through July 15, 1978, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Mayfair variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 102 nectarines.

(4) Any package or container of Crimson Gold, June Belle, June Grand, May Grand, Red June, Spring Grand, Armking, Zee Gold, Apache, Spring Red, Red King, Early Sungrand, Independence, Moon Grand, Star Grand I, Star Grand II, Summer Grand, Sun Grand, Kent Grand, Early Star, Firebrite, or Red Diamond variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richards Grand, Royal Grand, September Grand, Fairlane, Red Free, Bob Grand, Tom Grand, or Kings Kanyon variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (5) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(6) As used in this section, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 51.3145-51.3160); "No. 22D standard lug box" means the same as defined in section 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and all other terms mean the same as defined in this marketing order.

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

Dated: May 9, 1978.

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

[FR Doc. 78-12962 Filed 5-10-78; 8:45 am]

[3410-02]

[Peach Reg. 10]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation, effective during the period May 12 through July 2, 1978, requires that fresh shipments of California peaches grade at least U.S. No. 1. It also establishes minimum sizes for certain specified varieties and a minimum size for all other varieties. The regulation recognizes the marketing situation facing the industry and is necessary to assure that the peaches shipped will be of suitable quality and size in the interest of consumers and producers.

EFFECTIVE DATE: May 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the amended marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

This regulation is based upon an appraisal of the current and prospective market conditions for California peaches. The committee estimates that 11,807,000 packages of peaches will be available for shipment in the 1978 season compared to actual shipment of 11,434,000 packages last season. Industry reports also indicate that 1978 shipments of fresh California plums will total 10,110,000 packages compared to 11,117,000 packages last year. Fresh shipments of California nectarines are estimated at 13,576,000 packages compared to 12,948,000 packages a year age. The estimated crops of California plums and nectarine will provide strong market competition for California fresh peaches. The grade and size requirements hereinafter set forth are necessary to prevent the handling of California peaches of a lower grade or

smaller size than specified herein for such peaches so as to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 12, 1978. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until May 3, 1978, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on May 4, 1978; shipments of the current crop of such peaches are currently underway; this regulation should be applicabel to all such shipments during the period hereinafter specified in order to effectuate the declared policy of the act; the provisions of this regulation are identical, as to minimum grade and size, with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.446 Peach Regulation 10

Order. (a) During the period May 12, 1978, through July 2, 1978, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Armgold, Desertgold, Pat's Pride, Royal April, Royal Gold, Springold, or Springtime variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, June Lady, Merrill Gemfree, Royal May, Early Coronet, Flavorcrest, Springcrest, Early Royal May, or May Lady variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 84 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 79 peaches.

(4) Any package or container of Aurora, Coronet, Indian Red, Merrill Gem, Peterson Elberta, Redhaven, Regina, or Redtop variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of these subparagraph (4) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Alamar, Angelus, Belmont, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Fortyniner, Franciscan, Halloween, John Gee, Jody Gaye, July Elberta, (Early Elberta, Kim Elberta, and Socala), Madera Gem, Mardigras, Mericle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Regular Elberta, Redglobe, Red Lady, Rio Oso Gem, Scarlet Lady, Summerset, Summertime, Suncrest, Toreador, July Lady, Windsor, Gem Crest, Autumn Gem, Cal Red, Early Fairtime, Early O'Henry, Fire Red, Red Cal, Sparkle, Flamecrest, Treasure, or Williams Gem variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(b) During the period May 12 through July 2, 1978, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(2) Such peaches in any container when packed other than as specified in subparagraph (1) of this paragraph (b) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(c) Peach Regulation 9 (42 F.R. 24230, 33023) is hereby terminated as of the effective date hereof.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order: "U.S. No. 1" and "standard pack" shall have the same meaning, respectively, as when used in the United States Standards for Peaches (7 CFR 51.1210-1223); "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" shall have the same meaning as set forth, respectively, in section 1387.11 of the "Regulations of the California Department of Food and Agriculture."

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

Dated, May 9, 1978, to become effective May 12, 1978.

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

[FR Doc. 78-12961 Filed 5-10-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

SUBPART C—LAND CONSERVATION AND DEVELOPMENT LOANS

DELETION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration deletes regulations concerning land conservation and development loans in the Appalachian Region. The intended effect is to remove regulations that are no longer required. This action is taken because the program is no longer funded.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Carl O. Opstad, 202-447-4572.

SUPPLEMENTARY INFORMATION: Subpart C of Part 1821 is deleted from Subchapter B, Chapter XVIII, Title 7 of the Code of Federal Regulations. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. this deletion, however, is not published for proposed rulemaking since the purpose of the deletion is to remove unnecessary regulations from the CFR and publication is therefore unnecessary.

§§ 1821.81-1821.86 (Subpart C) [Reserved]

Subpart C of Part 1821 is hereby deleted and reserved.

(7 U.S.C. 1989; 40 U.S.C. App. 203; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

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

Dated: May 5, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-12815 Filed 5-10-78; 8:45 am]

[3410-07]

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

APPLICATION PROCESSING

AMENDMENT

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations on development grants for community domestic water and waste disposal systems. The intended effect of this amendment is to allow:

(1) The use of multiple advances of FmHA grant funds when interim financing is not available at reasonable rates and terms,

(2) Requires the FmHA State Director to make the determination that interim financing is not available at reasonable rates and terms,

(3) Requires grantees to submit an audit of funds to FmHA only when interim financing is used.

The amendment is the result of an administrative decision to give greater latitude in the disbursing of grant funds.

EFFECTIVE DATES: May 11, 1978. However, comments must be received on or before June 12, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Ken Lee, telephone 202-447-5717.

SUPPLEMENTAL INFORMATION: Section 1823. 472 of Subpart P of Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations (39 FR 20475, as amended at 40 FR 27475; 41 FR 53009; 41 FR 56626) is amended. Paragraph (e)(2), of this section is amended to provide for the use of multiple advances in disbursing grant funds and to require the FmHA State Director to determine if interim financing is available at reasonable rates and terms. Paragraph (e)(2)(ii) is amended to require the submission of audits to FmHA only when interim financing is used.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment not withstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rule making because this action is taken to provide more efficient and responsive service to rural communities that have need for grant assistance by, in effect, relieving a current restriction. For this reason publication in proposed rulemaking format is unnecessary. The agency is interested, however, in receiving comments which should be submitted to the address given above.

Accordingly, §§ 1823.462 (e)(2) and (e)(2)(ii) are amended as follows:

§ 1823.462 Application processing.

* * * * *

(e) *Grant closing and delivery of funds.* * * *

(2) When FmHA is not making a loan and all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed if interim commerical financing is available. However, in the event interim commercial financing is not legally permissible or not available at reasonable rates and terms, FmHA grant funds will be disbursed by using multiple advances in accordance with § 1933.17(a)(13)(iii). Before the grant is closed or commencement of construction, whichever occurs first, the applicant will certify that it has no other resources to pay for completion of the construction and the State Director will determine that interm commercial financing is not available.

(i) * * *

(ii) When interim financing is used, grantees will be required to submit an audit report prepared in sufficient detail to allow FmHA to determine that grant funds have been used in compliance with the proposal, any applicable laws and regulations, and the grant agreement when grants are closed and funds delivered in accordance with paragraph (e)(2) of this section. Such audit reports should ordinarily be available for review prior to grant closing; however, FmHA may, upon receipt of the grantee's request accompanied by supporting factual data, permit the grantee a period of time up to 90 days from grant closing to submit the audit report. Audit reports shall be prepared in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regula-

tory authority of a State or other political subdivision of the United States.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that the document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: April 29, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-12814 Filed 5-10-78; 8:45 am]

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Automatic Transfers of Funds From Savings Accounts

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule will permit insured nonmember banks to make automatic transfers of funds from savings accounts to other accounts of the same individual depositor where he or she has authorized such transfers. Among other things, this will allow depositors to authorize periodic transfers of funds from their savings accounts to cover checks drawn on their demand accounts, thus avoiding the need to return overdraft items. Until now, such automatic transfers have been expressly prohibited by FDIC regulations. However, the FDIC has concluded that allowing them will promote good banking relationships and benefit both the industry and consumers by reducing the number of overdraft return items handled by banks and thus reduce the inconvenience and processing costs associated with such items.

EFFECTIVE DATE: This final rule will be effective on November 1, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Senior Attorney, Legal Division, Bank Regulation Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: In March 1976, FDIC solicited comments on a proposed amendment to part 329 of its regulations governing the payment of interest on deposits. The 1976 proposal would have permitted insured nonmember banks to make automatic transfers of funds from savings deposits to a depositor's demand or other account, among other things, for the purpose of covering overdraft items. (The 1976 proposal appeared at 41 FR 11563.) The Board of Governors of the Federal Reserve System proposed a similar amendment for member banks. No action was taken by either the FDIC or the Federal Reserve on the 1976 proposals.

In February of 1978, the Federal Reserve published a new automatic transfer proposal which modified its 1976 proposal (43 FR 5008). The 1978 Federal Reserve proposal limits the automatic transfers to individual accounts, thus excluding business and public unit accounts. Both the FDIC and Federal Reserve 1976 proposals would have required the forfeiture of 30 days' interest on funds transferred from a savings account. The 1978 Federal Reserve proposal required only forfeiture of the interest actually earned (up to 30 days) during the period prior to transfer. Both 1976 proposals required that transfers be made in $100 increments. The 1978 Federal Reserve proposal eliminated this requirement.

After publication of the 1978 Federal Reserve proposal, FDIC, rather than publish a detailed proposal of its own, solicited comments on the Federal Reserve proposal as well as on certain issues which were not specifically addressed in it (43 FR 7705). These were directed to:

(1) Whether the proposal was legal. The principal question here was whether the proposal would permit the illegal payment of interest on demand deposits. In this regard, FDIC requested comment on the effect, if any, of (1) the requirement that the bank retain the option to require 30 days' notice prior to withdrawal (transfer) from any savings account and (2) any transfer penalty. FDIC also requested comment on whether the effect of the Federal Reserve proposal would be to authorize illegal NOW accounts.

(2) The interest forfeiture provisions. Here FDIC sought comment on three alternatives to the forfeiture of interest. They were:

(A) A lower interest rate on savings accounts subject to automatic transfer than on regular savings accounts.

(B) A fixed fee on each transfer (geared to the bank's cost of making the transfer).

(C) No transfer fee as long as the funds are transferred to a checking account (and thus cease to earn interest) at the time an overdraft item is paid by the bank, subject to the optional 30 days' notice provision in FDIC's present regulations.

Finally, FDIC requested comment on whether mutual savings banks having checking account or similar powers should be allowed to pay interest on their savings accounts as to which a transfer order is in effect at rates above those afforded commercial banks.

As of March 29, 1978, FDIC had received a total of 436 responses to its request for comments on the Federal Reserve proposal. Three hundred and thirty-eight comments were received from banks; five from bank holding companies; two from Congressmen; seventy from individuals; thirteen from trade associations; four from savings and loan associations; and two from miscellaneous sources.

A general analysis of the comments received show that 263 favor automatic transfers and 169 are opposed to them.

By category of response: Of the 338 bank responses received, 189 generally favored the proposal; 146 opposed it; and 3 stated no opinion. Commercial banks supervised by FDIC opposed the proposal by a slight margin (130-100). Federal Reserve State member banks were opposed 4 to 3.[1] Mutual savings banks supervised by FDIC were opposed by a 4 to 2 margin. National banks were heavily in favor of the proposal by 84 to 8.[1]

Bank holding companies favored the proposal by a margin of 3 to 2. Both congressional responses were opposed. The sole Federal Government agency (the Department of Health, Education, and Welfare) response was favorable. Individual responses were heavily favorable (63 for, 6 against, 1 no opinion).

Of the four savings and loan associations responding, all were opposed. Trade associations were opposed (8 to 5). Of three miscellaneous responses, one favored the proposal, one opposed it, and one registered no opinion.

Of those opposing the automatic transfer proposal, the dominant negative comment was in the area of legality. Forty-two commentators said that the proposal was illegal. Forty-seven stated that it would preempt congressional action on NOW accounts and would authorize nationwide NOW accounts despite existing restrictions in Federal law. Seventy-two stated that it violated the statutory prohibition against the payment of interest on demand deposits.

The majority of insured State nonmember banks opposed the proposal.

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[1] This includes only those State member and national banks which submitted comments to FDIC.

Of 230 nonmember banks commenting, 130 opposed the proposal and 100 favored it. Of the 130 opposed, 41 called the proposal illegal. By contrast, only 1 national bank questioned the proposal's legality. None of the Federal Reserve State member banks commenting raised the issue of legality.

In addition to questions of legality, smaller banks also questioned the proposal for economic and administrative reasons. For example, 38 banks stated that the proposal would be too costly. Thirty-two stated that it would create bank operation problems.

Thrift institution groups (savings and loan associations, mutual savings banks, and their respective trade associations) were, with the exception of two mutual savings banks, unanimously opposed to the proposal. The crux of their opposition was in the area of legality (the proposal would constitute the illegal payment of interest on demand deposits, preempt congressional action on NOW accounts or both) and competition (the proposal would cause deposit outflows from thrift institutions which would be harmful to thrifts and the housing industry).

As far as the other major issues are concerned, a clear majority of those commenting opposed any interest forfeiture or penalty. The trend of the comments was in opposition to a flat fee transfer charge. Seventy-seven comments favored the same interest rate ceilings for commercial banks as for thrift institutions. The majority of comments on effective date favored a long-deferred date, mainly for administrative reasons.

After analyzing the comments, FDIC's Board of Directors has decided to issue a regulation which will permit automatic transfers. No interest forfeiture or transfer fee will be required and there will be no minimum transfer amount requirement. However, banks may impose a transfer fee or minimum amount at their option. The current requirement that banks retain the option to require 30 days' notice of withdrawal from a savings deposit will be retained. The regulation will allow a depositor to authorize the bank to make transfers at any time and under any circumstances agreed upon between them. While overdraft protection is a major reason for the new rule, it is not the sole reason. Hence, transfers from a savings to a demand deposit may be authorized without regard to actual overdrafts. Also, automatic transfers will be permitted from savings deposits to other accounts as, for example, from one savings account to another, or from a savings account to a time deposit open account.

On the question of legality, FDIC's Board has determined that this regulation does not authorize the payment of interest on demand deposits. This is so because two separate accounts are involved, and because transferred funds cease to earn interest once the transfer has taken place. No question of illegal NOW accounts is involved because no check or other negotiable instrument is drawn on the savings account from which the transfer is made. It is drawn on the noninterest-bearing account to which funds have been transferred. The preauthorized transfer service is simply a logical extension of the present telephone transfer service where banks are allowed to make transfers from savings to checking accounts if authorized to do so by a telephone call from the account holder.

Under the authority contained in Sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. §§ 1819 and 1828), and after consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, Section 329.5(c)(2) of FDIC's rules and regulations is amended by deleting subparagraph 2 and substituting the following subparagraph 2:

§329.5 Withdrawal of saving deposits.

* * * * *

(c) *Manner of payment of savings deposits.*

(1) * * *

(2) An insured nonmember bank may permit withdrawals to be made automatically from a savings deposit that consists of funds deposited to the credit of, and in which the entire beneficial interest is held by one or more individuals, through transfer of credit to a demand or other deposit account of the same depositor pursuant to a written agreement between the bank and the depositor authorizing such payments or transfers in connection with checks or drafts drawn by the depositor upon the bank, or for any other purpose not prohibited by law or regulation. Interest earned on a savings deposit may be transferred pursuant to the provisions of this subparagraph whether or not the depositor is an individual. In accordance with Section 329.1(e)(1)(iii) of this Part 329, the bank must reserve the right to require the depositor to give notice in writing of an intended withdrawal (transfer) not less than 30 days before such withdrawal (transfer) is made. This reservation shall be expressly set forth in the written agreement authorizing transfers pursuant to this subparagraph. The bank may not require the depositor to enter into an agreement providing for the automatic transfer of savings deposits as a condition to maintaining a savings or other deposit account.

* * * * *

By order of the Board of Directors, May 5, 1978.

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

[FR Doc. 78-12791 Filed 5-10-78; 8:45 am]

[6714-01]

PART 329—INTEREST ON DEPOSITS

Purchase of Funds From U.S. Treasury

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Correction of final rule.

SUMMARY: On March 10, 1978, the Federal Deposit Insurance Corporation ("FDIC") published in the FEDERAL REGISTER (43 FR 9789) an amendment to section 329.10 of the FDIC regulations. A footnote was inadvertently omitted from the publication after the word "bank" in section 329.10(b)(1)(i). This correction is designed to remedy the omission.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Senior Attorney, Legal Division, Bank Regulation Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4324.

§ 329.10 Obligations other than deposits.

* * * * *

(b) *Exceptions.* The provisions of this Part 329 shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:

(1) Is issued to (or undertaken with respect to), and held for the account of (i) a bank,[17] (ii) any organization the time deposits of which are exempt from § 329.6 pursuant to the provisions of § 329.3(g), (iii) the United States or an agency thereof, or the Government Development Bank of Puerto Rico, or (iv) Minbanc Capital Corp. (where such obligation is subordinated to the claims of depositors to the extent of

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[15] * *

[16] * *

[17] The term "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, or a foreign bank. It also includes bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.

any deposits they may have in the issuing bank); * * *

* * * * *

Dated: May 5, 1978.

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

[FR Doc. 78-12792 Filed 5-10-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 78-271]

PART 571—STATEMENTS OF POLICY

Investment in State Housing Corporations

MAY 5, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board's present Statement of Policy concerning investment in "state housing corporations" by Federal savings and loan associations and institutions insured by the Federal Savings and Loan Insurance Corporation provides that certain private corporations and agencies are considered "state housing corporations." This amendment revises that statement of policy to provide that only private corporations and agencies established under a statute which specifically limits their purpose to providing housing and incidental services, particularly for families of low or moderate income, will be considered "state housing corporations". The purpose of this amendment is to bring such Statement of Policy more clearly within the meaning and purpose of the enabling statute.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, 202-377-6440.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Resolution No. 77-500, dated August 18, 1977, proposed to amend § 571.8 of the rules and regulations for Insurance of Accounts (12 CFR 571.8) to revise the Board's Statement of Policy regarding investment in "state housing corporations." Notice of such proposed rulemaking was published in the FEDERAL REGISTER on August 24, 1977 (42 FR 42691), with an invitation to interested persons to submit comments by September 24, 1977.

Having considered all relevant material presented by interested persons and otherwise available to it, the Board has decided to adopt the proposed revision of this Statement of Policy modified as discussed below.

Section 5 of Pub. L. 93-100 ("the act") provides for (1) investment by Federal associations in "state housing corporations" and (2) regulation by the Board of such investment by insured institutions. The Board's Statement of Policy at § 571.8 provides that certain public and private corporations and agencies are considered "state housing corporations" within the meaning of the act. The proposed amendment would have restricted investment under the Statement of Policy to investment in public corporations. The proposal's purpose was to bring the Statement of Policy more precisely within the meaning and purpose of the statute.

The Board now believes that, although Board policy should be restated to more clearly reflect the investment authority in the act, the proposed revision might be unnecessarily restrictive. The Board is therefore amending its Statement of Policy to state that investment in "state housing corporations" should be restricted to investment in (1) public corporations and agencies, and instrumentalities thereof, established to provide housing and incidental services, particularly for families of low or moderate income, and (2) private corporations and agencies established under a statute which specifically limits them to the same purpose.

DISCUSSION OF MAJOR COMMENTS

The 13 public comments received argued generally that the proposed amendment would be to restrictive. One respondent suggested that restrictions should not be imposed absent clear congessional intent. Several respondents argued that Congress intended that both public and private "state housing corporations" be eligible for investment by insured institutions. In support of that argument, respondents quoted statements concerning the meaning of the term "state housing corporations" made during consideration of state housing corporation legislation in the House of Representatives. They cited a particular private state housing corporation, authorized by state statute, which was specifically mentioned as the type of investment the House bill was intended to authorize. One respondent argued that there are presently no publicly sponsored private corporations at the state level, and that Congress would not have passed legislation having no application.

The Board believes that, since the act (unlike the bill which was the subject of the comments in the House mentioned above) provides a definition of "state housing corporation" in section 5(e)(3) thereof, that definition is controlling. The definition requires that a "state housing corporation" be established by a state for the limited purpose of providing housing and incidental services, particularly for families of low or moderate income. The Board believes that a private corporation, including an instrumentality thereof, satisfies this requirement only if it is established under a statute which specifically limits it to that purpose.

One respondent argued that the term "established by a state" is equivalent to "incorporated by a state."

The Board believes that interpretation would remove from the act's investment authority the limitation clearly expressed in the statutory definition. "Incorporation by a state" does not limit a private corporation's purpose to that specified in section 5 of the act.

Two respondents expressed concern that the proposal might prevent investment by insured institutions in nonprofit agencies or instrumentalities of public state housing corporations.

The final amendment clarifies that authority to invest in public state housing corporations includes authority to invest in instrumentalities thereof.

One respondent commented that a number of states have constitutional limitations that prohibit state competition with the private sector.

The authority of Federal associations and insured institutions to invest in state housing corporations would of course have no application in any state where establishment of such corporations is precluded by constitutional limitations or otherwise. It should be noted, however, that under this amendment investment continues to be permitted in private corporations, as explained above.

The Board also takes this opportunity to revise further the Statement of Policy to delete unnecessary discussion of the quality of investments in State housing corporations. Accordingly, the Board hereby amends § 571.8, effective June 9, 1978, to read as follows:

§ 571.8 Investment in state housing corporations.

Sections 545.6-25 and 563.9-5 of this chapter authorize investment by Federal associations, and regulate investment by State-chartered insured insti-

tutions, in state housing corporations under section 5 of Pub. L. 93-100. A "state housing corporation" is defined in section 5(e)(3) of that law as "a corporation established by a State for the limited purpose of providing housing and incidental services, particularly for families of low or moderate income." The Board believes the investment authority thereby provided is meant to be restricted to investment in (a) public corporations and agencies, and instrumentalities thereof, established for such limited purpose, and (b) private corporations and agencies established under a statute which specifically limits them to the same purpose.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-12838 Filed 5-10-78; 8:45 am]

[7535-01]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: Section 701.22 of the National Credit Union Administration Rules and Regulations is being amended to make it clear to the public that a Federal credit union may issue to its members negotiable checks (including travelers checks) and money orders.

EFFECTIVE DATE: May 11, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert M. Fenner, Assistant General Counsel, at the above address, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: Section 107(12) of the Federal Credit Union Act (12 U.S.C. 1757(12)) empowers Federal credit unions, in accordance with rules and regulations prescribed by the Administrator, to sell to members negotiable checks (including travelers checks) and money orders, for a fee which does not exceed the direct and indirect costs of providing such service. The National Credit Union Administration has interpreted Section 107(12) to authorize Federal credit unions to issue and sell their own negotiable checks (including travelers checks) and money orders. See, e.g., Accounting Manual for Federal Credit Unions (NCUA 8022) 5-89, 5-90. However, it would appear that this interpretation is not always clear to the general public, since the National Credit Union Administration has been asked recently whether Federal credit unions may issue their own money orders.

In order to clarify this matter, § 701.22 of the National Credit Union Administration Rules and Regulations, which governs the conditions upon which Federal credit unions may exercise the power granted by § 107(12) of the Federal Credit Union Act, is being amended. In § 701.22, the word "sell" is being replaced by the phrase "sell or issue."

The notice and public participation requirements of 5 U.S.C. 553 are not being followed because no substantive changes are being made. The amendment is for purposes of clarity only.

LAWRENCE CONNELL,
Administrator.

MAY 3, 1978.

(Sec. 107(12), 73 Stat. 630 (12 U.S.C. 1757(12)), sec. 120, 73 Stat. 635 (12 U.S.C. 1766), and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

Accordingly, 12 CFR 701.22 is amended as follows:

(1) Replace the word "sell" in § 701.22(a) with the phrase "sell or issue."

(2) Replace the word "sell" in § 701.22(b)(3) with the phrase "sell or issue."

[FR Doc. 78-12825 Filed 5-10-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-SO-28]

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

Alteration of Gainesville, Fla., Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Gainesville, Fla., Transition Area and Control Zone. The name of the Gainesville Municipal Airport has been changed to Gainesville Regional Airport. The action of the city of Gainesville, officially changing the name, requires this to be reflected in the transition area and control zone descriptions.

EFFECTIVE DATE: 0901 GMT, July 13, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In a regular meeting, the city of Gainesville officially changed the name of the Gainesville Municipal Airport to Gainesville Regional Airport. Therefore, it is necessary to alter the descriptions of the Gainesville, Fla., Transition Area and Control Zone to reflect the name changes. Since these alterations are editorial in nature, notice and public procedures hereon are not necessary.

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division, and Richard L. Faber, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, July 13, 1978, as follows:

In subpart F, § 71.171 (43 FR 355), the Gainesville, Fla., Control Zone is amended as follows:

"* * * Gainesville Municipal Airport * * *" is deleted and

"* * * Gainesville Regional Airport * * *" is substituted therefor.

In subpart G, § 71.181 (43 FR 440), the Gainesville, Fla., Transition Area is amended as follows:

"* * * Gainesville Municipal Airport * * *" is deleted and

"* * * Gainesville Regional Airport * * *" is substituted therefor.

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

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

Issued in East Point, Ga., on May 3, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-12831 Filed 5-10-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20561; FCC 78-288]

PART 76—CABLE TELEVISION SERVICES

Definition of a Cable Television System and the Creation of Classes of Cable Systems

AGENCY: Federal Communications Commission.

ACTION: Second Report and Order in Docket 20561.

SUMMARY: Commission adopts "Second Report and Order in Docket 20561" which raises the level of the class of "small" cable television systems from 500 to 1,000 subscribers, to which only limited regulation applies: Minimal reporting and recordkeeping requirements, exemption from annual technical performance tests, exemption from franchising and certification requirements, and exemption from distant (but not mandatory) signal carriage and "sports blackout" rules. This action will reduce the burdens of regulations on these smaller systems and reduce the Commission's own burdens attendant to full regulation of these systems.

EFFECTIVE DATE: June 12, 1978.

ADDRESS: Policy and Rules Division, Cable Television Bureau, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James H. Hudgens, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

SECOND REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: April 25, 1978.

Released: May 10, 1978.

In the matter of amendment of Part 76 of the Commission's rules and regulations with respect to the definition of a Cable Television System and the Creation of Classes of Cable Systems, Docket No. 20561.[1]

INTRODUCTION

1. The "First Report and Order" in this proceeding adopted March 9, 1977 (FCC 77-205, 63 FCC 2d 956 (1977)), *inter alia*, amended our definition of a cable television system and created a class of small cable systems, defined as having 50-499 subscribers, to which limited regulation would apply. To briefly summarize that action, cable systems were newly defined upon a headened basis (as opposed to the former separate community standard) and the newly created small systems were exempted from franchise and certification requirements, technical performance tests, public inspection file requirements, "sports blackout" rules, and distant signal limitations. Then, in a companion "Further Notice of Proposed Rulemaking in Docket No. 20561" adopted simultaneously, (FCC 77-215, 63 FCC 2d 1007 (1977)), we suggested that it might be appropriate to extend some or all of these reduced regulatory measures to somewhat larger systems—those having between 500-999 subscribers[1a]—and requested comments upon that proposal.

2. The "Further Notice" acknowledged that these intermediate sized systems were larger, both in terms of revenue base and percentage of industry and total subscribers[2] than the 50-499 sized systems, but nevertheless observed that our research to date did not indicate that such systems were significantly different from the smaller systems, either in relation to their manner of operating or potential impact, upon over-the-air broadcasting. However, the "Further Notice" continued, it may be that where differences exist, they might be such as to require some refinement, and that it is the purpose of this second proceeding to ascertain the extent to which the similarities existing between these systems would indicate the appropriateness of applying the same regulatory program to all systems with fewer than 1,000 subscribers.

3. Acknowledging that the removing of distant signal limitations from 500-999 subscriber systems would be the most important single aspect of this proceeding, the "Further Notice" undertook, and published for comment, an analysis of the projected impact, upon a nationwide market-by-market basis, of the anticipated audience diversion from local broadcasters likely to result from lifting such restrictions from all existing systems with less than 1,000 subscribers. (Paragraphs 23-25, *infra*, contain a more detailed explanation of the methodology of this survey.) Interested parties were invited to comment on the survey and its bearing on the following questions:

1. Should the distant signal limitations be lifted from all systems having between 500-999 subcribers? Or should market-by-market, or case-by-case, approach be utilized?

2. Are there any reasons, not apparent from the results of the survey, that would militate against any relaxation of the distant signal limitations? Comments also were solicited upon whether extending to these larger systems the other areas of re-regulatory relief established in the "First Report and Order" would serve the public interest. Lastly, the "Further Notice" cautioned all parties that the Commission sought to limit its inquiry herein so as not to duplicate the work of the initial "Notice" in this docket,[3] and parties were urged "to focus upon the similarities or dissimilarities perceived between the two classes of systems and how whatever recommendations are made would appropriately deal with them."

COMMENTS

4. Some nineteen parties filed comments and/or reply comments. Participating parties are cable trade associations (both national and State), a broadcasting trade association, cable system and television station operators, a national television network, sports interests, a public interest organization, a state cable regulatory board, a financial organization, and interested individuals. We make the initial observation that the parties responding to our "Further Notice" generally were unable to provide the type of factually-based comments which we had both solicited and anticipated.

5. Cable interests generally support the extension of the small system class to the 1000 subscriber level. The Community Antenna Television Association (CATA), which primarily represents smaller, independent cable operators "applauds" the Commission's proposal and further suggests that the study be expanded to determine the similar impact "of systems in general and at least up to 3500 subscribers." CATA asserts that it should not be of any significance what percentage of the industry is included in any possible exception, and that only those segments of the cable industry shown to have adverse impact should be regulated, even if that turns out to be only ten systems. In direct response to the "Further Notice's" distant signal questions (Para. 3, *supra*), CATA urges that all limitations be lifted from these systems because the Commission's own analysis shows no basis for the "protectionist" rules, and that a case-by-case, market-by-market approach should not be used, arguing

[1] See 42 FR 23510, May 9, 1977.

[1a] Here, as in the earlier proceeding, all calculations of subscriber count are to be made upon a "headend," technically integrated basis, and not upon a separate community basis.

[2] Systems having fewer than 500 subscribers comprise 24 percent of all systems but provide service to only 2 percent of the total subscribers nationwide. Systems having fewer than 1,000 subscribers constitute 42 percent of all systems but serve only 6 percent of all subscribers.

[3] "Notice of Proposed Rulemaking in Docket 20561," FCC 75-896, 54 FCC 2d 825 (1975).

that the Commission attempted that approach for years and abandoned it in 1972 and that such approach would be a totally unmanageable burden for all concerned. In response to the question of whether there is anything to militate against relaxation of the rules, CATA finds none. Lastly, as to whether the proposed general re-regulation would serve the public interest, CATA states:

> • • • a significant number of its members have expressed reluctance toward building new 'small' systems, both in rural and metropolitan areas, inside or outside television 'markets' because of the regulatory restraints and costs associated with doing so. A segment of the American viewing public, that segment that lives in lower-density areas, is currently being injured because of the cable industry's understandable desire to avoid having to run the regulatory gauntlet now required for the modest return that can be derived from serving 'small' communities. That industry reluctance is directly attributable to the Commission's Rules. Relaxation, or preferably elimination of those rules, CATA believes, would result in a resurgence of interest in providing cable television service to the viewing public in low-density areas. Such a result is certainly in the public interest.

6. The National Cable Television Association (NCTA) similarly advocates lifting distant signal limitations from systems with 500-999 subscribers, asserting that there are no valid reasons militating against such re-regulation and, indeed, that the Commission should commence proceedings to lift signal carriage, exclusivity, and nonduplication requirements from all systems. With respect to the characteristics of 500-999 subscriber systems, NCTA comments that, with an assumed annual gross revenue of $72,000, such a system "is significantly smaller than a typical mom or pop grocery store." Further, NCTA continues, these systems "often produce no profit at all due to the capital intensive nature of system construction and operation," and are typically run by one person on a part time basis. And, due to "economic realities," these systems rarely carry signals which are unavailable off-the-air in the community, and in NCTA's opinion it is unlikely that such systems would add any significant number of signals should they be exempted from the carriage restrictions in our rules. NCTA argues that lifting signal restrictions from an additional 4 percent of the nationwide subscribers would have a *de minimis* effect upon commercial broadcasting, "an industry which had gross revenues of $2.4 billion in 1976." NCTA further asserts that the Commission's audience fractionalization study shows negligible impact, but takes issue with the Commission's methodology. (This latter point is detailed and discussed at Para. 26, *infra*). NCTA asserts that one of the Commission's important regulatory objectives should be the simplification of its rules, that there is no reason to distinguish systems with 500-999 subscribers from those with less than 500, and that the exemption level should be raised to 1000 to avoid confusion and a multiple tier approach. NCTA concludes that the Commission should only impose limitations which are grounded upon clear evidence that they are necessary to protect the public interest, and that no limitations can be justified here.

7. Other participating cable interests concur with CATA and NCTA vis-a-vis the distant signal issue but also comment upon the other re-regulatory actions under consideration herein. The Kentucky and the Arizona state cable associations fully support increasing the size of the small systems class. The Arizona association states:

> In terms of profitability and nature of operation, Arizona cable systems serving between 500-999 are only slightly distinguishable from those serving between 50-499. With few exceptions, these systems are marginally profitable at best, and in some instances, unprofitable. Most of them are owned by small independent cable operators and serve small, remote communities with poor or limited over-the-air television reception. The overwhelming majority of these systems experience substantial competition in the form of broadcast signals and/or translators. It is an extreme burden for small cable operators in Arizona to go through the lengthy, complicated and expensive process of performing the requisite FCC technical tests, comply with FCC sports blackout regulations, obtain FCC certificates of compliance and maintain local records. In one instance, a small system cable operator in Arizona spent $6,000 obtaining a certificate of compliance.

Similarly, the comments submitted by "73 CATV Companies" urge adoption of the larger sized class, also observing that systems between 500-999 subscribers do not differ significantly from smaller systems "in relation to their manner of operating or their potential impact on over-the-air broadcasting," noting in this latter connection that the staff study showed only a "handful" of markets where the projected audience fractionalization potentially exceeds 2 percent. These respondents also support the lifting of "disproportionate burdens" from these systems. They further assert however, that the Commission is in error in newly applying its definition of a cable system (and subscriber count) upon a headend rather than a separate community basis. The comments filed by several "small" operators—e.g., Fall City Cable TV Inc., Emco CATV, J. K. Shirah, and Jones Intercable, Inc. and Basil Cable Systems, Inc.—essentially reiterate the points made by the above parties. The Minnesota Cable Communications Board generally supports the proposals, observing not only that this should enable the Commission to concentrate its energies on larger systems which are of greatest significance from a national standpoint, but also that "by diminishing the amount of federal regulation for smaller systems, the Commission makes it possible for state and local governments to implement their own franchise oversight programs in accordance with unique local needs without overburdening the cable system operators. We welcome this development."

8. However, two cable interests focused upon a somewhat different aspect of this proceeding. That is, both Storer Cable and the Florida Cable Television Association, apparently because of extensive construction of condominium and similar units in the state of Florida, urge that the Commission establish regulatory "parity" between co-located cable systems and MATV systems. For example, Storer Cable urges, if an MATV development is located within or adjacent to "an existing non-exempt and FCC-compliant cable television system, it should be subject to the same regulations as that system or it should be required to allow access to that system."

9. Broadcasting and certain other interests oppose the enlargement of the class of small systems. The comments of the ABC Television Network and those of fifteen Television Licensees (both groups being represented by the same counsel) are generally similar and therefore hereinafter summarized together. These parties believe that such expansion is particularly unjustified in the cases of the distant signal and sports blackout rules. They assert that whereas "deregulation" might be justified to eliminate requirements which impose needless economic burdens (technical performance tests, franchise standards, public inspection file requirements, and certification requirements) no such reasoning applies to distant signal limitations where, they argue, no expense is involved in compliance and all a system need do is fail to carry the particular signals. Conversely, they continue, exemption of so many systems will create substantial administrative and enforcement problems arising from a "patchwork" of uneven signal carriage. These parties also are concerned that the Commission could grandfather such systems based upon their size at the present time and that the systems thereafter would expand into much larger operations. Additionally, the broadcasting interests argue, the "Further Notice" does not cite evidence suggesting that the elimination of signal carriage limitations is necessary to the economic health of cable systems but instead includes a study indicating that the exception would not result in any financial impact upon television stations. But, they continue, the study "is general and fails to take

into account individual, and varying, market circumstances which would have to be considered in reaching a determination of impact in particular market situations. Since small systems are also typically in small television markets, least able to withstand unlimited signal imports, generalized projections are inadequate." Lastly, concerning the sports blackout aspect of this proceeding, the broadcasting interests state that virtually the same arguments apply except that there is some expense entailed for switching equipment, but that "there are alternative means of achieving compliance and that there is no showing that compliance is onerous." And, they continue, such an exception would place the Commission in an impossible regulatory posture because of the pervasive nationwide interest in sports.

10. The National Association of Broadcasters (NAB) filed comments containing three major arguments. First, citing the language of the "Further Notice" that any re-regulation of 500-999 subscriber systems must be based on "the most complete record possible" because of affecting 42 percent of all systems, NAB urges that there be no further exemption from the distant signal limitations until the Commission's pending broadcast/cable economic inquiry[4] is concluded. "The results of that inquiry," NAB continues, "may provide far more precise and accurate conclusions as to the impact of distant signal importation on broadcast stations and the benefits derived by cable systems from carriage of distant signals than can be generated in this proceeding." Moreover, NAB argues, the need to await completion of the inquiry is more substantial in light of "a critical flaw in the Commission's audience impact estimates." NAB's position, in brief, is that—citing only the statistics for the Hazard, Kentucky market—the Commission's study omits a number of small cable systems. (Details of NAB's allegations on this point and the resolution thereof are set forth at Para. 27, *infra* and will not be repeated here.) This "discrepancy," NAB contends, raises doubts as to the reliability of the study and it urges that the Commission verify its subscriber counts against other sources, "mere reference to FCC Form 325" being insufficient. Further, NAB continues, the number of subscribers served is fluid because existing systems will grow and new systems will be built, and the Commission's analysis "could be reliable only for a brief period of time." Lastly, NAB reiterates its arguments made in its initial comments in this proceeding that distant signal limitations are not burdensome and the basic justification for re-regulation does not exist.

[4] "Notice of Inquiry in Docket 21284," FCC 77-407, 65 FCC 2d 9 (1977).

11. Expansion of the class of small systems also is opposed by Citizens for Cable Awareness in Pennsylvania (CCAP) and by Mr. Robert Jacobson of Los Angeles, Calif. CCAP is particularly concerned with the proposal to exempt larger systems from the requirements of public inspection files, ownership, and franchising, arguing that small communities need cable service the most, need the most help in franchising, and are the most likely to be "abused." Further, CCAP continues, small communities must be included in any plan for a nationwide, broadband communications system. Expanding upon the ownership issue, CCAP asserts that the potential for corruption is great in cable franchising and that Commission filings are necessary in order to review character qualifications and to prevent interlocking ownership. CCAP further asserts that such data also should be available in public inspection files. CCAP concludes that the burden of the retention of these rules is slight for both operators and the Commission, "but the abuse to the public [is] large. Mr. Jacobson, while conceding that perhaps signal carriage might be relaxed "without disastrous results for cable operators or broadcasters, especially considering the small audiences affected in any particular market," opposes other re-regulation. Mr. Jacobson declares that until cable operators can provide comparative breakdowns of cost and other factors involved in meeting the Commission's regulatory requirements, the Commission should not create a "favored" category of system which deprives the Commission of oversight of system operations. Mr. Jacobson also is concerned that the proposed re-regulation would create a regulatory vacuum not filled by local authorities. He also feels that systems of 500-999 subscribers are dissimilar from 50-499 sized systems, stating that whereas the latter could be confined to a single neighborhood, the former "usually serve substantial portions of communities" or "whole rural and suburban communities." The bulk of Mr. Jacobson's submission is then devoted to urging that the Commission retain jurisdiction over such systems in order to achieve nationwide communications goals. [5]

12. Two parties—the National Hockey League (NHL) and the National Collegiate Athletic Association (NCAA)—submitted comments directed solely to the sports blackout aspect of this proceeding. The NHL takes issue with the conclusions of the "First Report and Order" that sports programming is not sufficiently dissimilar from other television programming to warrant special treatment and that the number of subscribers involved is too small to impact upon gate receipts. It also takes issue with the statement in the "Further Notice" that, having exempted systems under 1000 from both syndicated and network exclusivity requirements, it appears onerous to require systems to sustain the same financial and operational burdens solely to comply with the sports blackout rules. The NHL feels this pre-judges the issue and that, in any event, the rationale is invalid. It asserts that whereas network or syndicated exclusivity requires daily or hourly switching, for hockey protection this season only a few systems would have had to switch only nine programs, and that could be done manually. The NCAA similarly takes issue with the Commission's rationale, asserting that the "First Report and Order" "ignored entirely the specific holding on which the sports rule was actually based, which is that the impact of cable carriage on gate receipts * * * warranted a rule limiting cable carriage in certain locations." The NCAA asserts that the "Further Notice" appears to state that the issue should be resolved by a comparison of burdens upon cable with the impact upon broadcasters, whereas the ultimate public interest, as recognized by the Congress and by the Commission in Docket 19417, "requires consideration of the impact of the cable carriage upon both the health of the sports programs concerned * * * and the future availability of those sports programs to over-the-air broadcasting if cable carriage is not limited," and that the Commission cannot here regard amateur sports as "just another source of television programming."

13. The reply comments were relatively brief. Those of Becker Communications Associates ("Becker") are more in the nature of original comments than of a reply. Becker explains that it is a lender and financial advisor to the cable industry and that it supports the proposed action. Becker is concerned that the Commission's signal carriage restrictions weigh most heavily upon smaller systems located on the fringes of television markets, just within a 35-mile zone. New systems in such locations, it explains, are not allowed to carry strong off-air signals from adjacent (but distant) markets, service which often is available off-air to local subscribers, and this fact can prevent such a system from being built. It then cites a specific example: An application in which Becker was involved was made for a community of 1000 homes, with a potential of

[5] A lengthy portion of Mr. Jacobson's submission is devoted to arguing that two-way and channel capacity requirements be made applicable to these systems, an idea rejected some two years ago in our "Report and Order in Docket 20508," FCC 76-313, 59 FCC 2d 294 (1976), and not germane to this proceeding.

750 subscribers; some 150 of the homes were located within the 35-mile zone of an out-of-state market; in-state television service was poor to non-existent; a waiver of the signal carriage rules for carriage of additional in-state network signals was denied[6] and the system was not built and the residents deprived of in-state service. Usually, Becker states, systems of this potential size cannot even afford the costs of special relief, and the Commission doesn't learn of such unbuilt systems.

14. In their reply comments, ABC and the Television Licensees reiterate that there is no burden attendant to compliance with distant signal carriage, and, on the other hand, that the creation of numerous small systems carrying inconsistent signals will "inevitably lead to public complaint and increasing pressure to eliminate signal carriage limitations for all systems." They further feel that the Commission should not re-regulate upon a piecemeal basis but should defer to the economic inquiry proceeding. The broadcasting interests also join the sport interests in opposing any change in the sports blackout provisions. ABC concludes that while there might be some support for re-regulation of the non-signal carriage provisions, no need has been demonstrated for exemption from distant signal and sports blackout provisions, and to do so "would seriously undercut the effectiveness of the cable regulatory program as a whole."

15. In its reply comments, NCTA observes that with respect to the Commission's impact study, "None of the parties filing in this proceeding have taken issue with either the Commission's general methodology or its findings" (emphasis by NCTA) except the NAB's objection to one market which NCTA opines "can be easily addressed by reviewing the data available at the Commission and in any case does not detract from the Commission's general methodology or its conclusions." Responding next to the comments of the two sports interests, NCTA opposes treating sports programming differently from other programming, arguing that this approach would open the door to other special interest groups. Further, NCTA continues, and contrary to the NHL's assertions, compliance cannot be achieved simply by manually "pulling the plug"; virtually none of these systems can afford a full time technician for this or any other purpose, and once automatic switching equipment is required to be purchased, it makes no difference how frequently it is used. Also NCTA argues that "there simply is no record in this proceeding or any other before the Commission which demonstrates that these small systems can have any adverse effect—individually or collectively—on the gate receipts of the sporting interests." Concerning the NAB's position that any change in distant signal limitations should await the conclusion of the economic inquiry, NCTA feels that this is a "delaying tactic," and that since the NAB cannot find any "significant holes" in the Commission's impact study it chooses to ignore it. NCTA states that the "Further Notice" asked two questions—whether systems under 1000 should be re-regulated and whether there are any non-apparent reasons militating against re-regulation—and concludes that, since "nothing in the comments detracts from the substantial public interest benefits which would be produced," the Commission should take such action immediately.

[6]Connersville Cable TV, 53 FCC 2d 72, recon. denied, 54 FCC 2d 59 (1975).

DISCUSSION

General

16. Briefly stated, based upon both our initial impact study herein and the record now before us, we have concluded that it is appropriate to raise the level of the class of small systems to that of 999 subscribers. In reaching this conclusion, we reject the argument that lifting the distant signal limitations from these systems is likely to impact so adversely upon either local broadcasting or sports interests as to result in diminution of service to the public. We also reject the argument that this proceeding should be held in abeyance pending resolution of the broadcasting/cable economic inquiry. Despite our carefully posed request for evidence to the contrary, this record simply contains neither meaningful data nor valid theoretical reasons to dissuade us from taking this action. One crucial reason for this lack of likely impact is that systems with less than 1000 subscribers constitute only 6 percent of the nation's cable subscribers. This also is the reason that we can take this action now and not await the resolution of the pending inquiry; these systems, even collectively, could not product any meaningful shifts, positive or negative, from existing levels of television service available to the public. Yet these systems also constitute 42 percent of the nation's cable television systems and thus by re-regulating these systems we can lift substantial regulatory burdens from both a significant portion of the regulated industry and from ourselves.

17. As previously observed (Para. 3, *supra*) the Further Notice requested commenting parties "to focus upon the similarities or dissimilarities perceived between the two classes of systems (50-499 and 500-999) and how whatever recommendations are made would appropriately deal with them." Despite this specific solicitation, few comments were received on this subject; indeed, none of the participating broadcasting interests even addressed this point. In our view, there appear to be no significant differences between the two groupings,[7] either in their manner of operation or their negligible potential impact upon over-the-air broadcasting.[8] On the other hand, there appear to be many significant similarities. both groupings may realistically be termed "small" in a number of contexts. They are small in subscriber size. Even those systems with 900-plus subscribers are small cable entities, equaling, for example, less than 1 percent in size of the 116,000 subscriber San Diego, Calif. system which we also regulate. They are small in staff size. The operational staff of under-1000 systems usually consists of 1 or 2 full- or part-time personnel. Both groupings are small in terms of physical size. For example, assuming a subscriber density of 80 homes per mile, a 499 subscriber system and a 999 subscriber system would have only 6 and 12 miles of cable plant, respectively, and similar systems with a subscriber density of 20 homes per mile (reflecting a very rural operation) would have 25 and 50 miles of plant, respectively. Further, both groupings are small financial entities. The annual gross revenues, whether $36,000 for a 499 subscriber system or $72,000[9] for a 999 subscriber system is, as NCTA observes, less than that of a "mom and pop grocery store." And, when considered in terms of financial investment, the comments indicate that these systems are not particularly profitable ventures. In addition to the commonality of smallness, the groupings are similar in other characteristics. For example, over one-half of all systems with fewer than 1000 subscribers are located outside all television markets, serving small communities. We estimate these communities to generally be of only a 5,000-10,000 person population. Even with respect to the under-1000 systems located within major or minor television markets, the vast majority of present systems consists of pre-1972, grandfathered systems. Moreover, it appears that these two groupings reflect the same general signal carriage

[7]We note that it is not totally accurate to make a general assumption of a 500 subscriber difference in all comparisons; many of the over 500 systems have only 500 or 600 plus subscribers and, serving almost 100 percent of homes passed, are unlikely to attain any substantial number of additional subscribers.

[8]As to this latter point, our impact analysis shows conclusively that the contemplated re-regulation of under-1000 systems is unlikely to cause material losses to any broadcaster, let alone any diminution of service to the public with which we legitimately would be concerned.

[9]This figure assumes a $6 per month subscriber rate.

characteristics and similar lack of impact upon nationwide broadcast service. Lastly, we note that for both groupings we calculate subscribers upon a headend basis; in this manner, we not only are certain that we are now dealing with small entities, but our future adherence to this concept also is assured.

18. In this proceeding, as was the case in our "First Report and Order," two of our strongest motivating factors are (1) to reduce the burdens of regulation on these systems and, (2) to reduce the Commission's own burdens attendant to full regulation of these systems. Turning first to the burdens upon the 500-999 sized systems, the costs of regulatory compliance appear disproportionately high when calculated upon a per-subscriber basis. In this connection, we note that, other than being exempt from our requirements concerning network and syndicated exclusivity and channel capacity and access, these small systems are subject to the full plethora of our rules, the same as the nation's largest cable systems in San Diego, New York, or Los Angeles. The burden of compliance with our "paperwork" requirements—franchising, certification, public inspection files, annual ownership reports, annual financial reports, etc.—generally falls on one employee (possibly part-time) who often is not familiar with the details of all such matters. Similarly, the burden of compliance with our extensive technical requirements often falls upon a single technician who may not always possess all the necessary technical background or equipment.

19. With respect to the burden of regulation upon the Commission, the full regulation of systems with less than 1,000 subscribers appears both burdensome and inefficient. It is burdensome because of the total number of such systems and because it takes the Commission just as much effort and supervision (and often more because of the lack of sophistication of these small operations) with respect to certification applications, requests for special relief, and enforcement proceedings for these small systems as for larger systems. Concerning the efficiency of regulation, we recently stated in our reconsideration of the "First Report and Order" herein ("Memorandum Opinion and Order in Docket 20561", FCC 78-87, —FCC 2d—, February 24, 1978), at Para. 22:

> A sensible regulatory program requires that a division between the regulated and unregulated be made in a manner which best conserves regulatory energies and allows the most cost effective use of available resources. In attempting to make this division we have focused on subscriber numbers * * * on the theory that the very small are inefficient to regulate and can safely be ignored in terms of their potential for impact on broadcast service to the public * * *

That language was, of course, adopted in explanation of the creation of the class of 50-499 subscriber systems; however, the rationale is equally applicable to the slightly larger grouping of systems with 500-999 subscribers. These latter systems also are small and equally inefficient to fully regulate. Calculated upon a headend basis, as we have earlier observed, systems of under-1,000 subscribers constitute 42 percent of the nation's cable systems, yet serve only 6 percent of the subscribers (571,933). Further, these subscribers constitute only 0.81 percent of the nation's 70,573,300 television households.[10] It thus is apparent that these systems do not have great potential impact when calculated upon a nationwide basis nor, as subsequently discussed herein, upon an individual market basis.

20. Utilization of the 1000 subscriber figure as the new boundary for the classification of small systems achieves both simplification and consistency in our rules—two long-standing re-regulatory goals. We concur with NCTA and others that where possible it is important to avoid a "multiple tier" regulatory approach, and the elimination of the under-500 subscriber class achieves this objective. The use of the 1000 subscriber figure also establishes a consistency within our regulatory framework for cable television. The 1000 figure was adopted in our network non-duplication proceeding[11] in April of 1975 when, as here, we raised the original 500 subscriber figure. The 1000 figure also is utilized for exemption from our syndicated exclusivity rules,[12] and for both rules the subscriber level is, as here, calculated upon a headend basis to reflect true physical and economic entities. In those two proceedings it was felt that the failure of such entities to comply with the respective exclusivity provisions would not impact adversely upon existing levels of television service to the public and, further, that systems of that small a size should not be saddled with the financial and operational burdens attendant to the purchase and operation of switching apparatus. Similarly, we here utilize the same 1000 subscriber level for connoting unlikely impact and for warranting relief from additional burdens of regulation. The 1000 subscriber figure thus now will represent "small" for multiple purposes—i.e., not only for exemption from the network and syndicated exclusivity rules but also from franchise and certification filing requirements, certain reporting requirements, public inspection file requirements, technical performance tests, and distant signal limitations. There is nothing new in this concept; our rules (§§ 76.95 and 76.161) specifically require that within 60 days after a system attains the 1000 subscriber level it make proper notification thereof not only to the Commission but to all television stations carried by the System as well.

Signal Carriage

21. We acknowledged in both the "First Report and Order" herein (Para. 29) and in the "Further Notice" (Para. 4) that "our signal carriage rules are the core of our regulatory program for cable television." Accordingly, we shall now consider that aspect of this proceeding in detail, including the interrelated subject of the sports blackout provisions.

22. In our "First Report and Order" we retained the mandatory signal carriage rules for the newly established class of small systems but eliminated the distant signal limitations because of the unlikelihood that any resultant increase in distant signal carriage would produce any adverse impact on local broadcasters such as to result in diminution of service to their communities. In reaching that conclusion, we studied the universe of 50-499 subscriber systems and their marker locations, and found no likely reduction in existing levels of service, even upon an individual market basis. We then undertook, and published for comment, an analysis of the projected impact of similarly removing the distant signal carriage limitations from systems with 500-999 subscribers. The methodology and results of that study are hereinafter explained and analyzed.

23. The objective of the overall study was to estimate the extent of audience fractionalization that local television stations might sustain if all cable television systems having fewer than 1000-subscribers were exempted from distant signal limitations. Three tables were prepared and offered for comment. Tables 1 and 2 presented *general* approximations of audience impact in each of the major and minor television markets. For these tables, all systems located in the 35-mile zones of such markets having fewer than 1000 subscribers were identified and a presumption was made that all systems would add one or more distant signals. Then, the total number of cable subscribers was broken down within each television market into two categories: (i) Total subscribers of systems with 1000 or fewer subscribers, and (ii) total subscribers of systems with 500 or fewer subscribers. In this matter, the collective impact of the "First Report and Order" (50-499) and the proposed impact of the "Further

[10] This figure was extrapolated from data reported to the Commission on FCC Form 325 and information gathered by "Television Digest, Inc." and reported in the "Services Volume, Television Factbook," 1977 edition.

[11] "First Report and Order in Docket 19995," FCC 75-413, 52 FCC 2d 519 (1975).

[12] "Report and Order in Docket 20482," FCC 75-1065, 55 FCC 2d 529 (1975).

Notice" (500-999) could be ascertained and studied as well as the total figure. Next, it was assumed that new distant signal viewing would cause a 50 percent fractionalization of local stations' cable audience. The number of in-market subscribers to systems in each of the respective size categories was then multiplied by the assumed fractionalization figure (50 percent) to yield the total number of cable households potentially lost by distant signal importation. This number was then divided by the number of television households in the Area of Dominant Influence (ADI). (Where there was no ADI, metro county audience figures were utilized.) For these Tables 1 and 2, the resultant total market impact figures generally were so insignificant that it became apparent that no valid purpose would be served by making any further breakdowns to ascertain predicted impact upon individual stations in the markets, since such figures would often be, for example, one-third or one-fourth of an already *de minimis* figure. The purpose of Tables 1 and 2 was simply to determine the general degree and scope of likely audience impact by markets and to determine whether any extensive concentration—or "clustering"—of small systems existed in any particular markets, and the data which was thus prepared accomplished these objectives. To illustrate the generally minimal impact, these are sample impact figures for entire markets:

New York, Market No. 1 0.01 percent
Paducah, Market No. 51 0.15 percent
Tucson, Market No. 101 0.07 percent
Lake Charles, Market No. 151 0.47 percent
Zanesville, Market No. 195 2.69 percent

24. Next, for "worst-case" purposes, a more detailed impact analysis was prepared in Table 3 for the 15 markets which Tables 1 and 2 indicated were likely to sustain the largest percentages of potential audience fractionalization. Before explaining the detailed methodology of this Table 3 it is important to note that it presents the results of potential impact *per station* as contrasted with the results of the potential audience impact *per market* projected by the initial general approximation methodology utilized for Tables 1 and 2. Moreover, not only are the calculations made upon a per station basis, but other additional statistical factors were included in the impact analysis in order to reach as accurate and realistic a result as possible.

25. For table 3 the following data was collected: (i) Identification of home market television stations; (ii) ADI counties designated to market; (iii) systems within the 35-mile zone having less than 1,000 subscribers by subscriber count, homes passed by cable, number and affiliation of signals carried, date operations began, and channel capacity; and (iv) current audience data by day parts and station share. Additionally, the data was rechecked, including telephone verification. Estimates of audience impact were computed for each station, utilizing the following formula:

$$\text{Audience Impact} = \frac{\text{(1) number of cable subscribers} \times \text{(2) market rating} \times \text{(3) station share} \times \text{(4) fractionalization}}{\text{(5) Total television households in ADI using television (HUT) 9 A.M.-Midnight [13]}}$$

This formula was than applied as follows: (1) The number of cable subscribers on systems within the 35-mile zone was computed, first by 50-499 and then by 500-999 subscriber levels, and the totals were used as factor 1; (2) the average percentage of households viewing television in the market during the 9 a.m. to midnight period was ascertained and used as factor 2; (3) each market station's audience share during the 9 a.m. to midnight period was ascertained and used as factor 3; if one or more new distant signal(s) were assumed to be imported, it was then assumed that 50 percent of the local station's cable viewers would watch such distant signal(s) instead (factor 4); and factors 1-4 were then first multiplied together to give the number of cable households that were assumed to be lost if distant signals were imported, and this number was then divided by the total number of television households using television in the station's ADI (9 a.m. to midnight), and that final figure represents the percentage of predicted audience impact per station.

26. Before drawing conclusions from these impact studies, certain objections thereto should be considered—i.e., NCTA opposes the use of a fractionalization figure as high as 50 percent, and NAB challenges the validity of the studies in general and specifically questions the data for the Hazard, Ky., market. Also, ABC challenges the studies as being too generalized, but in light of the specificity contained in our table 3 analyses this argument must be rejected. The fractionalization argument can be treated very briefly. For the purposes of this proceeding, even assuming arguendo that the percentage is too high (which it well might be) the resultant impact figures upon a nationwide basis are so minimal that we need not be concerned here as to the absolute accuracy of the 50 percent figure. We note, however, that this very point—the statistical correctness of the use of the 50 fractionalization figure—is placed directly in issue and comments thereon have been solicited in our broadcast/cable economic inquiry, supra.

27. The NAB asserts that the Commission's impact study is unreliable, charging that the study omitted a number of small systems, stating:

> For example, the Bureau's subscriber counts in the Hazard, Ky., market show 1,368 cable subscribers on systems with fewer than 1,000 subscribers and 518 subscribers on systems with fewer than 500 subscribers. The NAB Research Department compilation shows 6,838 subscribers on cable systems with fewer than 1,000 subscribers—or 5 times the Cable Bureau's figures * * *. This discrepancy raises serious doubts about the reliability of the Bureau's study, therefore, NAB urges the Commission to verify its subscriber counts against other sources.

Because the Hazard market presented one of the "worst-case" situations, our staff gave it particular attention in the process of preparing the study—e.g., telephone verification of facts and channel capacity determination. Now, at the NAB's urging, supra, we have again reviewed our original data, and our figures are correct. The additional systems specified by the NAB are not includable in the impact study for several reasons: Some systems, although listed in some trade publications and elsewhere as separate systems actually share a common headend and exceed

[13] The original formula published in the "Further Notice" (in app. A thereof) did not contain this reference to "HUT"; however, the figures listed in the impact analysis did utilize this factor and are correct. The language, then, is merely added here for purposes of clarity.

1,000 total subscribers (Melvin, Wallins Creek); two of the systems cited by the NAB lie outside the Hazard 35 mile zone (Beatyville, Pennington Gap); one system appears not to be operational according to our files (Salyerville); several of the systems cited by the NAB were not included because they are old 5-6 channel systems already saturated and thus unable to add any additional distant signals (Bonneville, Hazard (2), Seco, Walkerstown Station, Whitesburg); and others were not included because they are presently capable of only receiving off-air signals, already are carrying all such available signals, and would not likely entail microwave expense to reach this remote area because they already have almost 100 percent penetration of homes passed (Hyden, Lynch, Seco, Vicco). We thus shall continue to utilize the 0.7 percent adverse impact figure for the Hazard market.[14] We observe, however, that the practical utilization of that figure may even be unrealistic. That is, we observe that only three cable systems (under 1,000) in that market have the present capacity to carry additional distant signals, but they cannot do so without undertaking expensive microwave or satellite delivery equipment and, further, have little incentive to do so since they have very high subscriber penetration levels. Finally in connection with the impact studies, it is possible that some small systems may not have been included. However, it is not felt that any such omissions exist in either sufficient number or market concentration so as to affect our conclusions, and, we further note that, other than the above-discussed Hazard market, the comments did not call our attention to any such omissions.

28. Turning now to the actual impact figures and the conclusions to be drawn therefrom, it is our view that even the "worst cases" do not reflect a sufficient level of impact to dissuade us from enlarging the size of the class of small cable television systems. Significantly, out of the 15 "worst-case" analyses, only 5—or one-third—even showed per station impact figures in excess of 1 percent, the highest being 1.7 percent. Such minimal figures could not form part of a sufficient premise either to conclude that the proposed rulemaking is not in the greater public interest or, indeed, to create any general exceptions to the rule. In the latter connection, we note that not a single broadcaster submitted comments alleging the likelihood of adverse impact within its own market, despite our specific listings not only of all national markets but further listing the fifteen "worst-case" markets. Thus, our conclusion to the specific question posed in the "Further Notice" (See para. 3 supra) as to whether the distant signal limitations should be lifted from all systems or whether a market-by-market or case-by-case approach should be utilized is that such limitations should be lifted from all systems. We also observe that the companion question posed in the "Further Notice"—"whether there are any reasons, not apparent from the results of the survey, that would militate against any relaxation of the distant signal limitations"—must, on this record, be answered in the negative.

29. While there is no record evidence to support the establishment of any market exceptions to our action, by rule, our Special Relief procedures (See § 76.7 of our Cable Television rules and regulations) remain available for any station believing it is particularly aggrieved by today's action, now or in the future. We would envision two circumstances where a case for special relief possibly could be established: (1) Where future construction of multiple new systems in a specific market—"clustering"—results in what the broadcaster demonstrates to be adverse collective impact, and (2) where the same cable operator constructs two or more small systems in the same community and/or market, not premised upon good engineering practices but rather for the purpose of avoiding compliance with our distant signal limitations. With respect to the first matter, we observe that one goal of this proceeding is to remove obstacles to the construction of new systems, particularly in more remote areas, which might not otherwise be built. Nevertheless, we also acknowledge that a situation conceivably could come to exist where, through "clustering" in a single market, the collective impact of actual signal importation of otherwise inconsistent signals might cause adverse economic impact to a local broadcaster and hence upon his ability to operate in the public interest. Special relief in the form of the removal of inconsistent distant signals might be appropriate if an adequate showing of likely injury to the public is established. With respect to the second matter, we here establish that this rule is intended primarily for small stand-alone operations and caution that it should not be abused; special relief in the form of removal of the inconsistent distant signals would be one form of regulatory relief which we also envision in this area.

30. In sum, we are convinced that the appropriate action to take herein is to remove the distant, but not the mandatory signal carriage rules, for systems with 500-999 subscribers, just as we already have done for 50-499 sized systems. The impact likely to occur, even from a worst-case analysis, is not sufficient to reverse this result. We note here that although our overall impact study assumed substantial shifts in viewing patterns in all cases, from a practical standpoint, more than half of the existing 500-999 sized systems should not be expected to add additional signals because: (1) They are located outside all markets, and already exempt from distant signal limitations, or (2) they are fully saturated, grandfathered systems with neither incentive nor present channel capacity to add any distant signals. Further, because of important cost considerations for these small business entities, many might regard either microwave or satellite delivery of additional signals to be financially unsound and would add only additional off-air signals (if such are available). Thus, we anticipate no major near-term nationwide changes from this action; hopefully it will increase viewers' choices in some cases; it should reduce the operating costs of small cable companies in most cases. Also, according to the comments, this action could remove an obstacle to development of some new systems. Through our registration process (§ 76.10) and brief, annual reports we will be in a position to monitor the development of this new class and, if necessary, make future modifications.

31. Several parties herein (NCTA, 73 CATV Cos., Storer Cable, Florida Cable Television Association) requested that the Commission take two additional actions in the general area of signal carriage: (1) Permit signal carriage upon a system wide basis irrespective of size, and (2) establish regulatory "parity" between co-located cable and "MATV" systems. These issues were treated fully in our recent reconsideration of our original action herein, supra. Both arugments were thoroughly considered but rejected. We stated, in important part:

> The NCTA suggestion, because it would allow otherwise inconsistent signals to be carried not just to a small number of additional nearby subscribers but from existing systems in small suburban municipalities into adjoining major metropolitan areas, would constitute a major revision of the signal carriage rules of a type which we believe should only be considered after the conclusion of the pending economic inquiry (para. 11).
>
> * * * * *
>
> As we stated in the "First Report and Order", not only did we feel that MATV systems were substantially different from traditional cable television systems so as to justify continued exemption from our regulations but we also were strongly impressed by the arguments that none of the 50 participating parties demonstrated actual or po-

[14] In the general consideration of the Hazard market, our Commission files reveal that the Hazard television station actually evolved from (and is still co-owned by) a local cable operation which wished to reach additional area audiences with its cable-originated programming. (WKYH TV, BPCT-3996, Mar. 3, 1969.)

tential harm to over-the-air broadcasting by existing MATV systems—a nexus of our jurisdiction over cable systems. Accordingly, in this essentially de-regulatory proceeding, we found no support for extending FCC jurisdiction to cover thousands of MATV entities throughout the country (para. 19).

Sports Blackout

32. Interrelated to the subject of signal carriage is that of whether exemption from our sports blackout rules should be granted to the 500-999 subscriber sized systems. As was the case with the 50-499 subscriber systems, and for the same reasons, we conclude that such exception should be granted. We stated in the "First Report and Order:"

Consistent with the broad goals of this overall proceeding, we have concluded that this rule does indeed constitute an unreasonable burden upon small systems and should be rendered inapplicable to them. Having determined that it is burdensome for systems under 1,000 to have to purchase and operate switching equipment for network and syndicated program exclusivity, it hardly is justifiable to require systems with half that number to "blackout" the remaining type of programming. Moreover, as we stated in paragraph 42 of the Report and Order in Docket 19417, supra, it is our view that sports is but one form of television programming and is not sufficiently dissimilar from other programming to warrant special treatment because of its impact upon local television audiences. Thus, having broadly concluded that small systems should be as unrestricted as possible in carrying television programming, sports programming is not a valid exception to that conclusion.

That rationale is equally applicable here, despite the protestations of the NHL and the NCAA. The NHL is incorrect in asserting that the number of subscribers on systems under 1,000 (perforce located within the 35-mile zones of cities which have professional sports teams) is large enough to impact upon gate receipts. According to the statistics compiled by our staff for this proceeding, only some 226 total systems with under 1,000 subscribers are located within all of the Top-100 markets, which alone is de minimis without calculating how many of these are located in markets with professional sports teams. We acknowledge the long-range possibility that a substantial number of future small systems could be constructed in a specific market and theoretically might pose harm to gate receipts, but there is nothing on this record to warrant taking any anticipatory rulemaking actions with respect thereto. The special relief procedures and remedies are available if there are situations where "clustering" portends a loss of broadcast sports programming. However, in our view, the carriage of otherwise restricted sports events by small cable systems should not cause any more impact than the present carriage of such programming by unregulated "MATV" systems such as those in apartment houses and hotels. We further reject NHL's argument that manual switching is a viable alternative to costly automatic switching gear; for a major market with several professional teams representing different sports and each demanding protection, the overtime costs to an affected system might well exceed that of basic equipment over an extended period. Turning to the NCAA's arguments, we first comment that it is erroneous in asserting that the "First Report and Order" "ignored entirely the specific holding on which the sports rule was actually based, which is that the impact of cable carriage on gate receipts * * * warrant a rule limiting carriage in certain locations." We call its attention to footnote 27 of the "First Report and Order":

It should be noted, moreover, that the reasons for adopting the cable television sports blackout rules related to a concern that fewer patrons would attend games if they could view the games on cable television and the impact on sports gate receipts would cause teams to reduce areas where games were broadcast and hence picked up by cable systems, in order to restore their live gate receipts. Our records reflect that there are so few systems in this smaller class with so few subscribers in major market areas that the likelihood of any adverse consequence resulting from this change in the rules is extremely remote.

As earlier observed, the above conclusion is equally valid for 500-999 subscriber systems as for 50-499 subscriber sized systems. The combined total of small system cable subscribers in major markets is de minimis viewed from the perspective of gate receipts. We simply do not believe that today's action will have a detrimental effect upon "the future availability of those sports programs to over-the-air broadcasting," as NCAA warns.

33. One final matter should be discussed in connection with the broad subject of signal carriage—namely, that of the "patchwork" argument raised by ABC and others. Stated simply, this argument is that a proliferation of small systems exempt from distant signal and sports blackout restrictions will create a "patchwork" of inconsistent signal carriage which ultimately will lead to total erosion of our signal carriage provisions. We disagree with this argument for several reasons. We are aware of practical problems which could arise when adjacent or nearby systems offer different signal complements; however, this concern is not of such weight as to dissuade us from lifting the distant signal carriage restrictions from this class of small systems. There are many anomalies in the practical application of our rules to adjacent or nearby systems which have existed for years without major disruption of our signal carriage restrictions—e.g., older systems with grandfathered signals operate near new systems with lesser signals; some systems comply with the network and syndicated exclusivity rules while other nearby systems, because of their size or location, do not; some systems utilize converters, and thus furnish more than 12 signals, while other nearby systems do not; systems with 3,500 or more subscribers offer multiple access services while smaller systems do not; some systems have earth stations and offer both television signals and pay programming which other nearby systems do not. It is thus apparent that many substantial differences among cable systems already exist. If additional alterations in the signal carriage rules are undertaken, it will be the result of our studied judgment of the consequences of such alterations upon service to the public and not a mechanistic response to the differing impact our rules may have on neighboring cable systems.

Other Rules

34. As already detailed (para. 17, supra), the substantial number of similarities between 50-499 subscriber sized systems and 500-999 subscriber systems have led us to the conclusion that the class of small systems should now be expanded to encompass both groupings. Moreover, because there has been no valid showing to the contrary, this expansion shall be in toto, there being no specific rule or rules from which the 50-499 subscriber sized systems have been exempted which warrant disparate regulatory treatment for 500-999 subscriber size systems. In reaching this conclusion, we do not agree with the arguments of CCAP and Mr. Jacobson that continued regulation is essential for these systems. Essentially these same arguments have been made and rejected earlier in this proceeding; the following conclusion in our recent reconsideration action (at para. 24) is directly in point here:

CCAP's petition is directed to the elimination of ownership reports, public inspection files and franchise standards for systems with under 500 subscribers. We initially observe that not only has petitioner not submitted any new data for our consideration but that we have already given a rather detailed explanation in the *First Report and Order* of why we felt it appropriate to take each of these specific actions. Indeed, it should be noted that those franchise standards petitioner would have us restore for small systems, were subsequently deleted from the rules even in their application to large systems. *Report and Order in Docket 21002*, FCC 77-530, 66 FCC 2d 380 (1977). With respect to deletion of the public inspection file requirement for small systems, we considered the attendant burden upon the system and noted (Para. 66) that in most instances, requisite material would be available in the files of the franchising authority. Concerning the deletion of ownership reports (Schedule III of FCC Form

325), we explained (Para. 62) that these forms not only are both complex and burdensome for the small operator but also are of less value to us for either regulatory or statistical purposes. Accordingly, CCAP's requests are denied. (Footnote omitted)

35. The rationale for our regulatory framework for small systems is set forth at length in the "First Report and Order" and, because it applies with equal logic to this extended proceeding, it is herein incorporated by reference. This removes the necessity for a repeated discussion here of each topic, and we need only highlight the parameters of regulation for present purposes.

Technical standards. The technical standards of Subpart K, Part 76 shall remain applicable to small systems except that, with the following exceptions, the technical measurement requirements of § 76.601(c) shall be inapplicable: (1) Any system utilizing frequencies outside the TV and FM radio broadcast allocations (e.g.—mid-band) remain subject to all testing obligations relating to signal leakage, and (2) we reserve the right to require specific measurements (among those measurements which may be required of larger systems) in the case of complaints or disputes.

Annual reports. Small systems need file only Schedules I and II of FCC Form 325 (Annual Report of Cable Television Systems), FCC Form 326 (Annual Financial Report), and annual reports of equal employment opportunity complaints pursuant to § 76.311(c)(1).

Public inspection files. Small systems are exempt from the requirement of § 76.305 that a file of documents relating to the system's authorization and operations be maintained for public inspection.

Cross-ownership. The cross-ownership prohibitions between cable television systems and local telephone companies (§ 64.601), local translator stations (§ 76.501(a)(3)), local television stations (§ 76.501(a)(2)), and national television networks (§ 76.501(a)(1)) shall remain applicable.

Franchising and certification. Systems with fewer than 1,000 subscribers will now also be exempt from the obligation to obtain a Certificate of Compliance from the Commission before commencing operation. They will instead be subject to the § 76.10 registration process under which systems need only notify the Commission of the owner's name, the system's location, and the signals to be carried at the time operations are commenced. This registration statement is to be filed within 30 days after adding the 50th subscriber and thus becoming a cable system under our definition (§ 76.5(a)).

Under the 500 subscriber exemption rule, a number of requests for Certificates were received from exempt systems that nevertheless wanted to have their operations certified in order to prove the legality of their operation in connection with a sale, bank loan or similar financial transaction, raising the question of how we should now proceed with such applications. Because all systems with any prospect of exceeding 1,000 subscribers are encouraged to commence operations fully in compliance with the rules to which they will ultimately be subject, we do not intend to second guess applicants whose own estimates indicate an eventual 1,000 subscriber or larger size. We will, however, only certify signals for carriage that are compliant with the signal carriage limitations applicable to systems with 1,000 or more subscribers and do not see any need to issue certificates in those situations where the basic signal carriage rules do not and will not apply. Systems that have Certificate applications now pending may convert these to the required registration simply by notifying the commission that they wish this to be done. Parties are requested to take this step as promptly as possible to aid us in eliminating from the backlog those applications which there is no longer any intent to prosecute. In the course of processing applications we will also convert to registrations those which we find on our own are clearly for systems in this smaller class. In each instance, however, this will only be done after prior notice to the applicant. Those systems with existing Certificates are already registered and need not file any further registration statement. Moreover, they are free to comply with the rules applicable to under 1,000 subscriber systems without further administrative process upon the effective date of these rule changes.

Our withdrawal from applying the certification process and franchise standards to systems with under 1,000 subscribers carries with it an end to the limitation on local franchise fees contained in § 76.31. Although other areas of federal preemption will remain, such as those relating to local regulation of pay television operations, we believe the fee limitation can be safely eliminated without danger of significant long run adverse impact on the national telecommunications system. Because of the size of the entities involved, the connection between burdens imposed and the quality of service received is likely to be more visible than with larger systems and thus the imposition of unreasonable fees is less likely to occur. Moreover, because of the types of operations involved and their relatively small number of subscribers, it does not appear that the administrative effort involved in continuing this rule can be justified.

We would urge most strongly that local and state authorites regard our re-regulatory efforts in this area as an example to be followed and not an invitation to fill a void that has been created. From the point of view of the cable subscriber and the system operator, the source of burdensome regulation is of little consequence; the totality of paperwork and other compliance activity is the only concern.

36. *Transition.* Here, as in the case of establishing the original parameters of the class of small systems, we again strongly caution operators to only utilize this small system classification under circumstances where their fully constructed system will remain under the 1000 subscriber level (calculated, of course, upon a headend basis).[15] This is not a difficult task—as a business person, the operator can be expected to know the total homes in his area to be served and to make a sophisticated estimate of likely penetration among homes passed. The exceptions to our rules promulgated herein

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[15] *Subscriber count.* In view of the critical impact of the transition beyond the 999 subscriber level, it will be of assistance to here set forth the precise method for counting subscribers. We note initially that in our *First Report and Order* in this docket (at Para. 19) we both defined a subscriber (§ 76.5(nn)) and reaffirmed the method for counting bulk-rate subscribers. The following method of counting subscribers is consistent with our earlier action and it is the method which we shall utilize to resolve any disputes concerning a system's qualification as a small system. (We are aware that this method differs from the method for counting subscribers set forth in the instructions for filing FCC Form 325, "Annual Report of Cable Television Systems"; we shall amend such instructions, prior to their issuance for fiscal 1978, so as to conform with the method set forth herein.) The method is simple, and it meets our two-fold goal of considering potential impact upon local broadcasters as well as the ability of the cable system to sustain regulatory burdens. To calculate "subscribers," simply total the number of single-family dwelling subscribers as well as the number of individual households living in multiple dwelling units (apartments, condominiums, etc.) which pay at the basic subscriber rate; to this add any bulk-rate customers, calculated by dividing the total annual charge for the bulk-rate contract by the system's basic annual subscription rate for an individual household by the method set forth in § 1.1116(b) (Note 2) of the rules. For example, if an apartment house pays an annual bulk rate of $1000 and the annual rate for individual subscribers is $50, there are 20 subscriptions. (1000 ÷ 50 = 20). Several additional matters should be mentioned. Do not count or otherwise include additional outlets within the same individual households nor installation or disconnection fees. Also, since the element of payment was deleted from our definition of a cable television system (§ 76.5(a)) by our *First Report and Order* herein, "courtesy" and other free service should be counted. Only the number of individual households taking the basic cable service is what is desired; therefore, do not include either pay-only subscribers or pay revenues in any calculations.

are premised upon smallness of the systems affected and the unlikelihood of their having any adverse impact upon existing levels of local broadcast service; these exceptions will not apply once a system goes beyond the 1000 subscriber threshold, and we again caution that we do not envision granting waiver requests to systems which later exceed the 1000 level and seek to retain the signals obtained as a member of the class of small systems. The need to operate in full compliance with the rules once the 1000th subscriber is connected, entailing, if necessary, "rollback" of signal carriage, highlights the need for proper initial planning by system operators. We also remind operators that the provisions of §§ 76.95 and 76.161 shall remain in effect, requiring notification of both the Commission and all television stations carried on the system within 60 days of reaching the 1000 subscriber level.

CONCLUSION

37. We believe that the changes made will simplify the administration of the rules, relieve significant and unnecessary burdens for small cable television system operators, and will not adversely affect the provision of television broadcast service to the public. We believe that their adoption is, therefore, in the public interest.

Authority for adoption of the rules herein is contained in Sections 2, 4(i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective June 12, 1978, Part 76 of the Commission's rules and regulations are amended as set forth below.

It is further ordered, That the proceeding in Docket 20561 is terminated.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317).)

FEDERAL COMMUNICATIONS COMMISSION,
William J. Tricarico,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 76.10 [Amended]

1. In Subpart B, Applications and Certificates of Compliance, § 76.10 (Registration of systems of fewer than 500 subscribers) is amended as follows:

In the title thereof, the number "500" is deleted and the number "1000" is substituted.

In the preamble thereof, the number "499" is deleted and the number "999" is substituted.

2. In the following sections of the cable television rules, the number "500" is deleted and the number "1000" is substituted:

§§ 76.11 and 76.30 [Amended]

In Subpart B, Applications and Certificates of Compliance:

Section 76.11(a) and (b) (Certificate of Compliance Required)

Section 76.30 (Scope of Application)

§§ 76.59, 76.61, 76.65 and 76.67 [Amended]

In Subpart D, Carriage of Television Broadcast Signals:

Section 76.59(b) (Provisions for smaller television markets)

Section 76.61(b) (Provisions for first 50 major television markets)

Section 76.65(b) (Grandfathering Provisions)

Section 76.67(f) (Sports broadcasts)

§ 76.300 [Amended]

In Subpart H, General Operating Requirements:

Section 76.300(b) (Scope of application)

§ 76.403 [Amended]

In Subpart I, Forms and Reports:

Section 76.403 (Cable television system reports)

§ 76.601 [Amended]

In Subpart K, Technical Standards:

Section 76.601(f) (Performance tests)

3. In § 76.305, paragraph (a) is amended to read as follows:

§ 76.305 Records to be maintained locally by cable television system operators for public inspection.

(a) *Records to be maintained.* The operator of every cable television system having 1000 or more subscribers shall maintain for public inspection a file containing the following:

* * * * *

[FR Doc. 78-12860 Filed 5-10-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1326]

PART 1033—CAR SERVICE

Norfolk & Western Railway Co. Authorized to Operate Over Tracks of Detroit, Toledo & Ironton Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order No. 1326.

SUMMARY: The Tecumseh, Mich., branch of the Detroit, Toledo & Ironton Railway (DTI) is unserviceable between Malinta, Ohio, and Adrian, Mich., isolating the remainder of the line from other parts of the DTI. A major industry located at Tecumseh requires uninterrupted rail service to continue its operations. Service Order No. 1326 authorizes the Norfolk & Western Railway to operate over the serviceable portion of the DTI's Tecumseh branch between Adrian, Mich., and Tecumseh, Mich., in order to provide continued service to shippers served by that line.

DATES: Effective 12:01 a.m., May 5, 1978. Expires 11:59 p.m., October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of May 1978.

The Tecumseh branch of the Detroit, Toledo & Ironton Railway Co., (DTI) is inoperable between Malinta, Ohio, and Adrian, Mich., a distance of approximately 45 miles, thus isolating the eleven-mile segment between Adrian and Tecumseh from the remainder of the DTI system. An application to abandon the line between Malinta and Adrian is pending in Docket AB-111. The Norfolk & Western Railway Co. (N&W), in Finance Docket No. 28643 has requested authority to acquire the segment of the DTI Tecumseh branch between Adrian and Tecumseh, a distance of approximately 11.1 miles and is willing to commence immediate operation of this line segment in order to provide needed railroad service to shippers at Tecumseh.

It is the opinion of the Commission that an emergency exists requiring operation of N. & W. trains over these tracks of the DTI in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1326 Service Order No. 1326.

(a) *Norfolk & Western Railway Co. authorized to operate over tracks of Detroit, Toledo & Ironton Railway Co.* The Norfolk & Western Railway Co. (N. & W.) is authorized to operate over tracks of the Detroit, Toledo & Ironton Railway Co. (DTI) between Adrian, Mich., and Tecumseh, Mich., a distance of approximately 11.1 miles, pending disposition of the application of the N. & W. in Finance Docket No. 28643 seeking permanent authority to

acquire and operate this line.

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

(c) *Rates applicable.* Inasmuch as this operation by the N. & W. over tracks of the DTI is deemed to be due to carrier's disability, the rates applicable to traffic moved by the N. & W. over the tracks of the DTI shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., May 5, 1978.

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

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

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

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

[FR Doc. 78-12862 Filed 5-10-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Opening of Certain National Wildlife Refuges to Sport Fishing: Maryland, Virginia and North Carolina; Correction

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Fish and Wildlife Service issues a correction document for a special regulation appearing at 43 FR 13577, March 31, 1978, because of incorrect address information for the Mackay Island National Wildlife Refuge, Knotts Island, N.C.

FOR FURTHER INFORMATION CONTACT:

Howard N. Larsen, 617-965-5100, Ext. 200.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CORRECTION

In FEDERAL REGISTER, Vol. 43, No. 63, page 13577, dated Friday, March 31, 1978, third paragraph of special regulation text, fifth line should be changed from: Building, South 218, 287 Pembroke, to Building, Suite 218, 287 Pembroke.

HOWARD N. LARSEN,
REGIONAL DIRECTOR,
Fish and Wildlife Service.

APRIL 25, 1978.

[FR Doc. 78-12811 Filed 5-10-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Tewaukon National Wildlife Refuge, N. Dak., to Summer Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: May 6, 1978, through November 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Forrest W. Cameron, Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak. 58013, 701-724-3598.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as being open to fishing. These areas comprising 1,440 acres are Lake Tewaukon, Mann Lake and Sprague Lake and are shown on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, N. Dak. 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on Sprague Lake and Mann Lake extends from May 6, 1978, through September 30, 1978, daylight hours only.

(2) The open season for sport fishing on Lake Tewaukon extends from May 6, 1978, through November 19, 1978, daylight hours only.

(3) Access to Lake Tewaukon will be limited to certain designated shoreline areas from October 1, 1978, through November 19, 1978.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

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

Dated: May 1, 1978.

FORREST W. CAMERON,
Refuge Manager.

[FR Doc. 78-12782 Filed 5-10-78; 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.

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 526 and 531]

[No. 78-272]

FEDERAL HOME LOAN BANK SYSTEM

Proposed Amendments Relating to Distribution of Maturities of Certificate Accounts

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: Present regulations (1) limit the amount of savings account certificates of $100,000 or more receiving a rate of return greater than 6.75 percent that a member of the Federal Home Loan Bank System may have outstanding at one time and (2) prescribe Board policy regarding distribution of maturities of certificate accounts with terms of one year or more issued by such members. This proposed rule would delete those provisions and substitute specific limitations only on distribution of maturities of all certificate accounts. The purpose of the proposed changes is to prevent more effectively excessive withdrawals of savings accounts in a single month caused by "bunching" of their maturities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 9, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address:

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-377-6440 at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to delete § 531.7 and subsection (b) of § 526.5-1 of the Regulations for the Federal Home Loan Bank System (12 CFR 526.5-1(b) and 531.7) and add a new § 526.10 thereto. Section 526.5-1(b) limits the total amount of certificate accounts of $100,000 or more receiving a rate of return in excess of 6.75 percent to 15 percent of a member's total savings accounts outstanding, and limits such certificate accounts having an original term of less than two years to 10 percent of the member's total savings accounts outstanding. Section 531.7 states that Board policy requires that a member avoid issuing or renewing a certificate account with a term of one year or more if, as a result of such issuance or renewal, the total of such accounts maturing in a particular month would exceed 5 percent of the member's total savings accounts. The effect of those provisions is to limit the likelihood of excessive withdrawals from certificate accounts in a single month caused by "bunching" of maturities.

In view of the sensitivity of certificate accounts to fluctuations in market rates of interest, the Board believes a more specific limitation on the amount of all certificate accounts maturing in any single month is necessary to more effectively protect members from the risk of unusually large withdrawals. The Board further believes that is such a specific limitation on "bunching" of maturities is adopted there may be no need for an overall limit on acceptance of such accounts by member institutions. Therefore, the Board proposes to delete the present limitation and Statement of Policy and adopt a new § 526.10, which would limit a member's certificate accounts maturing in a single month to five percent of the member's total savings accounts. Section 526.10 would also limit members' certificate accounts with an original amount of $100,000 or more maturing in a single month to one percent of the member's total savings accounts. The Board believes these provisions would be simpler and more direct and would provide greater safety for members.

If the proposed limitations are adopted, members would be permitted to achieve compliance therewith by attrition of outstanding certificates.

Accordingly, the Board hereby proposes to delete § 531.7, amend § 526.5-1, and add a new § 526.10, to read as follows:

§ 526.5-1 Certificate account of $100,000 or more

No maximum rate of return shall apply to a certificate account of $100,000 or more ($50,000 or more if the issuing member's home office is in Puerto Rico) with a term of at least 30 days. (The $50,000 minimum shall apply only if the member does not advertise or promote the account outside Puerto Rico.)

§ 526.10 Distribution of maturities of certificate accounts

(a) *General.* No member shall issue or renew a certificate account if such issuance or renewal would cause the total of such accounts maturing in a single month to exceed five percent of the member's total savings accounts at the end of the month preceding the issuance or renewal.

(b) *Additional limitations on certificate accounts of $100,000 or more.* No member shall issue or renew a certificate account with an original amount of $100,000 or more if such issuance or renewal would cause the total of such accounts maturing in a single month to exceed one percent of the member's total savings accounts at the end of the month preceding the issuance or renewal.

(c) *Geographic exception.* For a member whose home office is in Puerto Rico, the limitations in paragraphs (a) and (b) of this section shall apply to accounts of $50,000 or more.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425b, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-12866 Filed 5-10-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-WE-6-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection and modification of leading edge outboard slat drive arms and drum shafts on McDonnell Douglas DC-10 series airplanes. The proposed AD is needed to prevent failure of an outboard slat drive arm or drum shaft, allowing de-

parture of leading edge slats from the aircraft which may present a hazard to persons on the ground.

DATE: Comments must be received on or before June 29, 1978.

ADDRESSES: Send comments on the proposal in duplicate to:

Department of Transportation, Federal Aviation Administration, Western Region, Attention, Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The applicable DC-10 service bulletin may be obtained from:

McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention, L. A. Eisenberg, CI-750, 54-60.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Administration, at the address given in the opening section of this AD. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been two instances of failure of an outboard slat drive arm in flight. In one of these cases, slat system parts fell to the ground. Inspection of other Model DC-10 aircraft revealed additional slat drive arms with cracks. The failures/cracks are attributed to a manufacturing defect which grows due to stress corrosion.

As a result of these slat failures, a reevaluation of the slat drive system was made, including the drum shafts. Analysis and tests revealed that the ARHO565-1 or -2 drum shafts should be replaced by ARHO565-505 or 506 drum shafts. Failure of the drum shaft can result in overextension of the slats.

The National Transportation Safety Board believes that leading edge slat system failures present a hazard to persons on the ground, and has recommended mandatory corrective action (NTSB Safety Recommendation A78-16).

Since this situation is likely to exist or develop on other airplanes of the same type design, the proposed AD would require inspection, replacement of cracked drive arms, replacement of ARHO565-1 and -2 drum shafts, and sealing at drum shafts and drum arm splines.

DRAFTING INFORMATION

The principal authors of this document are Douglas T. Sharman, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

MCDONNELL DOUGLAS: Applies to DC-10-10, -10F, -30, -30F and -40 airplanes certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent failure of outboard slat drive arm or drum shaft, accomplish the following:

(a) Within the next 1500 hours time in service after the effective date of this AD, unless the inspection and modifications specified in McDonnell Douglas DC-10 Service Bulletin No. 27-160, dated March 1, 1978, are already accomplished, inspect the outboard slat drive arms ultrasonically for cracks in accordance with McDonnell Douglas DC-10 Service Bulletin No. A27-160, Revision 2, dated March 22, 1978.

(b) Within the next 4000 hours time in service after the effective date of this AD, inspect by magnetic particle methods for cracks and modify or replace the outboard slat drive arms and drum shafts in accordance with McDonnell Douglas DC-10 Service Bulletin No. 27-160, dated March 1, 1978.

(c) Any outboard slat drive arm or drum shaft found to be cracked must be replaced prior to further flight.

(d) The inspections and modifications specified in this AD may be accomplished in accordance with later FAA approved revisions of the service bulletins.

(e) Equivalent inspections, modifications or parts may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate airplanes to a base for accomplishment of the inspections required by this AD.

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

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

Issued in Los Angeles, Calif., on April 28, 1978.

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

[FR Doc. 78-12830 Filed 5-10-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-17]

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

Proposed Alteration of Transition Area: Lafayette, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Lafayette, La., transition area to provide controlled airspace for aircraft executing the newly established instrument landing system (ILS) instrument approach procedure to runway 21 and the nondirectional radio beacon (NDB) instrument approach procedure to runway 03 to the Lafayette Regional Airport.

DATE: Comments must be received by June 12, 1978.

ADDRESSES: Send comments on the proposal to:

Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location:

Office of the Regional Counsel, Southwest Region, Federal Aviation Administra-

tion, 4400 Blue Mound Road, Fort Worth, Ex.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart G 71.181 (43 FR 440) of FAR Part 71, the description of the Lafayette, La., transition area reflects the controlled airspace provided for the present instrument approach procedures to the Lafayette Regional Airport. The newly established ILS and NDB instrument approach procedures will require alteration of the transition area to provide the necessary controlled airspace for these procedures.

Comments Invited

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 12, 1978 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Lafayette, La., transition area. The FAA believes this action will enhance IFR operations at the Lafayette Regional Airport by providing additional controlled airspace for aircraft executing the newly established instrument approach procedures for the airport. Subpart G of Part 71 was republished in the Federal Register on January 3, 1978 (43 FR 440).

Drafting Information

The principal authors of this document are John A. Jarrell, Airspace & Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by altering the Lafayette, La., transition area as follows:

Lafayette, La.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 1.5 miles each side of the Lafayette ILS localizer north course extending from the OM to the 5-mile radius area; within 2 miles each side of the 276° bearing from the Lake Martin RBN (latitude 30°11'35" N., longitude 91°52'58" W.), extending from the RBN to the 5-mile radius area; within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area of the Lafayette Airport to the 5-mile radius area of the Acadiana Regional Airport (latitude 30°02'15" N., longitude 91°53'00' W.); within a 5-mile radius of the Acadiana Regional Airport; within 3 miles each side of the 348° and 168° bearings from the Acadiana NDB (latitude 29°57'21" N., longitude 91°51'45" W.), extending from the 5-mile radius area of the Acadiana Airport to 8 miles south of the Acadiana NDB; within 3 miles each side of the Lafayette VORTAC 145° radial extending from the 5-mile radius area of Acadiana to 17.5 miles from the Lafayette VORTAC; within 2 miles each side of the Lafayette VORTAC 171° radial extending from the 5-mile radius area of the Lafayette Airport to 8 miles south of the VORTAC; within 2 miles each side of the Lafayette VORTAC 206° radial extending from the VORTAC to the 5-mile radius area of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); within a 5-mile radius of the Abbeville Municipal Airport; within 2.5 miles each side of the Lafayette LOM 208° bearing extending from the 5-mile radius area of the Lafayette Airport to a point 1.5 miles southwest of the 5-mile radius area.

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

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

Issued in Fort Worth, Tex., April 26, 1978.

Paul J. Baker,
Acting Director,
Southwest Region.

[FR Doc. 78-12829 Filed 5-10-78; 8:45 am]

[4910-13]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 78-RM-11]

TEMPORARY RESTRICTED AREAS

Proposed Establishment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This notice corrects a proposed rule on restricted areas in the vicinity of Fort Carson, Colorado Springs, Colo., which appears at 43 FR 17368 in the Federal Register of April 24, 1978. This correction reflects the correct coordinates as they are used in adjacent restricted areas.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTAL INFORMATION: Federal Register Document 78-11130, (Airspace Docket No. 78-RM-11), was published on April 24, 1978, (43 FR 17368), as a notice of proposed rule making with typographical errors. Action is taken herein to correct the last coordinate in R-260D (R-2605D) and the second coordinate in R-2605E.

Drafting Information

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 78-11130 (Airspace Docket No. 78-RM-11) as published on April 24, 1978, page 17368, is amended in the twelfth line from the end of the left column on page 17369 by deleting "Long.

105°19'00"W.;" and substituting "Long. 104°19'00"W.;" therefor, and is also amended in the sixth line from the top of the center column on page 17369 by deleting "Long. 104°15'00"W.;" and substituting "Long. 104°50'00"W.;" therefor.

In addition, the following typographical errors are corrected as follows: In the fourth line from the top in the left column on page 17369, delete "Lat. 38°15'00"N.," and substitute "Lat. 38°55'00"N.," therefor; in the eighteenth line from the bottom of the left column on page 17369, delete "R-260D" and substitute "R-2605D" therefor; and in the sixteenth line from the top of the middle column on page 17369, delete "10°47'00"W.;" and substitute "104°47'00"W.;" therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on May 2, 1978.

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

[FR Doc. 78-12843 Filed 5-10-78; 8:45 am]

[4910-13]

[14 CFR Part 75]

[Airspace Docket No. 78-SW-11]

JET ROUTE

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Jet Route No. 86 between Junction, Tex., and Humble, Tex., via radials that will intersect at the MARCS noncompulsory reporting point. J-86 and J-15 are presently designated from Junction to Humble via Austin, Tex., and J-15 will remain in this position. The effect of this action is to provide an additional jet route that will assist in reducing the congestion in the San Antonio, Tex., area.

DATE: Comments must be received on or before June 7, 1978.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Southwest Region, Attention, Chief, Air Traffic Division, Docket No. 78-SW-11, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention, Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before June 7, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention, Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would realign J-68 between Junction and Humble via the INT of Junction 112°T (102°M) and Humble 269°T (261°M) radials which is located at the MARCS noncompulsory reporting point. This route will by-pass the San Antonio, Tex., and the Austin, Tex., VORTACs and help to reduce the congestion at these locations.[1]

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 714) as follows: In Jet Route No. 86 "Austin, Tex.; Humble, Tex.;" is deleted and "INT Junction 112° and Humble, Tex., 269° radials; Humble;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on May 3, 1978.

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

[FR Doc. 78-12836 Filed 5-10-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208 and 212]

[EDR-351A; Docket 31788; Dated May 5, 1978]

PROPOSED AMENDMENT TO ALLOW SPLIT ALL-CARGO CHARTERS AND SPLIT PASSENGER-CARGO CHARTERS

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of proposed rulemaking.

SUMMARY: The notice extends for 30 days the filing date for comments and reply comments in this rulemaking proceeding, which proposes rules that would allow split all-cargo and passenger-cargo charters. The extension will permit all parties to adequately consider these proposed major changes in the Board's rules. This extended comment period is at the request of British Airways.

DATES: Comments by: June 15, 1978. Reply comments by: July 5, 1978. Comments and other relevant information received after these dates will

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

be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 31788, 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, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTAL INFORMATION: By Notice of Proposed Rulemaking EDR-351, dated March 30, 1978 (43 FR 14519, April 6, 1978), the Board proposed rules which would permit split all-cargo charters and passenger-cargo charters, and asked for comment on re-defining the concept of cargo charters. Comments are due in response to the notice on May 16 and reply comments are due on June 5, 1978.

In a letter dated May 1, 1978, the counsel for British Airways requested an extension until June 15 for the filing of initial comments in this rulemaking. Counsel stated in support of the request that additional time is required to study the economic implications of the proposed changes and to discuss them with their government authorities. These government personnel, as well as those of British Airways, have been extensively involved in the recent bilateral negotiations with the United States and with the high volume of Board rulemaking activity in the charter area.

Upon consideration of the foregoing, the undersigned finds that good cause has been shown for the granting of the requested extension. The date for filing reply comments will also be extended for a corresponding period of 30 days. It does not appear that this extension will prejudice any party to the proceeding.

Accordingly, pursuant to authority delegated in §385.20(d) of the Board's Organization Regulations (14 CFR §385.20(d)), the time for filing of comments and reply comments is extended to June 15, 1978, and July 5, 1978, respectively.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 78-12790 Filed 5-10-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Chapter I]

[Docket No. RM78-12]

INCENTIVE RATE OF RETURN FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Proposed Rulemaking

MAY 8, 1978.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Regulatory Commission (the Commission) hereby gives notice of a proposal to establish certain terms and conditions to the conditional certificates of public convenience and necessity previously issued in the Alaska Natural Gas Transportation System proceeding. The proposed terms and conditions would establish an incentive rate of return on equity to reward the applicants for final certificates for project completion under budgeted cost and penalize them for project completion over budgeted cost.

DATES: Notices of intention to participate by May 19, 1978; written comments by May 31, 1978; reply comments by June 9, 1978.

ADDRESSES: All filings should reference Docket No. RM78-12 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

John Adger, Director, Alaska Natural Gas Project Office, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-275-3827.

SUPPLEMENTARY INFORMATION: Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. section 552, the Natural Gas Act, sections 4, 5, 7, and 16 (15 U.S.C. secs. 717c, 717d, 717f, and 717o), and the Alaska Natural Gas Transportation Act, section 9 (15 U.S.C. sec. 719g), that the Federal Energy Regulatory Commission is considering the adoption of terms and conditions concerning an incentive rate of return on equity on the conditional certificates of public convenience and necessity for the Alaska National Gas Transportation System, issued by the Commission on December 16, 1977 (*Alcan Pipeline Company, et al.*, Docket Nos. CP78-123, CP78-124 and CP78-125).

A. BACKGROUND

The President's "Decision and Report to Congress on the Alaska Natural Gas Transportation System" (the Decision) transmitted to the Congress on September 22, 1977, and approved by both Houses on November 2, 1977, states in the second finance term and condition on pages 36-37 that this Commission shall fix a variable rate of return on equity that will reward the applicant for project completion under budgeted cost and penalize the applicant for project completion over budgeted cost. The Decision also states that the final capital cost estimates filed with this Commission prior to the issuance of a final certificate of public convenience and necessity will be used as the basis for determining the variable rate of return on equity. If final cost estimates materially and unreasonably exceed the comparable capital cost estimates filed by Alcan with the Federal Power Commission on March 8, 1977, this Commission may determine that a certificate should not be issued for the project.

A specific proposal for implementing these conditions of the President's Decision is presented here in the form of a proposed rule. The Commission seeks comments of interested parties on the Commission's proposals and alternatives for a variable rate of return on equity mechanism. In this rulemaking, specific values are not given for a number of key parameters or schedules. This will be done in future rulemakings or orders, but the Commission solicits comments and opinions as to the appropriate values.

B. DISCUSSION OF THE PROPOSED TERMS AND CONDITIONS

The proposed terms and conditions describe a mechanism to implement the proposal in the President's Decision that the equity investors in the Alaska Natural Gas Transportation System be rewarded for completing the project for less than estimated construction costs and penalized for cost overruns. The basic approach is to lower the return on equity during operation as the actual rate base increases relative to the projected rate base. However, incentive rates of return would not actually be employed to calculate the cost of service. Instead, an adjustment to the rate base would be made which is equivalent to the difference between the incentive rate and a normal rate. This rulemaking does not specify a schedule or formula for determining the rate of return for each level of cost control performance; specification of these parameters will be the subject of a subsequent proceeding.

The measure of cost control performance used to establish the variable rate of return will be a cost performance ratio that is described in condition 1. This is the ratio of the conventional or normal rate base to the projected rate base. Condition 2

specifies how the conventional rate base will be calculated; and condition 3 specifies how the projected rate base will be calculated. The projected rate base will be derived from the final capital cost estimate submitted by the applicant, and reviewed by the Commission, after adjustment for inflation and for changes in cost that result from certain changes in scope of the project.

Condition 4 requires that the applicant submit its final cost estimate both in 1975 dollars and in current dollars. The final estimate must be submitted in a format to be specified by the Commission at a later date. Also the March 1977, estimate, referred to in finance condition 2 of the Decision (p. 36), must be resubmitted in the same format. The requirement of comparability in the two cost estimates is necessary so that the Commission can determine the extent to which the final cost estimate exceeds the March 1977, estimate. Condition 5 states that the applicant may submit a proposed format for the final cost estimate to the Commission prior to the submittal of the final cost estimate itself.

The final direct capital cost estimates submitted by the applicant and approved by the Commission will be adjusted for actual inflation experienced in the U.S. economy during the period of construction. This will be done by specifying cost or price indexes for each of the major cost categories in the cost estimate prior to final certification. Again, the applicant is invited to propose to the Commission a format for final cost or price indexes.

One of the most difficult issues in specifying an incentive or variable rate of return scheme is whether to hold the applicant responsible for all cost increases. The Commission believes that there is a limited number of changes in the scope of the basic design and configuration of the project for which the applicant should not be held accountable for purposes of calculating the incentive rate of return. Condition 7 lists those changes in scope, and the Commission invites suggestions for changes in that list. If any of the listed changes in scope occur during the construction of the pipeline, the applicant shall submit a revised final cost estimate that shows how the estimated cost would have been increased if the changes in scope were known before the final cost estimate was approved by the Commission.

The Commission anticipates that the Office of the Federal Inspector, established by ANGTA and elaborated in the Decision, will have a role in recommending that the Commission approve any change in scope which might be allowed. The Commission will provide by rule for that role after the Office of the Federal Inspector has been established.

As a result of the incentive rate of return scheme, equity investors in the Alaska Gas Pipeline Project may be allowed a rate of return on equity by the Commission that is substantially higher or lower than allowed for other gas pipelines. It could be higher because of outstanding performance in controlling costs, or lower because of poor performance in controlling costs. The Commission, however, believes that difficulties may result from an abnormally high or low return on equity extending over the 25-year or longer life of the project. Thus, a better alternative is to make a one-time adjustment to the rate base that to the equity investor is equivalent in present value to the higher or lower rate of return resulting from the incentive rate of return scheme. After making this one-time adjustment to the rate base, this Commission and future Commission would then allow a normal or conventional rate of return on the adjusted rate base that is appropriate for the risks of this project and for the financial conditions at that time. Determination of the rate of return commensurate with the risks involved in this project will be the subject of subsequent Commission action.

Condition 11 specifies how the adjustment to the rate base shall be calculated. The procedure is demonstrated by the following example. Assume that the Commission has determined that the normal rate of return on equity should be 12 percent. This rate of return should then be used by the applicant to calculate both the projected rate base and the unadjusted conventional rate base that form the cost performance ratio. The actual rates of interest on debt experienced during the construction period will be used to calculate the interest component of the allowance for funds used during construction (AFUDC) in both the projected and conventional rate base.

Next, assume that because of superior cost control performance by the applicant, the incentive rate of return specified by the incentive schedule approved by the Commission is 15 percent. In other words, the allowed rate of return on equity has been increased by 300 basis points over the normal rate. Using the 15 percent rate of return, the next step is to project the return of and return on equity over the operating life of the project based upon the conventional rate base and a financing and capitalization plan approved by the Commission. A discounted cash flow calculation is then made to determine the present worth or present value of this time stream of cash flow to equity investors, assuming a discount rate equal to the normal rate of return on equity, or 12 percent. In this example, the present value total will be substantially greater than the equity capital account that would otherwise be assumed for calculating the cost of service of the pipeline. The proposal would require that this present value total shall be assumed to be the amount of equity investment in the equity capital account. Similarly, the total rate base assumed for the pipeline at the time of commissioning[1] will be increased by the difference between the present value total and the conventional or normal equity capital account.

The Commission has attempted to structure its proposal to make equity investors in this pipeline indifferent between this adjustment to the rate base or a rate of return on equity equal to the incentive rate. The Commission believes that the one-time rate base adjustment provides more certainty of reward or penalty to equity investors without prejudicing their future financial condition. We invite comments as to situations in which the equity investors would not be indifferent as between these two methods of reward and penalty for cost control performance.

We request suggestions concerning appropriate values for those parameters not specified in this notice of methodologies or procedures for determining just and reasonable values. Parameters for which values must be determined at a later date include: (1) Incentive rate of return schedule, (2) cost price indexes, (3) cost estimate format, and (4) normal rate of return. The Commission observes that different values of these parameters could be set for the three main segments of the system, i.e., the Alaska Pipeline, Northern Border, and the Western Leg.

C. Alternative Approach

In addition to the described above, the Commission considered an alternative approach to implementing the variable rate of return concept in the President's "Decision." The difference between the two is that the rate of return on equity during the construction period (the equity AFUDC rate) would be varied, rather than making a rate-base adjustment which is the present-value equivalent to the difference in equity return between that for an incentive rate of return and that for a normal rate of return.

The other features of the proposal would remain essentially unchanged. A conventional rate base would be cal-

[1] "Commissioning," in this context, is a term used herein to describe that point in the Commission's procedures where a final certificate has been issued, construction is complete, and service has commenced. See 18 CFR 157.20(c)(3).

culated from actual construction costs using the normal rate of return on equity set by the Commission as the equity AFUDC rate. A projected rate base would be calculated from the final cost estimates submitted by the applicant after adjustment for inflation and changes in scope. From these, the cost performance ratio would be calculated.

In the alternative approach, a schedule relating the performance ratio and the allowed AFUDC equity rate would be specified by the Commission. Upon commissioning of the pipeline, this schedule would be used to determine the allowed AFUDC equity rate. The rate base would be recalculated using this new rate. Thereafter during the operating period of the pipeline, a normal rate of return on equity would be allowed for determining the cost of service. If the incentive AFUDC rate were higher than the normal rate, the rate base would increase, and vice-versa.

The Commission perceives two disadvantages of this alternative approach. The first is that there would be an undesirable reduction in the incentive to control cost overruns near the end of the construction period. At the beginning of construction, a cost overrun has two effects: It lowers the allowed AFUDC equity rate on the previous equity capital investment; additionally, the equity share of the cost overrun will also earn this lower rate for the entire construction period. If, on the other hand, the same cost overrun occurred at the very end of the construction period, only the first effect of the overrun would be experienced. The allowed equity AFUDC rate would be lowered on the already invested equity, but there would be no effect on the new equity to finance the cost overrun. This equity investment would almost immediately begin to earn the normal rate of return on equity instead of the incentive rate as the pipeline begins operations.

The second disadvantage is that the schedule relating cost performance to the AFUDC rate would have to provide a much broader range of rates of return in order to have the same incentive effect as the proposal of varying the rate of return during operation. This results from the fact that the AFUDC equity rate only applies during the three-to-five-year construction period while the incentive rate during the operating period would apply for at least twenty years.

The following table presents an example that compares the incentive rate of return approach proposed in this rulemaking to the alternative of adjusting the AFUDC equity rate. The table gives a range of values for the incentive rate of return during operation and the equivalent values for the AFUDC equity rate that would produce the same rate base at the start of pipeline operations. This table uses as an example a purely hypothetical pipeline with direct construction costs of $614 million spread over three years. $116 million is spent the first year, $243 million the second year, and $255 million the third year. The normal rate of return on equity both during construction and operation is assumed to be 12 percent and the rate of interest on debt is assumed to be 10 percent.

The table demonstrates that the AFUDC equity rate must be increased or decreased by a large amount to have the same effect as a much smaller change in the equity rate during operation. An 18 percent return during operation is equivalent to a 40.2 percent AFUDC rate when compared to the normal rate of 12 percent. For rates of return during operation below a level of approximately 10 percent, the equivalent AFUDC rate of return is negative, resulting in a negative AFUDC on equity. A 6 percent return during operation is equivalent to a 36 percent AFUDC rate in this hypothetical example.

The major advantage of the alternative, however, is that no new procedure would be required for adjusting the rate base as is used in the incentive rate of return approach in the proposed terms and conditions. Adjusting the equity AFUDC rate automatically adjusts the rate base.

Comparison of incentive role of return (ROR) methods

Variable equity ROR during operation				Variable equity ROR during construction		
Equity ROR	Present value of equity cash flow	Adjustment to rate base	Adjusted rate base	Equity ROR	AFUDC on equity	Rate base
	(Million dollars)				(Million dollars)	
6.0 pct	85	−77	623	−36.3 pct	−53.2	623
9.0 pct	123	−39	662	−8.2 pct	−14.5	662
12.0 pct	162	0	701	12.0 pct	24.6	701
15.0 pct	200	38	739	27.4 pct	63.0	739
18.0 pct	239	77	778	40.2 pct	101.7	778

NOTE.—Initial adjusted rate base at 12 pct AFUDC equity ROR is composed of $614.1 direct capital costs, $24.6 equity AFUDC, and $62.2 debt AFUDC. The debt capitol ratio is 0.75.

D. INCENTIVE RATE OF RETURN SCHEDULE

Though this rulemaking does not propose a specific schedule relating the cost performance ratio to the incentive rate of return on equity, we believe it is useful to discuss the key considerations in choosing a schedule. We solicit comments or suggestions about these or any other factors that are important.

In order to illustrate this discussion, the following table gives four hypothetical schedules. Each schedule gives the average rate or overall rate of return on equity that would be allowed for each level of the cost performance ratio. Also provided is the marginal rate of return, which, is described below.

The Commission believes that four factors are important in choosing the appropriate incentive rate of return schedule:

1. CENTER POINT

The normal rate of return on equity for this pipeline including a premium for any abnormal risks should be allowed if the pipeline is built at "budgeted cost" (the term in the President's "Decision"). The issue then is whether budgeted cost is the final cost estimate to be submitted by the applicant with no expected cost overruns included or whether the Commission should include some cost overruns in the term budgeted cost? The answer to this question may very well depend on how much the final cost estimate submitted by the applicant differs from the March, 1977, estimate. If the final estimate "materially and unreasonably" exceeds the original, the President's "Decision" allows this Commission to not issue a final certificate.

Alternatively, the Commission could use these final cost estimates as the basis for the incentive rate of return schedule, but the normal rate of

return would only be allowed if actual costs were equal to or even less than the final cost estimate. In the four hypothetical schedules, the normal rate of return is assumed, for purely illustrative purposes only, to be 12 percent. This rate of return is allowed if the cost performance ratio is 1.3. In other words, the rate of return would only be reduced to below normal if actual costs exceeded budget costs by more than 30 percent, which is approximately the cost overrun expected in the report which accompanies the President's "Decision". The setting of this central point of the schedule will depend on such factors as the relationship between the final cost estimate and the likelihood that the pipeline will experience cost overruns.

Hypothetical incentive rate of return schedules

Performance ratio	Average (marginal) rate of return			
	I	II	III	IV
0.8	19.50 (0)	16.38 (5)	22.63 (−5)	17.63 (5)
0.9	17.33 (0)	15.11 (5)	19.56 (−5)	16.22 (4)
1.0	15.60 (0)	14.10 (5)	17.10 (−5)	15.00 (3)
1.1	14.18 (0)	13.27 (5)	15.09 (−5)	13.91 (2)
1.2	13.00 (0)	12.58 (5)	13.42 (−5)	12.92 (1)
1.3	12.00 (0)	12.00 (5)	12.00 (−5)	12.00 (0)
1.4	11.14 (0)	11.50 (5)	10.79 (−5)	11.14 (−1)
1.5	10.40 (0)	11.07 (5)	9.73 (−5)	10.33 (−3)
1.6	9.75 (0)	10.68 (5)	8.81 (−5)	9.56 (−4)
1.7	9.18 (0)	10.35 (5)	8.00 (−5)	8.82 (−4)
1.8	8.67 (0)	10.06 (5)	7.28 (−5)	8.11 (−5)
1.9	8.21 (0)	9.79 (5)	6.63 (−5)	7.42 (−6)
2.0	7.80 (0)	9.55 (5)	6.05 (−5)	6.75 (−7)

NOTE.—The values in all schedules are based on the formula:

$$r_i=(R_{i+1}A_{i+1}-R_iA_i)/(A_{i+1}A_i)$$

where r=marginal rate of return
R=average rate of return
A=cost performance ratio
i=step in the schedule

2. RANGE OF VALUES

The second important issue is the range of values in the schedule. Should the rate of return fall rapidly as costs exceed budgeted costs? Should the rate allowed be substantially higher than normal if the pipeline is built for less than budgeted cost? Should the schedule be symmetrical around the central point? In other words, should the penalty for overruns be different from the reward for underruns? In these four hypothetical schedules, schedule II has the smallest range of values, schedule III the largest.

If the pipeline sponsors are confident that they will not experience significant cost overruns, it would be to their advantage to have a symmetrical schedule with a broad range of values. Thus the incentive rate of return would be substantially larger than normal when the cost performance ratio is low. On the other hand, a narrow range of values may be desired if there is a great deal of uncertainty about project costs.

3. MARGINAL RATE OF RETURN

The hypothetical schedules give an estimate of the marginal rate of return on equity. This is the rate of return that the sponsors will, in effect, receive on each additional dollar of equity investment needed to finance cost overruns. As an example, suppose that construction costs are such that the cost performance ratio is 1.3 in these schedules. Schedule I provides that existing equity investment will earn a rate of 12 percent, but than an additional dollar will earn a zero rate. Obviously low rates of return are not actually contemplated, but this schedule is equivalent to two rates, an average rate and a marginal rate. As cost overruns occur and since the marginal rate is less than the average, the average will fall.

Schedule I has a constant marginal rate of zero. Schedule II has a constant positive marginal rate of 5 percent. Schedule III has a negative marginal rate of −5 percent, schedule IV has a variable marginal rate ranging from −5 to −7 percent. Schedules with higher marginal rates also have the smaller range in values for the average rate.

The marginal rate is a key factor in choosing a schedule since it is this rate that determines the incentive to control cost overruns. A higher marginal rate provides less incentive than a near-zero or negative rate. A marginal rate near the opportunity cost of equity capital for the pipeline sponsors will create almost no incentive to control cost overruns since the sponsors will be receiving a near normal rate of return on the equity invested to finance the overrun. In addition, if the investment tax credit is considered, the actual marginal rate could be substantially higher than shown here. In schedule IV, the marginal rate declines, and thus the incentive to control overruns increases as the performance ratio increases.

4. CONSUMER SHARE OF COST OVERRUNS

Without the incentive rate of return mechanism, consumers would normally pay for any increases in construction costs as these costs would be included in the rate base if found to be prudently incurred. However, in this case, cost overruns also lower the rate of return on equity, which results in effect, in a sharing by equity investors in the cost overruns. Calculating the share of cost overruns incurred by consumers and by equity investors requires a number of assumptions about the capitalization of the pipeline and maturities of the debt component of the invested capital, and has not been attempted here. However, this fact will be considered by the Commission in choosing the schedule.

The final issue concerning the incentive rate of return schedule is when should the Commission establish the schedule? On the one hand, it should be set as soon as possible in order that sponsors of the pipeline will know the conditions under which they are expected to build the pipeline. On the other hand, the Commission can not finally choose a schedule until the final cost estimates are available.

E. WRITTEN COMMENT PROCEDURES

The Commission invites interested persons to submit written data, views and other information concerning the matters set forth in this notice. An original and 14 copies should be filed with the Secretary of the Commission by May 31, 1978. Comments should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM78-12.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours.

The Commission intends that persons participating in this proceeding should serve their comments on other

participants, and have an opportunity to reply to initial comments in response to this notice. Thus, in order that parties serve their initial comments on other parties and have the opportunity to reply to initial comments, any person intending to file initial comments shall notify the Secretary in writing on or before May 19, 1978, of his or her intention to participate. A service list will be prepared and mailed to those who have stated an intention to participate. Initial comments shall be filed with the Secretary as stated above, and in addition, each party shall serve initial comments on parties on the service list by May 31, 1978. Parties may file reply comments with the Secretary in accordance with the procedures set forth above, and shall serve them upon parties on the service list by June 9, 1978.

In consideration of the foregoing, it is proposed that the following terms and conditions be attached to the conditional certificates of public convenience and necessity issued by the Commission on December 16, 1977 ("Alcan Pipeline Co., et al.", Docket Nos. CP78-123, CP78-124, and CP78-125), as set forth below.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

TERMS AND CONDITIONS

DEFINITIONS

For purposes of the following terms and conditions, the Alaska Natural Gas Transportation System within the United States as specified in the President's "Decision and Report to Congress on the Alaska Natural Gas Transportation System" (the "Decision"), transmitted to Congress on September 22, 1977, and approved by both Houses on November 2, 1977, will be divided into three pipelines: (1) The portion of the system within the State of Alaska, (2) the portion of the system from the United States/Canada border near Monchy, Saskatchewan, to a point near Dwight, Ill., and (3) the portion of the system from the United States/Canada border near Kingsgate, British Columbia, to the State of California. In the following terms and conditions the term pipeline refers to each of the three pipelines, and the terms and conditions apply to each. The schedules, parameters, or variables to be established by the Commission in order to implement the following terms and conditions may be different for each of the three pipelines that compose the Alaska natural gas transportation system. The term system will refer to the entire Alaska natural gas transportation system in the United States.

TERMS AND CONDITIONS

(1) *Cost Performance Ratio.* Pursuant to the second finance term and condition of the President's "Decision," the rate of return on equity allowed during the operating period of the pipeline will be increased if the pipeline is completed under budgeted cost and lowered if the pipeline is completed over budgeted cost. The basis for determining the allowed rate of return will be a cost performance ratio. This is the ratio of the conventional or normal rate base or gross plant in service. The conventional rate base is defined in Condition 2, and the projected rate base is defined below in Condition 3. The Commission will determine at a later date a schedule or formula that will specify the allowed rate of return for each value of the cost performance ratio.

(2) *Conventional Rate Base.* The conventional rate base will be determined by established principles and will be based on actually experienced capital or construction costs found by the Commission to be prudently incurred with an allowance for funds used during construction (AFUDC). The AFUDC will be based on the amount of debt and equity outstanding during construction, the actual interest rates paid on the debt, and a normal or conventional rate of return on equity to be established by the Commission pursuant to Condition 8.

(3) *Projected Rate Base.* The projected rate base will be based on the final cost estimate submitted to and approved by the Commission pursuant to Condition 4 after adjustment for inflation pursuant to Condition 6 and for changes in scope pursuant to Condition 7. The amount of AFUDC included in the projected rate base will be based on the actual interest rates experienced during construction, on the amounts of debt and equity that would have been outstanding if the expenditures for construction as projected in the final cost estimate after adjustment for inflation and changes in scope had actually occurred, and on the normal return to equity to be specified by the Commission.

(4) *Final Cost Estimate.* Pursuant to the second finance condition in the President's "Decision," the applicant shall submit to the Commission a final direct capital cost estimate in 1975 constant dollars adjusted to reflect any design changes that result from the Agreement on Principles with Canada and any Addendum thereto. This final cost estimate must also be submitted in a format and with costs set forth in categories to be specified by the Commission (see Condition 5). The March, 1977, cost estimate referred to in the second finance term and condition in the "Decision" (p. 36), must also be resubmitted in the same format for comparability with the final cost estimate. An explanation for any significant differences between cost components in the March, 1977, and in the final cost estimate must be provided. The Commission reserves the right to withhold certification if the final cost estimate materially and unreasonably exceeds the cost estimate submitted by the applicant in March, 1977.

(5) *Cost Estimate Format.* In order to assure comparability between cost estimates submitted by the applicant and to measure the impact of changes in scope, all cost estimates must be submitted in a format or according to specifications to be determined by the Commission. Prior to submittal of the final design cost estimate, the applicant may submit a proposed format for these estimates. The format proposal should specify the cost components of the estimate broken down by pipeline segment, pipeline facility, timing of expenditure, and cost category. The breakdown of costs in the format shall be in sufficient detail that the Commission may compare the various cost estimates and determine the reasonableness of any changes.

(6) *Adjustment for Inflation.* For each major cost category or component of the final cost estimate, the Commission will specify a price or cost index that will be used to measure the increase in costs due to general inflation in the economy. Each cost or price index will be an existing index that is widely used to measure the increase in prices or costs for that category of commodities or services. The Commission will give first preference to indexes published by the U.S. Government, but indexes calculated by private institutions may also be used if they are widely used and generally accepted. The applicant may submit to the Commission proposed price or cost indexes along with his proposed cost estimate format referred to in Condition 5. The price or cost indexes specified by the Commission will be used to convert the constant dollar estimates in the final cost estimate into current dollar estimates prior to calculating the projected rate base.

(7) *Changes In Scope.* Prior to calculating the projected rate base for purposes of determining the cost performance ratio, the final cost estimate will be adjusted to reflect increases and decreases in cost that result from a limited number of changes in scope of the project. For the changes in scope that occur, the applicant shall submit a revised final cost estimate showing how the changes in scope would have altered the cost estimate if the changes in scope and the time of their occurrence were known prior to submitting the final cost estimate. The revised cost estimate will reflect the fact that the changes in scope occurred during the construction period and thus may result in a larger cost change than if they occurred prior to the start of construction. The revised final cost esti-

mate must be submitted in the format specified by the Commission pursuant to Condition 5, and all changes in the final cost estimate must be explained and justified. Except for changes in cost assumptions resulting from the changes in scope, all other assumptions in the cost estimate such as assumptions about labor productivity or prices of labor and materials shall remain unchanged. The changes in scope for which changes in the final cost estimate shall be made are limited to the following:

1. Changes in volumes and location of gas inputs to the system, in volumes and location of gas offtakes from the system, compression or horsepower requirements, and refrigeration requirements;

2. Changes in pipeline size or operating pressure;

3. Delay in date of startup or initial operation of the system due to delays in completion of the pipeline segments in Canada or delays in delivery of gas by the gas producers or sellers;

4. Changes in design or location of pipeline segments and related facilities in order to be compatible with facilities or pipeline segments in Canada;

5. Changes in design or location of the pipeline and related facilities that meet three conditions: they (a) are necessary to meet environmental protection requirements by the Federal or State governments, (b) could not reasonably have been anticipated by the applicant prior to submission of final cost estimate, and (c) would not otherwise be necessary to protect the integrity of the pipeline, public health and safety, or neighboring facilities and structures;

6. Changes in Federal and State laws and regulations that occur after the submission of the final cost estimates and require changes in the design or routing or the system or significantly effect costs of construction for the system.

(8) *Normal Rate of Return.* Prior to final certification, the Commssion shall specify a normal rate of return on equity for this pipeline that is within the general range for rates of return for other pipelines allowed by the Commission. This rate of return on equity will be determined separately and independently from the incentive rate of return. This rate of return will reflect, or compensate equity investors for, any unusual risks asssociated with this pipeline. Throughout the construction or operation of the pipeline pursuant to Section 5 of the Natural Gas Act, the Commission may alter this rate of return to reflect changes in rates of return allowed on other pipelines, the need to attract capital for expansion of the system, or to provide just and reasonable compensation to equity investors including consideration of any abnormal risks that may be associated with this pipeline that are not common to other pipelines.

(9) *Cost of Service Calculation.* Instead of calculating the cost of service of the pipeline over the operating life based on what may possibly be an abnormally high or low rate of return on equity equal to the incentive rate, the cost of service will be based on a normal return on equity established pursuant to Condition 8 and on an adjusted rate base. The adjustment to the rate base is designed so that from the point of view of the equity investors the adjusted rate base and the normal rate of return will offer a stream of income over the life of the project that is equivalent in present value terms to the unadjusted rate base and the incentive rate of return.

(10) *Adjustment to Rate Base.* For purposes of calculating the allowed cost of service, the rate base and the equity capital account at the time of commissioning the pipeline will be adjusted either up or down by an amount to be calculated in three steps. First, the return of equity and the after-tax return on equity over the life of the system will be estimated based on the unadjusted rate base determined pursuant to Condition 2 above, on an after-tax rate of return on equity capital equal to the incentive rate, and on a financing and capitalization plan approved by the Commission. Second, the present worth or present value of this time stream of return to and of equity will be calculated using a discount rate equal to the normal rate of return on equity established pursuant to Condition 8. Third, the equity capital account set at the time of commissioning will be equal to this present value total. The rate base will be assumed to be increased or decreased by the same amount as the equity capital account is increased or decreased.

[FR Doc. 78-12910 Filed 5-10-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[PP 6F1713/P75; FRL 894-3]

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

Proposed Tolerances for the Pesticide Chemical Terbacil

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

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide terbacil. The proposal was submitted by E. I. du Pont de Nemours & Co. This amendment to the regulations would establish a maximum permissible level for residues of terbacil on mint hay.

DATE: Comments must be received by June 12, 1978.

ADDRESS: Comments to: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 202-426-2632.

SUPPLEMENTARY INFORMATION: On January 19, 1976, notice was given (41 FR 2671) that E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, had filed a petition (PP 6F1713) with the EPA. This petition proposed to amend 40 CFR 180.209 by increasing the established tolerance for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on the raw agricultural commodity mint hay (peppermint and spearmint) from 0.1 part per million (ppm) to 1 ppm and by expanding the tolerance to include both the parent terbacil and its hydroxylated metabolites (calculated as terbacil). (After the issuance of this notice in the FEDERAL REGISTER, an order was published on June 10, 1976 (41 FR 23386), expanding the terbacil regulation to include the hydroxylated metabolites.)

Subsequently, the petitioner amended the petition by increasing the proposed tolerance from 1 ppm to 2 ppm. Because of the potential increase in exposure to humans of terbacil residues, the tolerance is being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included an acute oral toxicity study in the rat, which yielded a lethal dose (LO_{50}) value greater than 7.5 grams/kilogram (kg) of body weight; a two-year rat-feeding study with a no-effect level (NEL) of 250 ppm; a two-year dog-feeding study with an NEL of 50 ppm; a three-generation rat reproduction study with an NEL of 250 ppm; a teratogenic study conducted in conjunction with the reproduction study (negative); and a mutagenicity assay in a bacterium-bacteriophage system (negative).

The teratogenic potential of terbacil must be reevaluated upon reregistration or if tolerances requested in the

future will significantly affect the theoretical maximal residue contribution (THRC). For purposes of this tolerance, the teratogenicity data were considered adequate to assess the hazard. Expansion and completion of mutagenicity testing will be requested upon finalization of EPA requirements for such testing.

The requirement of an oncogenicity study in a second mammalian species will not be fulfilled until September 1980. In the event that the oncogenicity study should give any indication of potential or actual adverse effects, the Agency will revoke this tolerance. The petitioner also agreed in a letter to the Agency on December 16, 1977, to remove the use from the label should the results of the oncogenicity study exceed the risk criteria for chronic toxicity in 40 CFR 162.11. Thus, it has been determined that the tolerance of 2 ppm can be established at this time.

Tolerances have previously been established for residues of terbacil on a variety of raw agricultural commodities at levels ranging from 5 ppm to 0.1 ppm, including tolerances on spearmint hay and peppermint hay at 0.1 ppm. The established tolerances add up to an TMRC of 0.076 mg (milligram)/day for a 60-kg man. The proposed tolerance will contribute such a small amount of residue to the diet that it is impractical to include the amount. Thus, since only about 10 percent of the calculated acceptable daily intake (ADI) is used up by the established tolerances, the ADI for terbacil will not be exceeded by the proposed tolerance. (The ADI is 0.012 mg/kg of body weight, and the maximum permissible intake for a 60-kg man is 0.72 mg/day.)

No regulatory actions against the registration of terbacil are pending. The most relevant consideration for supporting the proposed tolerance is that human exposure, for all practical purposes, will not be affected by the 2 ppm residue on mint hay. The metabolism of terbacil is adequately understood, and an adequate method of analysis (gas chromatography using a microcoulometric detector) is available for enforcement purposes. There is no reasonable expectation of residues in eggs or poultry as delineated in 40 CFR 180.6(a)(3). The established tolerances for residues in meat and milk are adequate to cover secondary residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2).

The pesticide is considered useful for the purpose for which a tolerance is sought and it is concluded that the tolerance of 2 ppm established by amending 40 CFR 180.209 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Gungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, June 12, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP7E2001/P64". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the FEDERAL REGISTER from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: May 4, 1978.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

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

It is proposed that Part 180, Subpart C, section 180.209 be amended by alphabetically inserting a tolerance of 2 ppm in or on mint hay (peppermint and spearmint) in the list of commodities in paragraph (b) to read as follows:

§ 180.209 Terbacil; tolerances for residues.

* * * * *

(a)* * *

(b)* * *

Commodity:	*Parts per million*
* * * * *	
Mint hay (peppermint and spearmint).....	2
* * * * *	

[FR Doc. 78-12795 Filed 5-10-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-129; RM-3008; RM-3009]

FM BROADCASTING STATIONS IN YERMO AND MOUNTAIN PASS, CALIF.

Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of Class B FM channels to Yermo, Calif., and Mountain Pass, Calif. Petitioner, Howard Anderson, claims that the proposed stations would provide aural broadcast service to the larger numbers of people traveling on Interstate Hwy 15.

DATES: Comments must be received on or before June 27, 1978, and reply comments on or before July 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Revised copy of the Notice of Proposed Rule Making in BC Docket No. 78-129 (RM's-3008 and 3009), adopted April 7, 1978, and released April 21, 1978.

Adopted: April 28, 1978.

Released: May 5, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Yermo and Mountain Pass, Calif., BC Docket No. 78-129, RM-3008, RM-3009.

1. The Commission has before it two petitions[1] filed by Howard Anderson ("petitioner"), proposing the assignment of Class B FM Channels 251 and 258 to Yermo, Calif., and Mountain Pass, Calif., respectively, as those communities' first FM assignments. The proposed assignments could be made in conformity with the minimum distance separation requirements provided the transmitter site at Yermo is located approximately 10 kilometers (6 miles) north of Yermo, and 19 kilometers (12 miles) northeast of Barstow, Calif. Neither community has any local aural broadcast service.

2. Yermo (pop. 1,304), in San Bernardino County (pop. 682,233),[2] is located approximately 18 kilometers (11 miles) east of Barstow, California, and about 144 kilometers (90 miles) from the California border along Interstate Hwy. 15.

3. Mountain Pass (pop. less than 100),[3] in San Bernardino County, is located approximately 16 kilometers (10 miles) west of the California-Nevada border along Interstate Hwy. 15, and about 112 kilometers (70 miles) northwest of Needles, Calif.

4. These two proposals are being considered in a single proceeding because the arguments in favor of the assignments rest on essentially the same showing of the need for service

[1] Public Notice of the petitions were given on December 14, 1977, Report No. 1093.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[3] Petitioner's estimate.

to an area along Interstate Hwy 15.[4] Although petitioner acknowledges the sparse permanent population along the portion of the highway which passes through this desert area, it estimates that 8 million people traveled the 150-mile stretch between Barstow, Calif., and Las Vegas, Nev. According to petitioner, there are no AM or FM stations and no means of public communication in this entire area. He contends that radio stations from adjoining metropolitan areas penetrate only a portion of the proposed service area and cannot provide effective service to the people traveling the highway because of their obligation to serve all the people living in their metropolitan coverage areas. Petitioner also asserts that the proposed assignments to Yermo and Mountain Pass would provide for a first aural broadcast service which would feature important local highway and weather information, news, public interest and entertainment features. He adds that while he indends to operate the proposed station in Yermo and Mountain Pass to serve the needs and interests of the respective communities, much attention will be given to serving the needs and interests of the mobile population passing daily through Interstate Hwy 15.

5. Although it has been the usual Commission policy to assign Class B channels only to communities of over 10,000 persons, exceptions have been made where it is necessary to provide service to unserved or underserved areas and populations. In these cases we based our decision on a showing that first or second FM and nighttime aural service could result if the channels were to be assigned. Petitioner alleges that both first and second FM service would be provided to Yermo and Mountain Pass if the proposed assignments were made. With this in mind, there appears to be a basis for considering whether these proposals warrant an exception to our general policy. However, as indicated below, additional showings on such first and second service are required.

YERMO

6. In its preclusion study, petitioner shows eight[5] communities with populations over 1,000 which would be precluded as a result of the assignment of Channel 251 to Yermo. Of these eight communities, six are without an FM assignment or local AM service (China Lake, Fort Irwin, Searles Valley, Nebo Center, Lenwood, and California City). The remaining two have an AM station and FM assignment. Petitioner is requested to indicate whether alternate channels are available for assignment to the six communities which have no FM assignments.

7. Although petitioner has submitted *Roanoke Rapids*[6] and *Anamosa*[7] showings of first and second service, coverage is based on the present facilities of FM stations. Petitioner is requested to submit a proper *Roanoke Rapids* showing based on a Class B FM station operating at Yermo, with proposed maximum facilities (50 kW and 152 meters (500 feet) AAT), existing stations operating with reasonable facilities values (or greater in the event the station is already authorized greater facilities) and stations on all unoccupied assignments in the area operating with reasonable facilities values. We also note that a number of stations which should have been considered are not included in petitioner's study. Also, the location of some 1 mV/m contours, including those of Stations KOLA, San Bernardino, KDUO, San Bernardino, KBIG, Los Angeles, and KNX, Los Angeles, needs to be depicted with greater accuracy.

MOUNTAIN PASS

8. Seven communities[8] of over 1,000 population would be precluded on one or more channels as a result of the proposed assignment of Channel 258 to Mountain Pass. Of these seven communities, Eagle Mountain is without an FM assignment and local AM service. The remaining six have one or more AM stations and FM assignments with the exception of Boulder City, which has an FM assignment but no local AM service. Petitioner is requested to indicate in comments whether an alternate FM channel is available for assignment to Eagle Mountain.

9. Petitioner's *Roanoke Rapids* and *Anamosa* showings indicate a Mountain Pass station, operating with maximum facilities, would provide first and second FM services to a 5,928 square kilometers (1,903 square miles) and 3,582 square kilometers (1,383 square miles) area, respectively. However, no data has been submitted as to the population residing these areas. Since the above showings were based on facilities of stations presently in operation, a proper *Roanoke Rapids* study made in accordance with the *Roanoke Rapids* values, would show that the second FM service would be 40 to 50 percent less than indicated. The missing information should be provided.

10. Because Mountain Pass' status is not clear, some additional information is needed before the channel could be assigned, namely:

(a) Information which demonstrates whether Mountain Pass in fact is a community. This information should include economic, political and cultural data, and any other information which could demonstrate that Mountain Pass is a community.

(b) Information as to the permanent population of the unincorporated area in which petitioner claims Mountain Pass is situated, the unofficial boundary of the community and the location of the community relative to any neighboring unincorporated communities.

11. Since Yermo and Mountain Pass are located within 320 Kilometers (199 miles) of the United States-Mexico border, proposed Channels 251 and 258 to Yermo and Mountain Pass, California, respectively, require coordination by the Mexican Government.

12. Comments are invited on the following proposals to amend the Table of Assignments with regard to the communities of Yermo and Mountain Pass, California, as follows:

City	Channel No.	
	Present	Proposed
Yermo, Calif		251
Mountain Pass, Calif		258

13. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

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

14. Interested parties may file comments on or before June 27, 1978, and reply comments on or before July 17, 1978.

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

APPENDIX

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

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-

[4] The main highway between Los Angeles and Las Vegas.

[5] California: China Lake (pop. 11,105); Ridgecrest City (7,629); Fort Irwin (2,991); Searles Valley (3,838); Nebo Center (1,828); Lenwood (3,834); and California City (1,309).

[6] *Roanoke Rapids-Goldsboro, N.C.*, F.C.C. 2d 672 (1967).

[7] *Anamosa-Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

[8] Nevada: Boulder City (pop. 5,223); Henderson City (16,395); Las Vegas City (125,787); California: Eagle Mountain (2,453); Needless (4,051); Utah: St. George (7,087); Arizona: Kingman (7,312).

submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

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

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

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

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

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

[FR Doc. 78-12856 Filed 5-10-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-129; RM-3008; RM-3009]

FM BROADCAST STATIONS IN BARSTOW, YERMO AND MOUNTAIN PASS, CALIF.

Proposed Changes in Table of Assignments; Order Setting Aside Notice of Proposed Rule Making

AGENCY: Federal Communications Commission.

ACTION: Order withdrawing notice of proposed rule making.

SUMMARY: Action taken herein sets aside the original Notice of Proposed Rule Making concerning proposed FM channel assignments in Barstow, Yermo and Mountain Pass, Calif. This action is taken because after further consideration the Commission believes it is preferable to offer petitioner Howard Anderson's own proposal for comment.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: April 28, 1978.

Released: May 5, 1978.

Order. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Barstow, Yermo and Mountain Pass, Calif. BC Docket No. 78-129, RM-3008, RM-3009.

1. The Commission has before it the Notice of Proposed Rule Making adopted April 7, 1978, and released April 21, 1978.

2. Petitioner, Howard Anderson, had suggested class B assignments to Yermo and Mountain Pass, Calif. but the Notice did not follow petitioner's urgings in regard to a possible Yermo assignment. Instead, it proposed assigning the channel to nearby Barstow, Calif.

3. On our own motion we are reconsidering the adoption of the original Notice. After further consideration we believe it is preferable to offer petitioner's own proposal for comments.[1] Therefore, we are rescinding the earlier action adopting the Notice and separately we are issuing a revised Notice instead.

4. *It is ordered,* That the original Notice in this proceeding is set aside.

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

[FR Doc. 78-12855 Filed 5-10-78; 8:45 am]

[6712-01]

[47 CFR Part 83]

[SS Docket No. 78-146; FCC 78-296]

PERMITTING SHIP RADIOTELEGRAPH STATIONS TO COMMUNICATE WITH AMATEUR STATIONS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule making.

SUMMARY: This document proposes the deletion of certain sections of the Commission's rules and regulations relating to the granting of licenses, modification of licenses, renewal of license, or special temporary authorization permitting a ship radiotelegraph station to communicate with amateur stations. These rules no longer serve any useful purpose in the present regulatory scheme, consequently, the Commission is proposing to delete them from the regulations.

DATES: Comments must be received on or before June 12, 1978, and Reply Comments must be received on or before June 22, 1978.

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

FOR FURTHER INFORMATION CONTACT:

John C. K. Hays, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: April 26, 1978; Released: May 9, 1978. By the Commission:

1. Notice of Proposed Rulemaking in the above-entitled matter is hereby given.

2. Under sections 83.50 and 83.70 of the rules, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization permitting a ship radiotelegraph station on board a vessel not engaged in commerce or a vessel used, or intended to be used, for scientific research or expedition, to transmit by means of Class A1 or A2 emission on authorized ship telegraph frequencies within the band 2000 kHz to 25,000 kHz, for the purpose of exchanging radiotelegraph communications directly with licensed amateur stations on land. This authorization may only be granted upon a showing that: (1) Unusual circumstances make direct communications with amateur stations extremely beneficial to persons on board or to persons responsible for the scientific expedition; (2) messages will not relate to commercial communications; and (3) no harmful inteference will result to stations in the maritime mobile service nor to stations in the radiolocation service.

3. It now appears that these rule sections, which were adopted in 1939, serve no useful purpose under the present regulatory scheme. A review of our license file disclosed that no ship station is presently authorized under these sections to communicate with amateur stations. Moreover, if communications between a vessel and amateur stations is desired, an amateur mobile station, which is a radio installation separate from the ship station, can be operated aboard the vessel provided the operator is a licensed amateur and the requirements of sections 97.101 and 97.114 of the Amateur Rules are observed. We, therefore, are proposing to delete sec-

[1] This does not preclude comments on behalf of assigning the channel to Barstow.

tions 83.50 and 83.70, as shown in the attached Appendix.

4. The proposed amendments to the rules as set forth in the Appendix are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before June 12, 1978, and reply comments on or before June 22, 1978. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

6. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 83.50 [Deleted]

1. Section 83.50 is deleted and designated as [Reserved].

§ 83.70 [Deleted]

2. Section 83.70 is deleted and designated as [Reserved].

[FR Doc. 78-12895 Filed 5-10-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

Office of Hazardous Materials Operations

[Docket No. HM-144; Notice No. 78-5]

[49 CFR Parts 173 and 179]

SHIPPERS: SPECIFICATION FOR PRESSURE TANK CAR TANKS

AGENCY: Materials Transportation Bureau, Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: As a result of a series of recent serious railroad accidents involving certain uninsulated pressure tank cars transportating hazardous materials, it is proposed to shorten the period of time for the retrofit program specified in this Docket under Amendments numbered 173-108 and 179-19 as follows:

1. Existing specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane, whose owners have elected to retrofit with jacketed insulation and integral tank head protection (known as the "J" retrofit), would have to be retrofitted over a 3-year period ending on December 31, 1980 (existing deadline: December 31, 1981).

2. Existing specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride and butane, whose owners have elected to retrofit with a nonjacketed thermal protection system and tank head protection (known as the "T" retrofit) would have to be retrofitted with tank head protection over a 2-year period ending December 31, 1979 (existing deadline: December 31, 1981), and with the nonjacketed thermal protection system over a 3-year period ending on December 31, 1980 (existing deadline: December 31, 1981).

3. Existing specification 112 and 114 tank cars used to transport anhydrous ammonia would be required to be retrofitted with tank head protection over a 2-year period ending on December 31, 1979 (Existing deadline: December 31, 1981).

4. Existing specification 112 and 114 tank cars, regardless of the hazardous lading being transported, would have to be retrofitted with special couplers designed to resist coupler vertical disengagements over a time period ending on December 31, 1978 (existing deadline: June 30, 1979).

ADDRESS: All written comments received in this proceeding are available for examination during regular business hours in room 6500, Transpoint Building, 2100 Second Street SW., Washington, D.C.

DATE: Comments by June 26, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, 202-426-2748.

SUPPLEMENTARY INFORMATION: This Notice is the result of the joint efforts of the Federal Railroad Administration (FRA) and the Materials Transportation Bureau (the Bureau). In accordance with internal DOT procedures, the FRA has developed the substantive proposals of this Notice for review and issuance by the Bureau. Accordingly, further information concerning substantive provisions of this Notice may be obtained from the above contact.

BACKGROUND INFORMATION

EMERGING NEED FOR EXPEDITED RETROFIT

On September 15, 1977, the Bureau published in the FEDERAL REGISTER (42 FR 46306) a final rule concerning specifications for tank cars which included the following timetable:

1. Existing specification 112 and 114 tank cars used to transport flammable gases were to be retrofitted with thermal and tank head protection (such as a "head shield") over a 4-year period ending on December 31, 1981.

2. Existing specification 112 and 114 tank cars used to transport anhydrous ammonia were to be retrofitted with tank head protection (such as a head shield) over a 4-year period ending on December 31, 1981.

3. All specification 112 and 114 tank cars were to be equipped with special couplers designed to resist coupler vertical disengagements. These couplers were to be retrofitted on all cars by July 1, 1979.

The recent major accidents at Pensacola, Fla., on November 9, 1977, at Waverly, Tenn., on February 22, 1978, and at Lewisville, Ark., on March 29, 1978, in combination with an incident of apparent vandalism near Youngstown, Fla., on February 26, 1978, have again focused attention on measures to improve the safety of rail transportation of hazardous materials. In the decade prior to the issuance of these new tank car safety requirements, under Amendments 173-108 and 179-19, 20 persons were killed because of accidental lading release from specification 112 and 114 tank cars. However, in the 6 months following the issuance of the rule, 17 additional persons have been killed.

While it is not possible to prevent the release of dangerous products in all situations, the severity and variety of circumstances relating to the occurrence of recent accidents have pointed out the need to take all feasible steps to protect the public against potential major disasters involving the transportation of flammable gases, anhydrous ammonia, and other hazardous materials. In particular, attention has been directed toward the possibility of accelerating the retrofit timetable for 112 and 114 tank cars.

On March 15, 1978, the Transportation and Commerce Subcommittee of the House Committee on Interstate and Foreign Commerce conducted hearings on railroad safety matters which had come to national attention as a result of the incidents which had occurred at Pensacola, Waverly, and Youngstown. At this hearing, the National Transportation Safety Board (NTSB) stated that it believed that

with a strong sustained effort the special couplers and head shields could be installed on all 112 and 114 tank cars by late in December 1978.

On March 20, 1978, a second hearing was conducted jointly by the Subcommittee on Federal Spending Practices and Open Government and the Subcommittee on Civil Service and General Services of the Senate Committee on Governmental Affairs. At this hearing the NTSB reiterated its position regarding the acceleration of the retrofit schedule. After reviewing the testimony, the subcommittees requested that the FRA consider revising the retrofit schedule.

Further, on April 4–6, 1978, the National Transportation Safety Board conducted a special hearing in which a major focus was the timetable for the retrofit installation of the 112 and 114 tank car safeguards. At the conclusion of that hearing, its Chairman stated that the NTSB had determined that shelf couplers and tank head protective shields should and could be installed on all 112 and 114 tank cars by the end of 1978.

On April 7, 1978, the FRA conducted a special safety inquiry into the retrofit timetable for 112 and 114 uninsulated pressure tank cars. The purpose of this special inquiry was to obtain sufficient information to enable the FRA to determine whether the existing tank car retrofit schedule could be accelerated. The FRA received pertinent manufacturing, maintenance and cost data pertaining to this retrofit program from persons representing the National Transportation Safety Board, railroad carriers, tank car shippers, tank car owners, tank car builders, and coupler manufacturers.

Data submitted in the FRA special safety inquiry, together with other information available to the Department of Transportation, have made it possible to describe more accurately the problems associated with the retrofit process and to fashion a revised retrofit schedule which will improve the safety of specification 112 and 114 tank cars as quickly as possible without creating major economic disruptions. The balance of this Notice will describe the affected tank car pool and retrofit plans which have been made with respect to these cars, summarize the major obstacles to acceleration of the retrofit program, and outline the basic rationale underlying the proposed new schedule.

NUMBER OF TANK CARS AND RETROFIT ELECTIONS

As a result of the special safety inquiry and other information received, the following summarizes the current 112 and 114 tank car pool.

The Universal Machine Language Equipment Register (UMLER), which is maintained by the Association of American Railroads, lists a total of 22,228 DOT and Canadian Transport Commission (CTC) specification 112 and 114 tank cars and 105 individual reporting marks covering these tank cars as of April 11, 1978. Included in this UMLER listing are United States, Canadian and Mexican owned tank cars and car owners (UMLER lists one Mexican owner with fifty tank cars).

Based upon UMLER information and information received from United States tank car owners, the number of DOT specification 112 and 114 tank cars currently does not exceed 20,400 and the number of United States owners is fewer than 100.

Data submitted to the FRA indicate that approximately 3,400 of these 112 and 114 tank cars will be dedicated to anhydrous ammonia service. These tank cars will require "head shields," but not thermal protection, and will be retrofitted to DOT specifications 112S and 114S. Approximately 700 of these tank cars have already been equipped with head shields.

Approximately 2,000 of these tank cars are used to transport vinyl chloride monomer, a flammable compressed gas, on essentially an exclusive basis. Because weight is a critical factor, it is expected that these tank cars will be retrofitted with systems having the least additional weight, e.g., a "spray-on" thermal protection with separate head shields. Consequently, these tank cars will be retrofit converted to DOT specifications 112T and 114T.

Owners of an additional 2,000 specification 112 and 114 tank cars used in flammable gas service such as for transporting propane appear to have elected to use the "spray-on" thermal protection and separate head shields, thereby retrofit converting to DOT specifications 112T and 114T.

Another group of approximately 500 of these 112 and 114 tank cars will be used exclusively in non-flammable gas and hazardous liquids services. These tank cars will require only a shelf coupler retrofit.

Owners of the remaining 112 and 114 tank cars (approximately 12,500) have elected or are expected to use a jacketed insulation with integral tank head protection and will be retrofit converting their cars to DOT specifications 112J and 114J.

RELATIVE DIFFICULTY OF RETROFIT TASKS

As described above, specification 112 and 114 tank cars used in various services will be subject to the application of various retrofit "packages." All 112 and 114 cars are required to be equipped with shelf couplers, and that task is not integrally related to any other part of the process—either with regard to car availability or the mechanical steps involved. Therefore, both the existing retrofit program and the program proposed by this Notice treat the application of shelf couplers as a matter separate from the application of tank head protection and thermal protection.

The head protection and thermal protection tasks present a more complicated problem. The rationale of the existing schedule contemplated that these two elements of the retrofit would likely be accomplished in most cases as a single process so as to hold down costs and out-of-service time and minimize unfavorable impacts on the transportation of essential products.

In the case of the jacketed retrofit, which will evidently be used for the vast majority of cars requiring both protective devices, existing techniques of application will continue to mandate a unified retrofit process. However, the "spray-on" thermal protection method in combination with a "head shield," which is expected to be employed for roughly 4,000 cars, is capable of separation into two retrofit stages.

The NTSB and others have identified shelf couplers and head protection as those measures requiring most urgent attention. Shelf couplers, as discussed below, should not present a major problem based on recently developed information.

Representatives of the major tank car companies, in testimony before the FRA special safety inquiry, made statements supporting the conclusion that the complete retrofit program could probably be accomplished in a three-year period by utilizing extra shifts and withdrawing additional cars from service at any given time. However, these witnesses warned that a significant reduction of allowed time below three years could upset plans already established for the orderly accomplishment of the retrofit and could actually delay the final overall completion of the retrofit tasks.

The FRA and the Bureau have attempted to evaluate what reductions might be possible in the time allowed to complete the application of tank head protection. In doing so, it has been necessary to consider two factors as they apply to each of the retrofit packages ("S," "T," "J").

The first factor is car availability. That is, given a proposed regulatory deadline, how many cars would be removed from service at any given time? Can these cars be made available for retrofit in a orderly manner?

The second factor is capacity. That is, do the affected parties have reasonable access to the necessary plant, equipment, skilled labor and any other components necessary to do the job?

In addition to the two factors bearing on feasibility, the effect of various proposed deadlines on retrofit elections has been considered. Most particularly, the FRA and the Bureau

have given some weight to the superior protective qualities of the jacketed retrofit package. Any new regulatory deadlines which might require the immediate application of head protection would have the likely effect of discouraging the use of the jacketed retrofit, since the unitary process requires more shop time and can be accomplished at fewer facilities.

Thus, the proposed schedule outlined below emphasizes the completion of retrofit tasks which are more easily accomplished with less out-of-service time at a greater number of potential facilities. Although it is proposed to accelerate the timetable for the unitary jacketed retrofit, an effort has been made to leave undisturbed the elections which have already been made concerning the use of that approach.

PROPOSED SCHEDULE

SHELF COUPLER APPLICATION

Based upon information gathered from coupler manufacturers, tank car owners and tank car shippers, it appears that shelf couplers can be applied to all 112 and 114 tank cars not later than December 31, 1978. An adequate supply of these couplers is or soon will be available, and application is not difficult. Such application can be performed at any location having a light duty crane. Railroad repair facilities ("rip tracks") on major tank car shipping routes are able to assist in applying these couplers. Accordingly, it is proposed to amend section 173.31(a)(5) to require retrofit installation of shelf couplers not later than December 31, 1978. Since the proposed accelerated coupler retrofit schedule would not result in additional "shopping," or significant "out-of-service" time, this change in schedule should not result in any appreciable change in retrofit cost.

NON-JACKETED THERMAL PROTECTION WITH SEPARATE TANK HEAD PROTECTION (SPECIFICATIONS 112T AND 114T)

As stated, it appears that approximately 4,000 specification 112 and 114 tank cars will be equipped with non-jacketed, "spray-on" thermal protection and separate tank head protection ("T" retrofit package). These cars when retrofitted will be specification 112T and 114T tank cars. Due to the urgency of placing tank head protection on these cars at the earliest possible time, it is proposed to amend section 179-105-3(d) to require that:

1. All tank head protection (head shields) be applied not later than December 31, 1979; and

2. Thermal, "spray-on" coating be applied not later than December 31, 1980.

Since this change in schedule could result in as many as 50 percent of these tank cars (e.g., the tank cars originally scheduled for retrofit in 1980 and 1981) having to be out-of-service twice (once for "head shield" application and once for thermal protection application) additional retrofit costs could occur. It was indicated at the FRA special safety inquiry that each such retrofit application could remove the car from service for up to 45 days. Since these non-retrofitted tank cars have an average monthly rental of $300, the overall maximum additional cost would be $900,000 (e.g., 2,000 tank cars×$300/mo.×1½ mo.). As noted below, 45 days is a relatively high estimate.

Although some participants in the FRA special saftey inquiry suggested that "head shields" could be applied by not later than the end of 1978, the Bureau believes that such a drastic compression is not feasible.

Considerable concern exists among some parties as to the methods of retrofitting head shields to the tank cars. Several persons have questioned whether the "trapezoidal" head shield can be adequately attached to the tank car draft sill. Nine specification 112 tank cars were equipped with trapezoidal type head shields and fatigue tested at the Transportation Test Center at Pueblo, Colo. As of March 24, 1978, these head shields had been subjected to an average of 248 coupling impacts (ranging in speed from 4 to 10 miles per hour) and approximately 100,000 miles of over the road service. No fatigue problems were detected. Also, another type of head shield consisting of a half tank car head was installed on each end of one tank car. As of the same date, these two head shields were subjected to 248 coupling impacts and approximately 78,000 miles of over the road service. Again, no fatigue problems were detected. This testing indicates that no fatigue problems should occur when the head shield is attached to the tank car using proper welding techniques and a sound attachment design.

However, the welded attachment of all of these head shields to the tank cars was performed under controlled conditions. Most shield designers and manufacturers indicated that this welding operation was the critical factor and needed to be performed by highly skilled welders under controlled conditions in enclosed shops in order to avoid a risk of failure during train operations and consequent serious derailment. Since this retrofit application can result in a significant out-of-service period, the reduction in the supply of tank cars which would result from compressing this schedule to any greater degree could cause severe economic difficulty.

TANK-HEAD PROTECTION WITHOUT THERMAL PROTECTION (SPECIFICATIONS 112S AND 114S)

It appears that approximately 3,400 specification 112 and 114 tank cars will be dedicated to the transportation of anhydrous ammonia. These cars, which are required to be equipped with tank head protection ("head shields") ("S" retrofit package), will when retrofitted be specification 112S and 114S tank cars. Again, due to the urgency of placing tank head protection on these cars at the earliest possible time, it is proposed to amend section 179-105-3(d) to require that this tank head protection be applied not later than December 31, 1979.

It appears that such a change in schedule will not result in any appreciable increase in retrofit costs.

As was indicated in the discussion of the application of head shields to tank cars being retrofitted to the 112T and 114T specifications, suggestions have been made that head shield application be completed by the end of 1978. These tank cars are used exclusively to store and transport anhydrous ammonia. Due to the prolonged cold weather, most of these cars will not be available for retrofitting until early July and will be needed to store manufactured anhydrous ammonia beginning in early September. Any significant out-of-service disruption could result in a severe fertilizer shortage in the spring of 1979. For this reason, it appears that a second year (1979) will be required to perform this retrofit if significant disruption is to be avoided.

JACKETED INSULATION WITH INTEGRAL TANK HEAD PROTECTION (SPECIFICATIONS 112J AND 114J)

Of the roughly 20,400 specification 112 and 114 tank cars subject to the retrofit requirements of HM-144, approximately 12,500 are planned to be retrofitted with a jacketed insulation system incorporating integral tank head protection ("J" retrofit package). These cars when retrofitted will be specification 112J and 114J tank cars. Several major tank car builders have indicated that these cars could be completely retrofitted not later than December 31, 1980 and our analysis supports this conclusion. Accordingly, it is proposed to amend section 179.105-3(d) to require this retrofit operation to be performed so that:

1. Twenty-five percent of these tank cars owned by each tank cars owner be retrofitted not later than December 31, 1978;

2. An additional 40 percent of these tank cars owned by each tank car owner be retrofitted not later than December 31, 1979; and

3. An additional 35 percent of these tank cars owned by each tank car owner be retrofitted not later than December 31, 1980.

Likewise, based upon statements made at the FRA safety inquiry as well as other information received, it is believed that this proposed acceleration of the retrofit schedule should not result in any appreciable increase in retrofit costs.

Consideration has been given to requiring either total completion of this type of retrofit at an earlier date or increasing the percentage of tank cars required to be retrofitted during 1978 and 1979. Since this type of retrofit requires considerable ability in metalsforming and insulation application, only a few tank car repair shops have the existing capacity to perform this work. Construction of additional plant capacity would consume considerable time, while use of new car construction shops could cause severe tank car shortages and cause economic problems for many petroleum and chemical shippers and users. More importantly, any additional compression could cause critical out-of-service problems during the heating and fertilizing seasons, resulting in insufficient fuel during the winter and insufficient fertilizer in the spring. For this reason, as well as considering shop facility capacity, it appears that this retrofit schedule would cause the least overall economic disruption while achieving a more rapid implementation of the safety standards.

AVAILABILITY OF CARS DURING THE RETROFIT PERIOD

Without question the most serious constraint facing the FRA and the Bureau in the development of a compressed timetable has been the availability of pressure tank cars to perform essential transportation services. Witnesses at the FRA special safety inquiry indicated that the pressure tank car fleet is fully utilized during much of the year either to carry or to store fuels, fertilizer and industrial chemicals. This testimony is consistent with other information available to the Department of Transportation. Therefore, the FRA and the Bureau have attempted to fashion the proposed new retrofit schedule in a way which is intended to minimize disruptions in service. However, it is recognized that the compression of the program into a shorter time period may result in localized shortages of essential products. Comment is specifically solicited, therefore, on the following analysis of out-of-service time and the consequences of that analyses for users of the products transported and stored in 112 and 114 tank cars.

Application of a shelf coupler is a relatively simple operation requiring not more than a total elapsed time of one-hour per tank car using a two or three man crew and a light duty crane. The difficulty arises in having the appropriate pair of shelf couplers at the proper location so as to be ready for application to a specific tank car. However, this is a problem which is solvable through proper planning. In terms of total out-of-service time, coupler retrofit can cause a tank car to be "out-of-service" for a time period of up to one day. This one-day time period is caused by switching the tank car to and later from a "repair" or "work" track. Since many 112 and 114 tank cars will have to be moved to repair tracks for other purposes prior to the end of the year, this impact should not be significant. Through the exercise of proper initiative, couplers may also be applied at major shipping points without any out-of-service time attributable to the application of the couplers.

Application of "head shields," "spray-on" thermal protection and jacketed insulation systems require the tank car to be shipped to a repair facility. Shippers, car owners and tank car lessors agreed that a time period of from twelve to fifteen days is required to move a tank car from an unloading point to a repair shop and that a like period of time is required to move a tank car from a repair shop to a loading point. Estimates of the time required to perform the retrofit operations and related maintenance ranged from twelve to thirty days. This includes provision for preinstallation operations. An average period of fifteen days appears to be realistic. Thus, to total out-of-service time estimate range from 36 to 60 days. An average out-of-service time of 45 days is used in the following analyses. However, some time credit must be assigned to the fact that during this 45-day period the empty tank car has moved from the consignee's unloading facility to the shipper's loading facility. A ten-day time period would be the minimum average time required for this empty movement were not retrofit or maintenance shoping involved. Accordingly, the net retrofit out-of-service time chargeable to this program has been determined at 35 days (five weeks) for each shop cycle.

In order to determine the effect of out-of-service time, it is assumed that the major retrofit program will begin about July 1, 1978. Thus, there will be approximately five 5-week cycles in 1978, 10 such cycles in 1979 and 10 additional such cycles in 1980. Allowance for plant vacations and possible holiday interruption is taken into account by using a fifty, rather than a fifty-two week year.

The effect of this five-week retrofit cycle on approximately 2,000 vinyl chloride tank cars being converted to specifications 112T and 114T can be analyzed.

1. Under the existing retrofit schedule, fifty-percent (1,000) of these tank cars were to be retrofitted with "spray-on" thermal insulation and "head shields" not later than December 31, 1979.

2. Under the proposed accelerated retrofit schedule all 2,000 of these tank cars would have to be retrofitted with "head shields" by that date.

3. Therefore, at least 1,000 vinyl chloride monomer tank cars already have been scheduled for total retrofit not later than December 31, 1979; and thus, not more than 1,000 such tank cars will require two shoppings, one shopping between the present date and the end of 1979 for application of "head shields," and one shopping during 1980 for the application of "spray-on" thermal protection. By careful planning, some owners should be able to complete additional cars in a single shopping.

4. 2,000 tank cars will be out-of-service for a five-week retrofit cycle between the present date and December 31, 1979, with fifteen such cycles. This means that an average of 133 (2,000 tank cars divided by fifteen cycles) will be out-of-service at any one time due to retrofit applications being performed during the time period of July 1, 1978, through December 31, 1979.

5. A maximum of 1,000 tank cars will require retrofit installation of "spray-on" thermal protection during 1980. This means that an average of 100 (1,000 tank cars divided by ten cycles) will be out-of-service at any one time due to the retrofit applications being performed during 1980.

In the same manner, the effect of this five-week retrofit cycle on the approximately 2,000 specification 112 and 114 tank cars transporting liquefied flammable gases which are being converted to specifications 112T and 114T can be analyzed as follows:

An average of 133 tank cars will be out-of-service at any one time during the time period of July 1, 1978, through December 31, 1979; and an average of 100 tank cars will be out-of-service at any one time during 1980.

Likewise, the effect of this five-week retrofit cycle on the approximately 3,400 dedicated anhydrous ammonia tank cars being converted to specifications 112S and 114S can be analyzed.

1. Approximately 700 of these tank cars have been converted or built to specifications 112S and 114S.

2. Approximately 2,700 of these tank cars must have "head shields" retrofit installed by December 31, 1979.

3. With fifteen such cycles, this means that an average of 180 of these tank cars will be out-of-service during any one cycle for the time period of July 1, 1978, through December 31, 1979.

The proposed accelerated retrofit schedule would require that the approximately 12,500 specification 112 and 114 tank cars being converted to specifications 112J and 114J be retro-

fitted according to the following schedule: 25 percent in 1978; and additional 40 percent in 1979; and an additional 35 percent 1980.

Thus, during the time period of July 1, 1978, through December 31, 1978, there would be five, five-week retrofit cycles. Approximately 3,125 (25 percent of 12,500) tank cars would require retrofit shopping during this time period. Approximately 625 (3,125 tank cars divided by 5 cycles) such tank cars would be out-of-service at any one time during July 1, 1978, through December 31, 1978.

During 1979, approximately 5,000 (40 percent of 12,500) of these tank cars would require retrofit shopping. Approximately 500 (5,000 tank cars divided by 10 cycles) such tank cars would be out-of-service at any one time during the year.

During 1980, approximately 4,375 (35 percent of 12,500) of these tank cars would require retrofit shopping. Approximately 438 (4,375 tank cars divided by 10 cycles) such tank cars would be out-of-service at any one time during the year.

In summary, this analysis shows that under the requirements of the proposed retrofit schedule an average of 848 tank cars (4.2 percent) will be out-of-service at any one time between July 1, 1978, and December 31, 1980. Average units out-of-service for individual years are (a) 1,071 tank cars during 1978, (b) 946 tank cars during 1979, and (c) 638 tank cars during 1980. Greater impacts may be experienced within individual categories of service. These numbers represent an overall lower percentage than that estimated by the tank car companies. Since the analysis assumes an even flow of cars through the shops the number of cars actually withdrawn from service at any given time may be higher or lower.

Since most of the tank car builders indicated that retrofit operations will be performed at facilities other than their principal new car fabrication facilities, and since current production of tank cars of all types is considerably less than total capacity, additional new pressure tank car construction could ease shortages occurring during the retrofit period.

CANADIAN 112 AND 114 TANK CARS

Approximately 2,000 specification 112 and 114 tank cars have been constructed to specifications promulgated by the Canadian Transport Commission (CTC) and are used principally in Canada. However, approximately 80 percent of these CTC specification 112 and 114 tank cars transport hazardous commodities on the United States railroad network at some time. Accordingly, it is proposed to amend § 179.105-1(c) to require shelf couplers on all such CTC tank cars transporting hazardous materials in the United States not later than December 31, 1978, and require total retrofit not later than December 31, 1980.

COMPLIANCE

In order to assist in monitoring compliance with the HM-144 retrofit schedule, a separate Notice of Proposed Rulemaking is being developed. This Notice will propose requirements for car owner reporting of retrofit plans and accomplishments.

ECONOMIC IMPACT

In analyzing the effect of accelerating the retrofit schedule as proposed in this Notice of Proposed Rulemaking, the FRA and the Bureau have attempted to identify additional costs resulting from compression of the schedule. A specific possible increased cost of $900,000 has been identified for non-jacketed thermal protection and separate tank head protection application. Other additional costs are not now identifiable in definitive terms. However, the Bureau recognizes that compliance with the compressed retrofit schedule proposed in this Notice will result in some additional costs such as overtime payments, second and third shift differential payments, and possible premium payments for components. Also there may be additional transportation costs associated with "double shopping" of a small number of DOT specification 112T and 114T tank cars, as well as some additional labor cost. It is the belief of the Bureau that such additional costs will be only a small percentage of the cost of the initial rule and that the benefits to public safety and industry of accelerating the retrofit of these safety features will far outweigh any additional cost. Commenters are requested to submit cost information pertinent to this proposal.

Primary drafters of this document are William F. Black and Rolf Mowatt-Larssen, Office of Safety, and Edward F. Conway, Jr., Office of the Chief Counsel, Federal Railroad Administration, and George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, it is proposed to amend Parts 173 and 179 of Title 49, Code of Federal Regulations as follows:

1. In § 173.31 paragraph (a)(5) would be revised to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(5) After December 31, 1978, each specification 112 and 114 tankcar built before January 1, 1978, must be equipped with shelf couplers in accordance with § 179.105-6 of this subchapter.

* * * * *

2. In § 173.314 paragraph (c) Table Note 23 and Note 24 would be revised to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

NOTE 23.—After December 31, 1980, each specification 112 and 114 tankcar built before January 1, 1978, used for the transportation of flammable compressed gases must be equipped with thermal protection and tank head puncture resistance systems in accordance with § 179.105 of this subchapter.

NOTE 24.—After December 31, 1979, each specification 112 and 114 tankcar built before January 1, 1978, used for the transportation of anhydrous ammonia must be equipped with a tank head puncture resistance system in accordance with § 179.105 of this subchapter.

* * * * *

3. In § 179.105 paragraph (c) in § 179.105-1 would be revised; paragraphs (a) and (d) in § 179.105-3 would be revised to read as follows:

§ 179.105 Special requirements of specifications tankcars.

§ 179.105-1 General.

* * * * *

(c) Notwithstanding the provisions of § 173.8 of this subchapter, no 112 and 114 tankcar manufactured to specifications promulgated by the Canadian Transport Commission may be used:

(1) After December 31, 1978, to transport hazardous materials in the United States unless it is equipped with a coupler vertical restraint system under § 179.105-6; nor

(2) After December 31, 1980, to transport compressed gases in the United States unless it is equipped with thermal protection under § 179.105-4 and tank head puncture resistance under § 179.105-5.

* * * * *

§ 179.105-3 Previously built cars.

(a) After December 31, 1978, each specification 112 and 114 tank car built before January 1, 1978, shall be equipped with a coupler restraint system that meets the requirements of § 179.105-6.

* * * * *

(d) Each tank car owner shall equip its tank cars which are subject to paragraphs (b) and (c) of this section in accordance with the following schedule:

(1) Each tank car which is being retrofitted in accordance with paragraph (b) shall be retrofitted not later than December 31, 1979.

(2) Each tank car which is being retrofitted in accordance with paragraph (c) with a non-jacketed thermal protective system and a separate tank head puncture resistance system (112T/114T) shall be retrofitted:

(i) With the tank head puncture resistance system not later than December 31, 1979; and

(ii) With thermal protection not later than December 31, 1980.

(3) All tank cars being retrofitted in accordance with paragraph (c) with a thermal protective system enclosed in a metal jacket (112J/114J) shall be retrofitted such that—

(i) At least 25 percent of those cars owned on December 31, 1978, are so equipped by not later than that date;

(ii) At least 65 percent of those cars owned on December 31, 1979, are so equipped by not later than that date; and

(iii) All of those cars owned on December 31, 1980, are so equipped by not later than that date.

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

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A draft evaluation of the estimated cost and anticipated benefits of this proposed amendment has been prepared in accordance with departmental policies and procedures for simplification, analysis and review of regulations (43 FR 9582) and has been placed in the public docket for this proceeding.

Issued in Washington, D.C., on May 4, 1978.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc. 78-12639 Filed 5-10-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

FISHERMEN'S PROTECTIVE ACT PROCEDURES

Compensation for Damage Caused by Foreign Vessels in the Fishery Conservation Zone

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

ACTION: Proposed rulemaking.

SUMMARY: The National Marine Fisheries Service proposes regulations to govern section 10 ("section 10") of the Fishermen's Protective Act of 1967, as amended (the "Act"). Section 10, recently enacted, provides a program to compensate domestic fishermen who have suffered vessel or gear damage, loss or destruction as the result of foreign vessel operations in the U.S. Fishery Conservation Zone, and beyond, in appropriate instances.

DATE: Comments must be received no later than June 12, 1978.

ADDRESS: Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235. Telephone 202-634-7496.

SUPPLEMENTARY INFORMATION: On November 18, 1977, the Act was amended by adding a new section 10 (Pub. L. 95-194). Section 10 authorizes the establishment of a loan program for domestic fishermen who have had their fishing vessels or gear damaged, lost, or destroyed as the result of foreign vessel operations off the coast of the United States. The program will apply to incidents occurring in the geographical area defined in these regulations on the "fishermen's protective zone," and consisting of the fishery conservation zone (FCZ) established by the Fishery Conservation and Management Act of 1976 and an area beyond the FCZ in appropriate instances.

This notice proposes procedures and standards for the loan program authorized by section 10. Rules governing the Act currently appear at 50 CFR 258.1 through 258.9. Under this proposal 50 CFR would be amended to include regulations governing section 10 by adding a new heading "Subpart A" for the Act's existing regulations (sections 258.1 through 258.9) and adding a new "Subpart B" to implement section 10.

Section 10 authorizes the Secretary of Commerce (the "Secretary") to make low-interest loans to eligible fishermen after making a determination that the eligibility and evidentiary criteria of section 10 relating to the lost, destroyed, or damaged property have been met. After making the loan the Secretary is directed to investigate the circumstances of the incident resulting in the compensated loss, damage, or destruction and determine whether the loan will continue according to its original terms, be canceled or be rapad over a shortened time period.

This proposed rulemaking governs: (1) Eligibility for the program; (2) evidence to be submitted with loan applications; (3) procedures for making loans; (4) guidelines for the determination of the amount of the loans; (5) procedures and standards by which the Secretary will determine whether to modify or cancel loans; and (6) loan repayment and cancellation requirements.

One section governing the Government's disposition of rights assigned to it by loan recipients is being reserved for a proposal of rules to be made at a later time. The proposed rule follows:

Dated: May 5, 1978.

RICHARD A. FRANK,
Administrator, National Oceanic and Atmospheric Administration.

Amend part 528 as follows:

1. Add a new heading "Subpart A—Seizures of U.S. Commercial Fishing Vessels" for §§ 258.1 through 258.9.

2. Add a new subpart B as follows:

Subpart B—Compensation for Damage Caused by Foreign Vessels in the Fishery Conservation Zone

Sec.
258.20 Purpose.
258.21 Definitions.
258.22 Eligibility.
258.23 Applications.
258.24 Approval of loan applications.
258.25 Terms and conditions of loans.
258.26 Determination of amount of loss, damage, or destruction.
258.27 Determination of fault.
258.28 Loan repayment or cancellation.
258.29 Government collection. [Reserved]

AUTHORITY: Sec. 10, 91 Stat. 1413 (22 U.S.C.1980).

Subpart B—Compensation for Damage Caused by Foreign Vessels in the Fishery Conservation Zone

§ 258.20. Purpose.

This subpart provides rules and procedures for the granting, repayment, and cancellation of loans to owners and operators of United States Commercial fishing vessels for the loss, damage, or destruction of their fishing vessels or gear caused by a vessel of a foreign nation operating in the U.S. Fishermen's Protective Zone.

§ 258.21. Definitions.

Unless the context otherwise requires, in this subpart:

(a) "Alternative claim" means any claim not made under this subpart which seeks compensation for the same loss, damage, or destruction of a fishing vessel or fishing gear as is covered by a loan application under § 258.23.

(b) "At fault" means negligent or willful, through action or inaction causing the loss, damage, or destruction involved.

(c) "Fishermen's protective zone" means: (1) The area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured, (2) all areas in which U.S. continental

shelf fishery resources are found, and (3) the area representing the migratory range of any species of anadromous fish of the United States, except that such area shall not extend within any foreign nation's territorial sea or fishery conservation zone (or the equivalent) to the extent that such sea or zone is recognized by the United States.

(d) "Foreign vessel" means a vessel of a foreign nation, its crew, or fishing gear.

(e) "Secretary" means the Secretary of Commerce or his or her designated representative.

(f) "Loan" means a loan under section 10 of the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1980).

§ 258.22 Eligibility.

(a) *Applicants.* An applicant must be the owner or operator of a vessel which is used primarily for the commercial catching, processing, or transporting of fish or shellfish and which is either documented under the laws of the United States in the fisheries trade, or certified or registered under the laws of any political subdivision of the United States in order to be eligible to apply for a loan.

(b) *Loss, damage, or destruction.* To be eligible for a loan the applicant's vessel or its fishing gear must have been lost, damaged, or destroyed after July 1, 1976, as a result of the operation of a foreign vessel in the fishermen's protective zone. The total amount of such loss, damage, or destruction must exceed $2,000, as determined by the Secretary under section 258.26.

(c) *Alternative claims.* Any applicant for a loan who has made an alternative claim shall not be eligible for a loan if the Secretary determines that the alternative claim is substantially resolved at the time of the application or at the time of the loan. An alternative claim shall be regarded as substantially resolved if, at the time of the application or loan, the alternative claim proceeding has resulted in compensation for the claimant (whether or not such compensation is less than the amount applied for under a loan application) or in a final denial of the claim.

(d) *Insurance.* An applicant shall not be eligible for a loan for such loss, damage, or destruction as would ordinarily be covered under the collision clause, or other clauses, of a full hull and machinery policy of commercial insurance, whether or not such a policy was in force.

§ 258.23 Applications.

(a) *Form.* Applications for loan shall be submitted to The Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, by the owner or operator of the vessel concerned. Each application must be in a form suitable to establish that the situation involved meets the eligibility criteria in § 258.22 and must include as attachments the affidavits and estimates referred to in this section.

(b) *Affidavit of vessel master.* Applications shall include an affidavit by the master of the vessel fully describing the circumstances before, during, and after the incident resulting in loss, damage, or destruction, which states, among other things:

(1) Time, date, and locational coordinates of the incident;

(2) Actions of the foreign vessel alleged to have caused the loss, damage, or destruction, before, during, and after the incident (if observed);

(3) Actions of the applicant's vessel or crew before, during, and after the incident, including a full description of circumstances involving deployment and retrieval of fishing gear (for example, time, date, locational coordinates, and means of deployment, retrieval, and all attempts at retrieval);

(4) Description of the foreign vessel's size, type, flag, identifying numbers, color of house or hull, or other identifying characteristics, including a photograph of the foreign vessel if available (if observed);

(5) Reasons for belief that the loss, damage, or destruction was caused by a foreign vessel and not by wind, weather, sea, or other natural conditions; defective gear, defective deployment (for example, means of fixing gear), or defective retrieval (for example, means to have been used for relocating gear); or a domestic vessel;

(6) Names and statements of any eyewitnesses;

(7) Nature and extent of loss, damage, or destruction, including if possible, photographs of the damage, even if taken after return to port; and

(8) Description of the property which was lost, damaged, or destroyed, including type, size, material of construction, number of units, and remaining ecomonically useful life at the time of the incident.

(c) *Affidavit of owner or operator.* Applications shall include an affidavit of the owner or operator concerned stating the date, cost, and place of acquisition of the property which was lost, damaged, or destroyed, as well as its age and remaining economically useful life when acquired, and shall attach, if available, any copy of the original invoice or bill of sale of the property concerned.

(d) *Estimates.* Applications shall include three estimates from commercial sources acceptable to the Secretary setting forth both the repair cost and the replacement cost of the property concerned.

(e) *Evidence of foreign vessels in the area.* Applications shall include documentation from the U.S. Coast Guard or National Marine Fisheries Service indicating all foreign vessels known to have been in the vicinity of the incident after deployment of gear and before retrieval or attempted retrieval.

(f) *Other evidence.* The Secretary may in his or her discretion require further affidavits, other evidence, or supplementary information.

(g) *Application fee.* Applications shall be accompanied by a fee in the form of a check or money order made payable to "National Marine Fisheries Service" in the amount of $50. This fee shall not be refunded.

(h) *Time requirement.* After September 1, 1978, applications must be received by the appropriate official of the National Marine Fisheries Service at least 60 calendar days after the date the claimed loss, damage, or destruction occurred.

(i) *Abandoned applications.* As soon as practicable after receipt of an incomplete or improperly executed application, the applicant shall be notified by the National Marine Fisheries Service of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 calendar days following the date of notificaiton, the application shall be abandoned and the loan application fee shall not be returned.

§ 258.24 Approval of loan applications.

A loan may be made to the applicant, if the Secretary finds that:

(a) The eligibility requirements of § 258.22 are met;

(b) The application satisfies the requirements of § 258.23; and

(c) The Secretary reasonably determines that the claimed loss, damage, or destruction was caused by the operation of a foreign vessel in the fishermen's protective zone.

§ 258.25. Terms and conditions of loans.

(a) *Loan amount.* The amount of a loan will equal the extent of the loss, damage, or destruction involved, as determined under § 258.26.

(b) *Time period.* The term of a loan shall not exceed the economically useful life of the vessel or gear acquired or repaired with the proceeds of the loan, and may, at the discretion of the Secretary, be for a shorter period of time.

(c) *Collateral.* Collateral for the loan shall be required at the discretion of the Secretary and may include a secured interest in the vessel or gear acquired or repaired with the proceeds of the loan or the promissory note of the owner of such vessel or gear, or both.

(d) *Interest rate.* The interest rate for loans will be 3½ per centum per annum.

(e) *Loan fees.* A fee for granting the loan shall be charged. The amount of

this fee shall be equal to the difference during the loan's first year between the loan's 3½ percent interest rate and the approximate cost of Government borrowings of about a 7-year maturity. This fee shall be deducted from the proceeds of the loan.

(f) *Payment.* The proceeds of a loan will ordinarily be escrowed after execution of all loan documents and subsequently paid directly to the supplier of goods or services in connection with the replacement or repair of vessels or gear, upon presentation of proper invoices and authorizations to pay.

(g) *Assignment.* Loan recipients shall assign, or agree to assign, to the Secretary any rights they might have to recover monies or damages from any person for the loss, damage, or destruction for which a loan is made.

(h) *Repayment or cancellation.* Loans shall be repaid or canceled in accordance with § 258.28.

(i) *Collection efforts.* Loan recipients shall agree to assist the Secretary's efforts under § 258.29.

(j) *Other terms and conditions.* Loans shall be subject to such other terms and conditions as the Secretary deems necessary and appropriate.

§ 258.26. Determination of amount of loss, damage, or destruction.

(a) *Value of property.* In cases of units of property which have been totally lost or destroyed, the Secretary shall determine the property-value component of the loss or destruction by using the replacement cost of such property as if it had been the original acquisition cost of such property and by depreciating such replacement cost on a straightline basis over the economically useful life of such property. In cases of units of property which are capable of being repaired, the Secretary shall determine the property-value component of damage in light of the estimates of repair submitted under § 258.23(d), but in no event shall damage determinations exceed the depreciated present replacement cost of the property concerned. Example: 100 lobster pots with a present replacement cost of $100 each were totally lost. Each pot had an economically useful life of 36 months and was 18 months old, leaving a remaining economically useful life of 18 months. The property-value component of the loss would be calculated as follows:

(1) 100 pots×$100=$10,000 present replacement cost.

(2) $10,000÷36 months=$277.78 depreciation per month.

(3) $277.78×18 months remaining useful life=$5,000 for depreciated present replacement cost.

If the casualty was confined to damage which could be repaired, the property-value component of the casualty would be the actual cost of repair up to, but not exceeding, the depreciated replacement cost of $5,000 as calculated above.

(b) *Direct damages.* In addition to the property-value determination of paragraph (a), the Secretary shall also determine the amount of any other loss and damage incurred by the owner or operator of the vessel concerned which are the direct and proximate result of the incident concerned.

§ 258.27 Determination of fault.

(a) *Investigation.* Following the granting of each loan, the Secretary, in cooperation with other agencies or departments, shall investigate the circumstances of the incident resulting in the loss, damage, or destruction concerned to ascertain the facts required for a determination of whether or not the loan recipient was at fault for the loss, damage, or destruction.

(b) *Factors to be considered.* In making a determination of fault, the Secretary shall take into account: (1) Evidence submitted with the application in accordance with § 258.23; (2) whether the loan recipient, prior to the incident involved, reported the location of the fishing gear to the U.S. Coast Guard for broadcasting to foreign vessels in accordance with 50 CFR § 611.11; and (3) such other matters as the Secretary may deem appropriate.

(c) *Notification of preliminary determination.* Upon completing the investigation, the Secretary shall make a preliminary determination of whether it is possible to ascertain who was at fault for the incident, and if so, whether the loan recipient was at fault and notify the loan recipient of these determinations.

(d) *Review of record.* The loan recipient may examine the complete record upon which the determinations of the Secretary are made under this section.

(e) *Comments.* The loan recipient shall have 30 calendar days after the receipt of notification under paragraph (c) to submit any comments, data, or other information concerning the preliminary determination of the Secretary. All timely comments, data, or other information shall be considered by the Secretary prior to making a final determination.

(f) *Final determination.* As soon as practicable after the termination of the period described in paragraph (e) the Secretary shall make a final determination of fault.

§ 258.28 Loan repayment or cancellation.

Based upon the final determinations made under § 258.27 the Secretary shall:

(a) If he or she determines that the loan recipient was not exclusively at fault, cancel repayment of the loan and refund any principal and interest payments made thereon;

(b) If he or she determines that the loan recipient was at fault, require that the loan be repaid prior to its original term within a reasonable time as determined by the Secretary, taking into account its original duration and the percentage of fault attributable to the loan recipient; or

(c) If he or she cannot determine which party was at fault, continue the loan according to its original terms.

§ 258.29 Government collection. [Reserved]

[FR Doc. 78-12880 Filed 5-10-78; 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.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY DECISIONAL PROCESSES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 9 a.m., Thursday, June 8, 1978, in the office of Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C.

The Committee will meet to discuss Professor Michael Baram's study of the use of cost-benefit analysis in Federal regulation.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact David Pritzker, 202-254-7065. Minutes of the meeting will be available on request.

Dated: May 4, 1978.

RICHARD K. BERG,
Executive Secretary.

[FR Doc. 78-12817 Filed 5-10-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A605]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Northampton County, N.C., as a result of excessive rainfall November 1, 1977, through March 9, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor James B. Hunt, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than October 26, 1978, for physical losses and April 30, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 5th day of May 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration,

[FR Doc. 78-12810 Filed 5-10-78; 8:45 am]

[3410-11]

Forest Service

CANAL FRONT LAND MANAGEMENT PLAN OLYMPIC NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Canal Front Land Management Plan, Olympic National Forest, USDA-FS-R6-DES(Adm)-78-9.

The environmental statement concerns the management of 238,782 acres of National Forest land, The preferred alternative includes the addition of 5,482 acres to the 70,054 acres of Wilderness Study (Further Study) identified through the RARE I process in 1973. Three other areas requiring special management direction are identified to retain dispersed, roadless recreation opportunities; three are designed to maintain soil stability and water quality; and one area is proposed to preserve botanical values. The existing character of the Duckabush River Valley will be managed to retain the opportunity for study as a Wild and Scenic River.

The draft environmental statement was transmitted to the Environmental Protection Agency on May 2, 1978.

Copies of the environmental statement 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 S.W. Pine Street, Portland, Oreg. 97208.

USDA, Forest Service, Olympic National Forest, 801 South Capitol Way, Olympia, Wash. 98507.

A limited number of singel copies are available upon request to Forest Supervisor Richard D. Beaubien, Olympic National Forest, P.O. Box 2288, Olympia, Wash. 98507.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdication by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Richard D. Beaubien, Olympic National Forest, P.O. Box 2288, Olympia, Wash. Comments must be received by July 3, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: May 2, 1978.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc. 78-12818 Filed 5-10-78; 8:45 am]

[3410-11]

OCHOCO-CROOKED RIVER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Ochoco-Crooked River Unit, Ochoco National Forest, USDA-FS-R6-DES(Adm)-78-7.

The environmental statement propsed land management direction for 544,060 acres of the Ochoco Na-

tional Forest. The planning unit is located mainly in Crook and Wheeler Counties with a small portion in Grant Count, Oreg.

The preferred land management alternative strives to provide for a balance of all forms of current and projected uses within the planning unit.

The draft environmental statement was transmitted to the Environmental Protection Agency on May 2, 1978.

Copies of the environmnental statement 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 Northeast Region, 319 S.W. Pine Street, Portland, Oreg. 97208.

USDA, Forest Service, Ochoco National Forest, Federal Building, Prineville, Oreg. 97754.

A limited number of single copies are available upon request to Forest Supervisor William L. McCleese, Ochoco National Forest, P.O. Box 490, Prineville, Oreg. 97754.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically. Comments received as a result of the draft environmental statement will be available for review at the Ochoco National Forest Supervisor's Office in Prineville, Oreg. during normal working hours.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor William L. McCleese, Ochoco National Forest, P.O. Box 490, Prineville, Oreg. 97754.

Comments must be received by July 3, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: May 2, 1978.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc. 78-12819 Filed 5-10-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

ALASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 6:30 p.m. on June 1, 1978, United Bank Alaska, 645 G Street, Anchorage, Alaska. 99501.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to discuss program plans for remainder of fiscal year 1978, 1980. Discuss status of employment study in Alaska.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12867 Filed 5-10-78; 8:45 am]

[6335-01]

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 5 p.m. and will end at 9 p.m. on June 11, 1978, Holiday Inn, North, 5601 State Road Lafayette, Ind. 47906.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to discuss other projects for fiscal year 1980 and SAC Reports on Insurance Redlining. Project proposed employment study on the City of Indianapolis, Ind., city's work force.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12868 Filed 5-10-78; 8:45 am]

[6335-01]

NEVADA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 9:30 p.m. on May 26, 1978, Showboat Hotel, 2800 East Fremont, Las Vegas, Nev.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

The purpose of this meeting is to discuss State Advisory Committee program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12869 Filed 5-10-78; 8:45 am]

[6335-01]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10 p.m. on June 20, 1978, Ramada Inn, New Brunswick, N.J.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rule and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12871 Filed 5-10-78; 8:45 am]

[6335-01]

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 7 p.m. on June 1, 1978, 10 East 87th Street, New York, N.Y. 10028.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss programs for the coming year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12870 Filed 5-10-78; 8:45 am]

[6335-01]

OREGON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oregon Advisory Committee (SAC) of the Commission will convene at 5 p.m. and will end at 7 p.m. on June 8, 1978, Federal Building, Room 774, 1220 Southwest 3rd Avenue, Portland, Oreg. 97204.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to discuss program plans for remainder of fiscal year 1978, fiscal year 1979, 1980.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12873 Filed 5-10-78; 8:45 am]

[6335-01]

PENNSYLVANIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Pennsylvania Advisory Committee (SAC) of the Commission will convene at 11:30 a.m. and will end at 3 p.m. on May 24, 1978, Federal Building and Court House, 228 Walnut Street, Room 392, Harrisburg, Pa. 17108.

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.

Program planning, including follow-up to the mushroom workers report, plans for Lewisburg prison project, release of voting rights report, and plans for Commission hearing in Philadelphia on police is the purpose of this meeting.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-12872 Filed 5-10-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 4, 1978.

The USAF Scientific Advisory Board Ad Hoc Committee to Review the Air Force Human Resources Laboratory will hold meetings at Air Force Human Resources Laboratory (AFHRL) Headquarters, Brooks Air Force Base, Tex., on June 19-20, 1978, from 7:30 a.m. to 5 p.m. each day.

The purpose of the meeting is to review the AFHRL mission and program to include review of R. & D. support for personnel use, training, and other personnel practices.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (2) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-12806 Filed 5-10-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 4, 1978.

The USAF Scientific Advisory Board Air Defense Subgroup of the Joint Scientific Advisory Board/Army Science Board Summer Study on Battlefield Systems Integration will hold meetings in the Pentagon on June 8 and 9, 1978, from 8:30 a.m. to 5 p.m. each day.

The Subgroup will receive classified briefings on various foreign systems as well as projected U.S. command and control systems. The meetings will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-12807 Filed 5-10-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 5, 1978.

The USAF Scientific Advisory Board Aeronautics Panel Subcommittee on Aeropropulsion System Test Facility, will hold a meeting on May 30 and 31, 1978, at the Arnold Engineering Development Center, Arnold AFS, Tenn.

The Subcommittee will review the technical design and installation plans of the Aeropropulsion System Test Facility on May 30 ; and 31 from 9 a.m. to 4:30 p.m. This meeting will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-597-8845.

FRANKIE S. ESTEP,
Air Force Federal Register, Liaison Officer, Directorate of Administration.

[FR Doc. 78-12808 Filed 5-10-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue Construction Orders To Certain Major Fuel Burning Installations

The Department of Energy (DOE) hereby gives notice of its intention to issue Construction Orders pursuant to Section 2(c) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, and Title 10, Code of Federal Regulations (10 CFR), Parts 303 and 307 to the following installations in the early planning process:

Docket No.	Owner	Installation	Units	Location
OCU-3060-2-1	General Electric Co..	Noryl Utility Division.	6001A	Selkirk, N.Y.
OCU-3060-2-2	.....do.....	.....do.....	6001B	Do.

DOE hereby also gives notice of the opportunity for written and oral presentation of data, views, and arguments by interested persons regarding these proposed Construction Orders.

The proposed orders would require the above-named installations in the early planning process to be designed and constructed to be capable of using coal as their primary energy source.

Prior to the issuance of a Construction Order to an installation, section 2(c) of ESECA and 10 CFR 303.46(b), 307.3(b), and 307.3(c), require that DOE make certain findings. A Construction Order may not be issued unless DOE finds that the installation is in the early planning process and meets a minimum design firing rate requirement. Furthermore, no Construction Order will be issued if DOE finds that an adequate and reliable supply of coal is not expected to be available. DOE's proposed findings, as well as its proposed conclusions and rationale with respect to the findings for the installations named above are set out in section I of the appendix to this notice. The proposed findings, conclusions, and rationale may be amended as a result of comments received by DOE pursuant to this notice and of other information available to DOE. DOE's findings, conclusions, and rationale with respect to these required findings will be included in any subsequent Construction Orders issued.

In addition, section 2(c) of ESECA and 10 CFR 303.46(b) and 307.3(d) require DOE to consider certain other factors prior to issuance of a Construction Order. DOE's initial conclusions for the installations named above and a brief statement of the rationale for each, with respect to such required considerations, are set out in section II of the appendix to this notice. These conclusions and rationale may be amended as a result of comments received by DOE pursuant to this notice and other information available to DOE. The conclusions and rationale will be included, with any amendments, in any subsequent Construction Orders issued.

Upon completion of the proceeding described in this notice, DOE may determine to issue Construction Orders to both or either one of the above-named installations. The Construction Orders will not become effective, however, until DOE has considered their environmental impact, pursuant to 10 CFR 208.3(a)(4) and 307.7, and has served the affected installations with Notices of Effectiveness as provided in 10 CFR 303.10(b), 303.47(b), and 307.5. 10 CFR 307.7(c) requires that, prior to the issuance of a Notice of Effectiveness to an installation, DOE shall perform an analyses of the environmental impact of the issuance of such Notice of Effectiveness. That analyses shall result in either (1) A declaration that the Construction Order will not, if made effective by a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment; or, (2) the preparation by DOE of an environmental impact statement covering the significant site-specific impacts that are likely to result from the Construction Order and that have not been adequately addressed in the Final Programmatic Environmental Impact Statement or in other official documents made publicly available. If DOE prepares an environmental impact statement covering significant site-specific impacts from the Construction Order, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement.

Public comment on the proposal to issue Construction Orders to the installations listed above is invited in the form of written and oral presentation of data, views, and arguments.

Comments should address: (1) The adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings, as well as the conclusions with respect to the other factors DOE must consider and rationale in support of these conclusions; (2) the environmental impact of the issuance of notices making effective the Construction Orders, including any site-specific environmental impacts; and (3) any other aspects or impacts of the proposed Construction Orders believed to be relevant.

Pursuant to 10 CFR 303.173 (a) and (d), DOE hereby announces that a public hearing to receive oral presentation of data, views, and arguments from interested persons will be held beginning at 10 a.m., on May 23, 1978, at the Legislative Office Building, Hearing Room C, Albany, N.Y. 12248. Any person who has an interest in the subject of the hearing, or who is a representative of a group of class of persons which has an interest in the subject of the hearing, may make a written request, or a verbal request if confirmed in writing, for an opportunity to make oral presentation. That request should be directed to Donald Combria, DOE Region II, Room 3206, 26 Federal Plaza, New York, N.Y. 10007, 212-264-9834. The request should be received before 4:30 p.m., May 16, 1978. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 22, 1978. Speakers should submit 10 copies of their oral presentation if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Donald Combria, Department of Energy, Room 3206, 26 Federal Plaza, New York, N.Y. 10007, before 4:30 p.m., May 19, 1978. Speakers will be contacted by a DOE representative before 4:30 p.m., May 18, 1978, to confirm receipt of the written request.

Detailed technical data, views, and arguments should be contained in a written submission in support of the oral presentation. the oral presentation itself should be a summary of those written comments.

While DOE will endeavor to provide adequate opportunity to all who desire to speak, DOE reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. DOE will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views, and arguments.

A DOE official will be designated to preside at the hearing, which will not be a judicial or evidentiary hearing. During oral presentations, only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if she or he so

desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask the question, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by DOE and made available for inspection and copying at the Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and the DOE Regional Office, Room 3206, 26 Federal Plaza, New York, N.Y. 10007, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to these proposed contruction Orders to Public Hearing Management, Box TG, Department of Energy, room 2313, 2000 M Street NW., Washington, D.C. 20461.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Construction Orders for the General Electric Co., Selkirk, N.Y. Installations." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., June 12, 1978, all oral presentations, and all other relevant information submitted to or otherwise available to DOE will be considered by DOE prior to issuance of Construction Orders.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in accordance with 10 CFR 303.9(f). DOE reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing Section 2 of ESECA (10 CFR Parts 303 and 307) are available from the following DOE Regional offices:

REGION, ADDRESS, AND PHONE

I: Robert W. Mitchell, Acting Regional Representative, 150 Causeway Street, room 700, Boston, Mass. 02114, 617-223-3701.

II: William W. Wood, Acting Regional Representative, 26 Federal Plaza, room 3206, New York, N.Y. 10007, 212-264-1021.

III: Bernard Snyder, Acting Regional Representative, 1421 Cherry Street, room 1001, Philadelphia, Pa. 19102, 215-597-3390.

IV: Donald Allen, Acting Regional Representative, 1655 Peachtree Street, NE.—8th floor, Atlanta, Ga. 30309, 404-526-2837.

V: William Peterson, Acting Regional Representative, Federal Office Building, 175 West Jackson Boulevard, room A-333, Chicago, Ill. 60604, 312-353-0540.

VI: Curtis E. Carlson, Acting Regional Representative, Post Office Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235, 214-749-7345.

VII: James R. Newman, Acting Regional Representative, 324 East 11th Street, Kansas City, Mo. 64106, 816-374-2061.

VIII: C. Dale Eriksen, Acting Regional Representative, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colo. 80226, 303-234-2420.

IX: William C. Arntz, Acting Regional Representative, 111 Pine Street, San Francisco, Calif. 94111, 415-556-7216.

X: Jack B. Robertson, Acting Regional Representative, 1992 Federal Building, 915 Second Avenue, Seattle, Wash. 98174, 206-442-7280.

MFBI CONSTRUCTION ORDER CANDIDATE IDENTIFICATION AND SELECTION METHODOLOGY

On February 3, 1977, the Federal Energy Administration published in the FEDERAL REGISTER (42 FR 6621) a notice requiring owners of major fuel burning installations (MFBI's) which on or after December 27, 1976 enter the early planning process and which meet the design firing rate requirements, to file FEA Form C-607-S-O, entitled "Major Fuel Burning Installation Early Planning Process Identification Report." The purpose of the Report is to enable DOE to identify potential MFBI Construction Order candidates in accordance with Section 2(c) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 791, et seq.). A construction order will require the MFBI to be designed and constructed to be capable of using coal as its primary energy source.

An MFBI is considered to have entered the early planning process upon completion of its preliminary feasibility study. The design firing rate requirements are met for each MFBI that has individually a design firing rate of 100 million Btu's/hour or greater, or individually a design firing rate of 50 million Btu's/hour or greater and a design firing rate of 100 million Btu's/hour or greater when taken in the aggregate with other MFBI's at the same location which have design firing rates of 50 million Btu's/hour or greater and were in the reporting interval as of December 27, 1976, or entered thereafter.

The FEA Form C-607-S-O is divided into Schedules A-1, A-2, and A-3. Schedule A-1 contains basic identifying data for a particular MFBI. Schedule A-2 is designed to provide DOE with information on conbustor capacity, combustor use, the primary energy source, and the design and construction schedule, including the processing status of any required government permits.

After receiving Schedules A-1 and A-2, DOE first determines that the MFBI reported on meets the design firing rate criterion in § 307.6(b)(3) and is in the early planning process as defined in § 307.2 of DOE Regulations. An MFBI which does not meet one of the above criteria is notified by letter that it is not within the jurisdiction of DOE and will not be considered further as a potential Construction Order candidate.

In evaluating the information contained in Schedules A-1 and A-2, DOE has, up to the present time, exercised its administrative discretion not to consider the following types of MFBI's:

(a) Those planning to use other than petroleum products or natural gas fuels as their primary energy source;

(b) Those planning to be capable of using only coal as their primary energy source;

(c) Those planning to construct process use units that require utilization of natural gas or petroleum products and for which alternate fuels are not technically feasible (10 CFR, 303.2); and

(d) Those planning exclusively to use waste gas that would not be added to the nationwide pipeline supply, or petroleum by-products that are not suitable for general commercial uses (typically these fuels are waste gases or petroleum by-products generated by refinery processes and are used in refinery steam generators).

Issuing orders to the first category of MFBI's, above, would not contribute to the saving of any oil or natural gas. Burning of non-fossil fuels, furthermore, contributes to the purpose of ESECA to aid in meeting the essential needs of the United States for fuels in the same manner as does the increased burning of coal.

In addition, DOE has exercised its administrative discretion to eliminate from further consideration MFBI's currently planning to burn coal as their only energy source because of programmatic necessity to establish reasonable priorities. Should units planning to use a non-fossil fuel, or units planning to burn only coal change their current plans, they are to amend their response to Form FEA C-607-S-O.

DOE has applied its administrative and technical expertise to determine that certain types of facilities should be covered by the "process use" exemption referred to in subparagraph (c) above. Certain of these processes

reflect uses for which the burning of coal is not technically feasible or coal-capable equipment is not commerically available. The following types of facilities have been included to date in the "process use" exemption:

(1) Refinery heaters and furnaces;

(2) Copper refining and melting furnaces;

(3) Chemical plant process heaters and recovery furnaces;

(4) Oxygen blown steelmaking vessels;

(5) Primary float glass tanks; and

(6) Direct fired kilns (producing low alkaline products).

DOE has also determined that not issuing NOI's to those MFBI's that use waste gas or petroleum by-products not suitable for other commercial uses would best serve the purposes of ESECA. The uses to which these waste fuels are currently put represent efficient use of national resources. Prohibiting the use of these waste fuels would not significantly conserve national supplies of scarce fuels.

MFBI's eliminated on the basis of the above criteria are notified by letter that they will not be issued construction orders. All other MFBI's in the early planning process are required by DOE to complete Schedule A-3 of Form FEA C-607-S-O. Schedule A-3 is designed to elicit detailed financial information about the MFBI owner's estimate of capital costs that would be associated with the construction of a coal capable unit. Comparative fuel costs and the net operating cost differential resulting from burning coal are also elicited by Schedule A-3. The owner's financial history and information on coal availability are also obtained.

After receipt of the information contained in Schedule A-3, DOE, pursuant to Section 2(c) of ESECA and 10 CFR 307.3(d)(2), analyzes the capability of the owner of the MFBI to recover any increase in projected capital investment costs required as a result of a Construction Order. An owner of an MFBI is capable of recovering any increase in projected capital investment that might be required as a result of a Construction Order if the MFBI is able to make the original investment planned (prior to issuance of a Construction Order) plus any increase required as a result of a Construction Order and continue in business in at least a financially breakeven posture over the long run. DOE presumes that an MFBI owner's capability to recover capital is confirmed when that owner can both raise the necessary capital for construction of an MFBI with coal burning capability and can show a historical profit profile. Factors used in analyzing that presumption include the size of the additional capital investment necessary to comply with a Construction Order, net property and plant assets, historical construction expenditures and total equity of the owner. DOE also considers any loss of revenue resulting from a delay caused by a Construction Order. Such losses, if any, are considered in terms of increase or additional costs which an MFBI incurs for goods or services, including power, which must be purchased by the MFBI to replace those goods or services which the MFBI would have produced for itself but for the issuance of a Construction Order. Such costs will be limited to the difference between the anticipated cost of production of the goods or services at the MFBI, and the cost of purchasing replacement goods or services.

In addition, Section 2(c) of ESECA and 10 CFR 307.3(c)(2) provide that DOE may not issue a Construction Order to an MFBI if it determines that an adequate and reliable supply of coal is not expected to be available. To meet this requirement, DOE considers the availability nationwide of total tonnages of coal, based upon the presumption that an MFBI in the early planning process can be designed and constructed to use a wide range of coal types available.

Section 2(c) of ESECA and 10 CFR 307.3(d)(1) also require that DOE consider, prior to issuance of a Notice of Intention (NOI) to Issue a Construction Order, the existence and effects of any contractual commitments for the construction of the MFBI.

It is to be noted that much of the information used by DOE in issuing this NOI is arguably confidential under 18 U.S.C. 1905. Therefore, such information has not appeared in the Appendix to this NOI. The calculations have been explained in each case and the data are available to the representatives of the owner of the MFBI.

Any questions regarding this Notice should be directed to the DOE National Headquarters as follows: Mr. Walter Romanek, Department of Energy, Code OCU (Construction Orders: General Electric Co., Noryl Utility Division, Selkirk, New York Installations), Washington, D.C. 20461, telephone 202-254-3910.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 95-70; Department of Energy Organization Act (Pub. L. 95-91); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., May 5, 1978.

DORIS J. DEWTON,
Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

APPENDIX PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE CONSTRUCTION ORDERS

ESECA and the Department of Energy (DOE) regulations require DOE to make certain findings and determinations and to consider certain factors before issuing a Construction Order to a Major Fuel Burning Installation (MFBI)[1] DOE's proposed findings, as well as its proposed conclusions with respect to the factors DOE has considered, are set out below with respect to the MFBI's named below. Supporting rationale and conclusions are also set forth.

[1]Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 pursuant to the Department of Energy Organization Act, from the Federal Energy Administration to the Department of Energy.

Docket No.	Owner	Installation	Units	Location
OCU-3060-2-1	General Electric Co..	Noryl Utility Division.	6001A	Selkirk, N.Y.
OCU-3060-2-2	.....do	.....do	6001B	Do.

These findings, determinations and considerations, which are now proposed by DOE, are based on the information that has been provided to and developed by DOE prior to the issuance of this Notice of Intention (NOI) to issue Construction Orders. DOE intends, as necessary, to fully update, for purposes of currency, the information and data pertinent to the issuance of this NOI prior to the issuance of a Construction Order. DOE invites the MFBI or other interested persons to submit more current information or data if such is available.

General Electric Co. shall be referred to as the "owner". Units 6001A and 6001B shall be referred to as the "MFBI's".

I. PROPOSED FINDINGS

A. *The MFBI's are in the early planning process.* Based on an analysis of the information submitted to DOE by the owner on Form FEA C-607-S-0 and information provided by the owner in response to subsequent inquiry to assure the continued applicability and currency of such information, DOE proposes to find that the MFBI's are in the early planning process. This proposed finding is based on the facts, and reasoning referenced below:

1. Schedule A-2 of Form FEA C-607-S-0 submitted by the owner shows that the preliminary feasibility study was completed.

2. Information supplied by the owner or otherwise acquired by DOE indicates that the early planning process for these MFBI's has not terminated.

3. Schedule A-2 of Form FEA C-607-S-0 submitted by the owner shows that the MFBI's meet the minimum design firing rate requirement.

B. *Within the terms of ESECA, DOE has been unable to determine that an adequate and reliable supply of coal is not expected to be available.* This proposed determination is based upon the facts, interpretations and assumptions stated below:

1. *Coal availability.*—(a) *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. United States Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (*Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974,* Bureau of Mines (May 1975) [hereafter "BOM Survey"]. Within these recoverable reserves approximately 100 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, DOE has examined several studies referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

(B) *National coal production and demand.* A comparison of estimated national coal production and national coal demand shows that there should be sufficient production of coal to meet the total national demand through 1984.

(1) *National coal production.* It is conservatively estimated that it will be possible to produce coal nationally in at least the following quantities:

Year	Production potential[1]
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7

[1]Million tons.

The figures shown above are derived from FEA's *Coal Mine Expansion Study* (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1984 projection, therefore, tends to underestimate actual production potential.

(2) *National coal demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from DOE action under the authority of section 2(a) of ESECA, is as follows (*FEA 1976 National Energy Outlook*):

Year	Demand[1]
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985

[1]Million tons.

(3) *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from all outstanding Notices of Intention to issue Prohibition Orders currently under consideration and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA is as follows:

Year	Demand[1]
1978	9.6
1979	14.0
1980	20.4
1981	22.7
1982	29.5
1983	29.5
1984	29.5

[1]In millions of tons.

The above estimated demand figures for 1978 through 1984 include projections for Prohibition Orders issued in June 30, 1975 which are currently effective through December 31, 1978 and are subject to extension through December 31, 1984.

(c) *State or local laws.* DOE has found no State or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to DOE's attention.

(d) *Conclusion.* Potential coal demand from these MFBI's and from all other MFBI's which are currently under consideration to receive Notices of Intention to issue Construction Orders under authority of section 2(c) of ESECA is not included in the total national demand stated in paragraph 1.(b)(2), above. Coal demand from such MFBI's is also not calculated in currently projected ESECA generated demand since it is infeasible to anticipate specific quality characteristics for the coal that will be required by these MFBI's so far in advance of their actual construction.

As noted previously, plans for new coal production beyond 1980 are not yet fully developed because few coal producers have firm expansion plans that extend the far into the future. The projection for national coal production potential in 1984 cited in paragraph 1.(b)(1), above, tends to underestimate actual production potential.

DOE has considered these facts and the fact that the potential annual demand for coal will increase once these MFBI's and others become operational.

DOE expects, however, (based on an analysis of the "BOM Survey", the *Coal Mine Expansion Study,* and the *FEA 1976 National Energy Outlook*) that national coal production potential will exceed the total national demand for coal in amounts sufficient in any year to meet the estimated potential additional demand for coal if all MFBI's currently under consideration were to receive Constuction Orders under section 2(c) of ESECA. Pursuant to the terms of ESECA, and the implementing regulations, DOE proposes to find that coal is not expected to be unavailable for these MFBI's once they become operational. The best available evidence suggests that coal production potential will, in fact, exceed all demand for the years pertinent to this proposed order.

The coal for these MFBI's will probably be bought from producerts according to regional supply/demand relationships related to the MFBI's location. DOE observes, however, that the MFBI's could purchase coal in other markets as such production becomes available. (*The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond,* School of Engineering, University of Pennsylvania, November 7, 1975.)

(e) *Coal transportation.* DOE has considered the availability of national coal transportation facilities. Generally, DOE considers construction lead times pertinent to MFBI's in the early-planning process to be sufficient to allow owners to secure appropriate coal transportation and coal transportation facilities prior to becoming operational.

II. FACTORS WHICH ESECA REQUIRES DOE TO CONSIDER

A. *The existence and effects of any contractual commitment for the construction of these MFBI's.* DOE has considered the existence and effects of any contractual commitment for the construction of these MFBI's which the owner has reported to DOE in a Schedule of Plan Change Costs attachment to Form FEA C-607-S-O, Schedule A-3, or otherwise. DOE has considered the additional costs which would be incurred in connection with existing contractual commitments should DOE require that the MFBI's be designed and constructed to be capable of using coal as their primary energy source. Accordingly, DOE has included these costs in its consideration of the capability of the owner to recover any increase in capital investment required as a result of a Construction Order.

B. *The capability of the owner to recover any increase in projected capital investment required as a result of a construction order.* DOE has considered, in the manner described below, the capability of the owner to raise and to recover the increased capital investment expected to result from the issuance of a Construction Order.

1. *Increased capital investment required as a result of a construction order.* DOE has evaluated the additional capital investment costs required in order to design and construct the MFBI's to be capable of burning coal as their primary energy source. This calculation is based on existing DOE information and analysis, as well as information filed with DOE by the owner concerning the cost of equipment and facilities that would have to be acquired. Approximate costs to comply with applicable environmental protection requirements have also been considered, including the cost of compliance with the air pollution control requirements of the Clean Air Act.

2. *Capability of the owner to raise the increased capital investment.* This analysis is based upon an evaluation of the owner's current financial position as reported in Standard & Poors and the General Electric Annual Report. Where necessary, DOE has performed an independent analysis of the owner's financial capability. In those cases in which an independent analysis of the owner's ability to recover the additional capital investment was performed, DOE related the additional capital investment costs discussed in paragraph II.B.1., above, and the plan change costs discussed in paragraph II.A., above, to the owner's net property and plant assets, the owner's reported recent construction expenditures and the owner's equity.

In considering the owner's ability to recover the increased capital investment costs, DOE has compared these increased costs, the demonstrated ability of the owner to raise the additional capital, any loss of revenue resulting from a delay, if any, in the commencement of operations of the MFBI's resulting from a Construction Order, the owner's historical profit profile, and a presumed useful life of the MFBI's after construction of 40 years.

In light of such considerations, DOE presumes that the owner's capability to recover any increase in capital is confirmed since the owner can both raise the necessary additional capital for construction with coal burning capability and has historically shown a profit profile.

[FR Doc. 78-12816 Filed 5-10-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

ALGONQUIN GAS TRANSMISSION CO.

[Docket Nos. RP76-15 and RP76-98]

Order Approving Plan of Refund and Extending Purchased Feedstock Adjustment Clause, Subject To Modification

MAY 1, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "saving provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

By order issued May 23, 1977, the Federal Power Commission approved a settlement agreement in the instant dockets which continued the effectiveness of Algonquin Gas Transmission Co.'s (Algonquin) Purchased Feedstock Adjustment Clause (PFAC). This clause provides for the flow-through of increases or decreases in the costs of naphtha used in the manufacture of synthetic natural gas (SNG) at Algonquin's Freetown, Mass., SNG plant for the life of the settlement agreement. As noted in the May 23 order, "under Algonquin's contracts with its suppliers, the price of naphtha feedstock can be changed at any time. Feedstock costs account for approximately 70 percent of total SNG project costs. * * * Under the PFAC, Algonquin establishers a base cost for naphtha to be used for purposes of current billings. Any differences between actual feedstock costs and the base cost during a winter heating season are recorded in a deferred account. Amounts recorded in the deferred account are charged or credited to Algonquin's customers during the succeeding winter heating season by means of a surcharge adjustment to the base cost." [1]

The PFAC further provides for the annual filing of an SNG cost of service and revenue study for the period during which the deferred account was generated. Algonquin is also obligated by its existing SNG-1 Rate Schedule to file a post-audit report relating to SNG services for each heating season. The May 23, 1977, order approved continuation of the PFAC for one additional cycle covering the 1977-78 winter heating season and subsequent 1978-79 amortization period. The PFAC also provides for interest at 9 percent per annum for overcollection in the deferred account and carrying charges at a rate of 9 percent per annum for undercollection in the deferred account.

On October 21, 1977, 1977, Algonquin filed a "Motion For Order Approving Plan of Refunds And Extending Purchased Feedstock Adjustment Clause". This motion states that, "as required by section 10.8 of the PFAC, Algonquin Gas on September 30, 1977 filed a post-audit report comparing the SNG-1 revenues and cost of service during the 1976-77 winter season. Such report, as amended, shows that SNG-1 revenues for such period exceeded costs by $194,051." [2] Upon review of the cost of service calculations underlying the SNG cost of service refunds, we find that Algonquin has properly computed these refunds. Accordingly, we shall approve the proposed plan of refund (attached as Appendix A). We also conclude that the $194,051 SNG cost of service refund, in conjunction with the refunds already ordered in Docket Nos. RP73-112, et al. constitute the entire refund liability of Algonquin for the 1976-77 SNG season.

We turn now to the question of continuing the effectiveness of Algonquin's existing PFAC. As noted previously, naphtha feedstock constitutes a substantial portion of Algonquin's SNG cost of service. Specifically, the September 30, 1977 post-audit report reveals that for the 1976-77 SNG season, feedstock and fuel constituted 78.46 percent of the overall cost of producing SNG. The price of naphtha pursuant to Algonquin's contracts is determined at the time of deliver, based on market place conditions. Algonquin contends, and no one challenges, that it is difficult to estimate with any certainty the delivered cost of naphtha far in advance of its actual arrival.

The PFAC would, according to Algonquin, alleviate the need to file formal rate cases to protect itself from possible changes in naphtha costs. Furthermore, in support of its position, Algonquin states that the PFAC passes on all of the cost fluctuations, upward as well as downward, from the base cost of naphtha.

We agree with the company that the PFAC should be continued subject to the conditions discussed below. We find that the consumer is protected by the requirement for the company to file an annual SNG cost-of-service and by the requirement for the company to file an annual post-audit report. We find further that the nature of Algonquin's naphtha feedstock supply contracts is such that the company could be subject to a widely fluctuating price for naphtha feedstock. The PFAC obviates the need of Algonquin to file "protective" annual rate cases to cover these fluctuating costs. However, we are not persuaded that Algonquin's permanent PFAC tariff provision should include the interest and carrying charge provisions contained in Algonquin's proposed clause. The Commission has precluded inclusion of carrying charge provisions in pipeline PGA clauses except where the pepeline has been able to demonstrate that it has been carrying excessive amounts in its deferred account. [3] No such showing, or any other appropriate showing has been made in the instant proceeding to justify the collection of carrying charges for undercollections in naphtha costs. Also, for that matter, has there been sufficient justification presented for accrual of interest charges for overcollections in naphtha costs. Elimination of interest charges for overcollections in naphtha costs. Elimination of interest charges would provide Algonquin an incentive to seek the lowest possible price for naphtha feedstock. This incentive would be present because to the

[1] *Algonquin Gas Transmission Co.*, Docket Nos. RP76-15 and RP76-98, order issued May 23, 1977, mimeo at 1.

[2] Motion at 2-3.

[3] Furthermore, accrual of carrying charges in PGA clauses has been made subject to any changes in treatment of carrying charges required in a final order in Docket No. R-406 or in any other proceedings where such change or changes may be required.

extent Algonquin is able to purchase naphtha feedstock below the rate stated in its PFAC tariff, it would have available to it interest free money accrued in the deferred account from the period such money was accrued until the time the overcollections are refunded to Algonquin's customer.

Accordingly, we shall permit Algonquin to include the PFAC in its tariff subject to elimination of the carrying charge and interest provisions. Waiver of section 154.38(d)(3) is granted for good cause shown to permit inclusion of the PFAC in Algonquin's tariff, as hereinafter conditioned.

The Commission finds: (1) The report of refunds contained in Algonquin's October 21, 1977 motion should be approved.

(2) The existing Purchased Feedstock Adjustment Clause (PFAC) should be continued as a permanent part of Algonquin's tariff, as hereinafter ordered and conditioned.

The Commission orders: (A) The Report of Refund contained in Algonquin's October 21, 1977 motion is hereby approved.

(B) For good cause shown, waiver of section 154.38(d)(3) of the Regulations is hereby granted.

(C) The Purchased Feedstock Adjustment Clause presently contained in Algonquin's tariff pursuant to our May 23, 1977 order issued in these dockets included in Algonquin's filed FERC tariff subject to elimination of the carrying charge and interest provisions for undercollections and overcollections respectively, of naphtha costs accrued in the deferred account.

(D) Algonquin shall make all refunds ordered herein within 15 days of this order and shall file with this Commission and all interested State commissions a full report of said refunds within 30 days thereafter.

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

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A.—*Algonquin Gas Transmission Co.*

[PLAN OF REFUND[1] Refund by Buyer (Exclusive of Interest) *Rate Schedule SNG-1*]

Long-term buyers	Volume	Refund[2]
Bay State Gas Co	2,416,000	$26,267.48
Boston Gas Co	1,940,455	21,097.22
Bristol & Warren Gas Co	90,600	985.02

[1]Plan of refund of overcollection of $194,051 for 1976-1977 SNG season. See Schedule A, p. 1 of 2 of Purchased Feedstock Adjustment Clause Cost of Service Report filed with the Commission on September 30, 1977.

APPENDIX A.—*Algonquin Gas Transmission Co.*—Continued

Long-term buyers	Volume	Refund[2]
Cape Cod Gas Co	630,244	6,852.22
Commonwealth Gas Co	1,510,000	16,417.16
The Connecticut Gas Co	2,498,875	27,168.52
Connecticut Natural Gas Corp	1,477,096	16,059.43
Fall River Gas Co	1,091,531	11,867.45
The Hartford Electric Light Co	151,000	1,641.72
Town of Middleborough, Mass	30,200	328.34
New Bedford Gas & Edison Light Co	755,000	8,208.60
North Attleboro Gas Co	12,080	131.32
City of Norwich, Conn	30,200	328.34
Orange and Rockland Utilities, Inc	453,000	4,925.14
The Pequot Gas Co	30,200	328.34
Providence Gas Co	2,015,487	21,913.01
South County Gas Co	45,300	492.51
The Southern Connecticut Gas Co	1,870,012	20,331.34
Tiverton Gas Co	6,795	73.89
Subtotal long-term buyers	17,054,075	185,417.05
Temporary buyers:		
New Jersey Natural Gas Co.	616,525	6,703.04
Pottsville Gas Co., et al	177,600	1,930.91
Subtotal temporary buyers	794,125	8,633.95
Total	17,848,200	194,051.00

[2]Calculation of Unit Refund Rate: Revenues Over Cost of Service ($194,051)÷SNG Demand Determinants (17,848,200)=1.087230084826 cents.

PLAN OF REFUND.—*Demand billing determinants by buyer 1976-77 SNG season, rate schedule SNG-1*

[Million British thermal units]

	1976		1977				
	October	November	December	January	February	March	April	Total
Long-term buyers:								
Bay State Gas Co		480,000	496,000	496,000	448,000	496,000		2,416,000
Boston Gas Co		360,000	372,000	372,000	336,000	489,638	10,817	1,940,455
Bristol & Warren Gas Co		18,000	18,600	18,600	16,800	18,600		90,600
Cape Cod Gas Co		120,000	124,000	124,000	112,000	132,361	17,883	630,244
Commonwealth Gas Co		300,000	310,000	310,000	280,000	310,000		1,510,000
The Connecticut Gas Co		480,000	496,000	496,000	448,000	578,875		2,498,875
Connecticut Natural Gas Corp		270,000	279,000	279,000	252,000	279,000	118,096	1,477,096
Fall River Gas Co		210,000	217,000	217,000	196,000	239,135	12,396	1,091,531
The Hartford Electric Light Co		30,000	31,000	31,000	28,000	31,000		151,000
Town of Middleborough, Mass		6,000	6,200	6,200	5,600	6,200		30,200
New Bedford Gas & Edison Light Co		150,000	155,000	155,000	140,000	155,000		755,000
North Attleboro Gas Co		2,400	2,480	2,480	2,240	2,480		12,080
City of Norwich, Conn		6,000	6,200	6,200	5,600	6,200		30,200
Orange & Rockland Utilities, Inc		90,000	93,000	93,000	84,000	93,000		453,000
The Pequot Gas Co		6,000	6,200	6,200	5,600	6,200		30,200
Providence Gas Co		390,000	403,000	403,000	364,000	419,000	36,487	2,015,487
South County Gas Co		9,000	9,300	9,300	8,400	9,300		45,300
The Southern Connecticut Gas Co		360,000	372,000	372,000	336,000	430,012		1,870,012
Tiverton Gas Co		1,350	1,395	1,395	1,260	1,395		6,795
Subtotal long-term buyers		3,288,750	3,398,375	3,398,375	3,069,500	3,703,396	195,697	17,054,075
Temporary buyers:								
New Jersey Natural Gas Co			6,775	210,025	189,700	210,025		616,525
Pottsville Gas Co., et al			15,600	55,800	50,400	55,800		177,600
Subtotal temporary buyers			22,375	265,825	240,100	265,825		794,125
Total SNG demand		3,288,750	3,420,750	3,664,200	3,309,600	3,969,221	195,679	17,848,200

[FR Doc. 78-12661 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Gas Research Institute Charge Adjustment Provision

MAY 4, 1978.

Take notice that Algonquin Gas Transmission Co. ("Algonquin Gas") on April 25, 1978, tendered for filing 40th Revised Sheet No. 10 and 4th Revised Sheet No. 10-A to its FERC Gas Tariff, First Revised Volume No. 1.

The purpose of this filing is to include in Algonquin Gas' rates a $0.0012 per MMBtu Gas Research Institute Charge approved by the Commission in its order dated March 22, 1978, in Docket No. RM77-14.

The proposed effective date of the revised tariff sheets is June 1, 1978.

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 Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 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. 78-12797 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. EL78-13]

CENTRAL VIRGINIA ELECTRIC COOPERATIVE, INC., ET AL. v. APPALACHIAN POWER CO.

Application

MAY 3, 1978.

Take notice that Central Virginia Electric Cooperative, Inc., Craig-Botetourt Electric Cooperative, Inc., and Southside Electric Cooperative on March 14, 1978, tendered for filing an Application for an order pursuant to section 202(b) of the Federal Power Act directing Appalachian Power Company to sell electricity to the Applicants.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 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. 78-12798 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Order Granting Petitions for Leave To Intervene Out of Time

MAY 3, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a) (1) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On December 8, 1977, the Kansas Manufactured Housing and Recreational Vehicle Institute, Inc. (KMHRVI) filed, pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure (18 CFR 1.8), a Petition for Leave to Intervene Out of Time.

The petition states that KMHRVI represents the interests of mobile home manufacturers, mobile home dealers, and mobile home park operators in the State of Kansas. The KMHRVI also represents firms and industries which provide materials and supplies to mobile home manufacturing plants within and without the State of Kansas. The Petition to Intervene alleges that a moratorium on new gas connections will result in extreme economic hardship for the mobile home industry.

On March 20, 1978, two candidates for the Congress of the United States from the State of Kansas jointly filed a Petition to Intervene Out of Time. Charles B. Pike and Dr. Robert Whittaker seek intervention on behalf of individuals and small commercial entities who may, at a future date, seek to obtain natural gas indirectly from the Cities Service Gas Co. (Cities).

No party has filed in opposition to either of these petitions to intervene. After review of these requests, and with specific reference to the terms of Section 1.8(b) of the Commission's Rules of Practice and Procedure (18 CFR § 1.8(b)), we have determined

CFR 1.8(c)), that the grant of intervention would unduly delay the proceedings, and that the Petitioner fails to demonstrate an adequate interest.

A response to the petition of the NOJC was filed by the Home Builders Association of Greater Kansas City (HBA) on April 18, 1978. The HBA opposes the late petition to intervene of the NOJC on the grounds of relevancy and objects to the potential delay the intervention might cause.

On April 18, 1978, an opposition to the petition of the NOJC was filed by the Gas Service Co. (Service), which adopts the rationale of Cities.

Review of the petition to intervene of the NOJC convinces us that oil could be considered an alternative to natural gas in certain situations. We shall therefore grant the petition to intervene and leave to the good judgment of the Presiding Judge the question of the admissibility of the prepared testimony which was filed contemporaneously with the petition to intervene. We believe that this action will insure a more complete record and is mandated by the public interest.

Although the NOJC has stated no specific reason for the late filing of its petition to intervene, we infer that its late petition results from statements made on the record, after the date set for the filing of interventions. Its late petition is therefore not unreasonable. If the several Petitioners take the record as it now stands, the interventions, however late, will not result in an undue delay in this proceeding.

The Commission finds: Participation by the Kansas Manufactured Housing and Recreational Vehicle Institute, Inc., Charles B. Pike and Dr. Robert Whittaker, and the National Oil Jobbers Council in this proceeding may be in the public interest, and good cause exists for granting the late interventions.

The Commission orders: (A) Petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of the Intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of petitioners shall not be construed as recognition by the Commission that they may be aggrieved because of any Order or Orders of the Commission entered in this proceeding.

(B) Petitioners shall take the record as it now stands in this proceeding. The interventions granted herein shall not be the basis for unduly delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-12799 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. CI75-602]

ROY M. HUFFINGTON, INC.

Order Reopening Record

MAY 2, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission with-in the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

[1]The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

Roy M. Huffington, Inc. on July 27, 1977, addressed a letter to the Secretary of the Commission stating that its operations in the Lawson Field, Acadia Parish, La. have become uneconomical and requesting the Commission to grant a certificate of abandonment conditioned upon Huffington entering into a new contract with its customer, Michigan Wisconsin Pipe Line Co. (Mich Wis) at the national area rate presently in effect for new gas, subject to such increases as may hereafter be approved by the Commission for small producer sales.

In this proceeding Huffington originally filed a petition to abandon service to Mich Wis or, alternatively to abandon approximately 30 percent of the sale representing the royalty interest share of the gas and to increase the price of the working interest share. Huffington alleged that its lessor, the City of Crowley, La., is demanding increased royalty payments based on the current market value of the gas in accordance with the terms of its lease. The State of Louisiana, an intervenor, has a lease to Huffington containing similar provisions, but we are not aware that it has made a similar demand. Upon order of the Commission a hearing was held on October 21, 1975, and an initial decision was issued on May, 2, 1976, in which the Administrative Law Judge denied the abandonment or alternative partial abandonment and any price relief. The proceeding was submitted to the Commission on exceptions to the initial decision.

This proceeding involves difficult questions of law and policy and the Commission has not yet acted because of the *Pennzoil* litigation involving a similar situation. *Pennzoil Producing Co. et al.*, —— FPC ——, Opinion N. 753, Docket No. RI76-8 *et al.*, issued January 30, 1976, rehearing denied, —— FPC ——, Opinion No. 753-A, issued February 27, 1976, reversed and remanded *Pennzoil Producing Co.* v. *F.P.C.*, 553 F. 2d 485 (CA5-1977), modified on rehearing —— F. 2d —— (1977), petition for certiorari pending, Sup. Ct. No. 77-648.

In its letter, Huffington says that it is now uneconomical for it to continue to produce its share of the remaining Lawson Field gas even if Huffington should never be required to pay a royalty based on a price higher than the contract price. It attaches tables purporting to show that revenues will not return its investment in the Field and that expenses are now greater than revenues. Huffington says that since

the hearing in 1975 rates allowed for new interstate gas sales now approach market value, so this should eliminate demands by royalty owners that their royalties be paid on rates which exceed interstate gas prices. It says that its operations have become so uneconomical that it does not feel justified in incurring additional attorney's fees and other expenses in connection with the property, but it requests that consideration be given to its request in order to stop its operating losses.

Huffington has, in effect, filed an amendment to its original application without the formalities of the Commission's Rules, particularly as to the number of copies and service on the intervenors. We are therefore attaching a copy of the Huffington letter with the tables to this order and will mail the order to all parties and intervenors. We shall reopen the record to receive the letter and tables as evidence, but will afford all parties and intervenors opportunity to file any objections they may have or to request a hearing. Upon the completion of these further procedures, if any, we shall proceed to determine Huffington's application subject, if necessary, to the course of the *Pennzoil* litigation.

The Commission further finds: It is necessary and appropriate that the record be reopened to receive the additional evidence presented by Huffington in its letter filed July 27, 1977, subject to objection and opportunity for hearing as provided below.

The Commission orders: (A) The record is reopened to receive into evidence the letter filed by Huffington on July 27, 1977, with the attached tables subject to objection within 30 days of this order by any party or intervenor, who may request a hearing on this additional evidence.

(B) The Secretary shall cause publication of this order in the Federal Register.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

ROY M. HUFFINGTON, INC.,
INTERNATIONAL PETROLEUM OPERATIONS,
3600 THE 1100 MILAM BUILDING,
Houston, Tex., July 21, 1977.

Re: Lawson Field, BNG-PL/PRD, Roy M. Huffington, Inc. FPC Docket No, CI 75-602

MR. KENNETH F. PLUMB, Secretary,
Federal Power Commission,
825 North Capitol Street NE.,
Washington, D.C.

GENTLEMEN: On April 9, 1975 Roy M. Huffington, Inc. filed its application to abandon service to Michigan Wisconsin Pipe Line Co. from the Lawson Field, Acadia Parish, La. On September 4 prepared testimony was filed and a hearing was held on October 21, 1975 to consider Huffington's application. Huffington's application was prompted by a demand by its principal lessor, the City of Crowley, La., that its royalty payments be based on current market prices paid by Cities Service Oil Co. In the Lawson Field rather than on Huffington's contracted price with Michigan Wisconsin Pipe Line Co. Since it was impossible to meet the demands of the City of Crowley and operate the leases at a profit, Huffington submitted its application for abandonment.

Nearly 2 years has elapsed since the hearing before the Administrative Law Judge who denied Huffington's application. Huffington filed exceptions to the decision of the Administrative Law Judge and has not to this date received any response or ruling thereon. During this period Huffington's working interest share of Lawson Field production has declined approximately 80 percent. The production drop was more severe in the early part of 1977 when two wells in which Huffington had a substantial interest were depleted. As is apparent from the attached revenue and expense statement, it is now uneconomical for Huffington to continue to produce its share of the remaining Lawson Field gas even if Huffington should never be required to pay royalty based on a price higher than the contract price. The revenue and expense statement does not include income from one well which was redrilled in early 1975, because Huffington could not justify the investment at the current contract price. Under penalty provisions of the operating agreement, income from this well is retained by Cities Service until 200 percent of the investment is recovered. The payout status of this well is attached. Huffington anticipates the well will deplete before payout is reached unless the contract price is revised.

In order to permit Huffington to continue to deliver gas produced from its leases in the Lawson Field in Interstate Commerce to Michigan Wisconsin several alternative actions were proposed to the Commission at the October, 1975 hearing. One was that a Certificate of Abandonment be conditioned on Huffington entering into a new contract with Michigan Wisconsin and that Huffington be permitted to collect the national area rate presently in effect for new gas.

Huffington appreciates the Commission's concern in dealing with the market value royalty problem. However, since the hearing in 1975 on Huffington's application, rates allowed for new interstate gas sales now approach market value. This fact should soon eliminate demands by royalty owners that their royalties be paid on rates which exceed interstate gas prices. However, Huffington's operations in the Lawson Field have become so uneconomical that Huffington does not feel justified in incurring additional attorney's fees and other expenses in connection with this property. A "prudent operator" under normal circumstances would have already released these leases to the lessor rather than to continue to produce at a loss; however, the Administrative Law Judge in this case has ruled that relinquishment of the leases would constitute a violation of the Natural Gas Act. Huffington does not believe that it is the intention of the Natural Gas Act to require producing companies to operate properties at a loss.

Therefore, Huffington respectfully requests that the Commission grant a Certificate of Abandonment conditioned upon Huffington entering into a new contract with Michigan Wisconsin on the same terms and conditions as that contained in Docket No. CI 67-201 but that Huffington be permitted to collect the national area rate presently in effect for new gas, subject to such increases as may hereafter be approved by the Commission for small producer sales. This approach offers the following advantages:

(1) Huffington's working interest and royalty gas continues to be delivered to the interstate market.
(2) Huffington can economically produce its remaining share of Lawson Field reserves from existing wells.
(3) Huffington can economically participate in redrilling and well workovers in the Lawson Field that will yield additional gas for the interstate market.

Roy M. Huffington, Inc. respectfully requests your immediate consideration in granting this request in order to permit it to stop its operating losses.

Very truly yours,

ROY M. HUFFINGTON, INC.,
S. C. BERRY,
Vice President, Production,

Attachments.
cc: Mr. Dave Breish/Michigan Wisconsin

that granting intervention to KMHRVI and Mr. Pike and Dr. Whittaker may be in the public interest.

On March 31, 1978, the national Oil Jobbers Council (NOJC) filed a Petition to Intervene Out of Time. The NOJC is a federation of 43 state and regional trade associations representing thousands of independent petroleum marketers. The NOJC alleges that it is an interested party because evidence of fuel oil as an alternate energy source has been presented in the direct case herein. The NOJC Petition outlines the role of oil as an alternative during the 1977 natural gas shortage and the 1978 coal strike.

On April 13, 1978, the Cities Service Gas Co. (Cities) filed an answer to the Petition to Intervene Out of time of the NOJC. Cities alleges that the NOJC petition does not comply with Section 1.8(c) of the Commission's Rules of Practice and Procedure (18

Roy M. Huffington, Inc., Lawson field, 1977 Revenue and expense statement

Month	RMHI share of Lawson field gas production (1,000 ft³)	Gross gas revenue	Louisiana severence tax	Royalty and overrides	Lease operating expense	RMHI net gas (loss) income	RMHI net gas liquids income	RMHI net field (loss) income
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
January 1977	(1)9,617	2,438.87	673.19	554.67	2,875.30	(1,664.29)	208.70	(1,455.59)
February 1977	7,026	1,781.79	491.82	405.31	2,301.14	(1,416.48)	127.85	(1,288.63)
March 1977	7,847	1,990.00	549.29	452.60	1,831.87	(843.76)	188.47	(655.29)
April 1977	(2)3,853	977.12	269.71	222.46	2,473.41	(1,988.46)	150.02	(1,838.44)
May 1977	5,252	1,331.91	367.64	303.29	2,224.94	(1,563.96)	122.05	(1,441.91)
5 mo. total, 1977	33,595	8,519.69	2,351.65	1,938.33	11,706.66	(7,476.95)	797.09	(6,679.86)

[1] Hayes sand unit E depleted.
[2] Hayes sand unit D depleted.
(A) Sales are not balanced against production on a monthly basis so actual sales may be more or less than the volume shown.
(F)=(B)−(C+D+E).
(G) After royalty and severence tax.
(H)=(F)+(G).

Month	RMHI share of suf prod.	Net gas revenue	Net lease liquid revenue	Total revenue	Well investment and operating expense	Cumulative payout status
(A)	(B)	(C)	(D)	(E)	(F)	(G)
Jaunuary 1975					$101,635	($101,635)
February 1975	645	$72		$72	49	(101,612)
March 1975	8,951	1,012	$652	1,664	62	(100,010)
April 1975	8,579	970	564	1,534	117	(98,593)
May 1975	8,882	1,004	467	1,471	97	(97,219)
June 1975	8,639	977	751	1,728	81	(95,572)
July 1975	9,322	1,054	665	1,719	74	(93,927)
August 1975	10,943	1,237	629	1,866	101	(92,162)
September 1975	10,684	1,325	688	2,013	69	(90,218)
October 1975	8,629	1,070	675	1,745	82	(88,555)
November 1975	8,396	1,041	615	1,656	108	(87,007)
December 1975	6,183	767	670	1,437	1,042	(86,612)
January 1976	8,592	1,151	663	1,814	457	(85,255)
February 1976	8,988	1,204	462	1,666	190	(83,779)
March 1976	8,590	1,151	580	1,731	77	(82,125)
April 1976	9,461	1,268	589	1,857	80	(80,348)
May 1976	9,630	1,290	609	1,899	75	(78,524)
June 1976	9,124	1,223	589	1,812	111	(76,823)
July 1976	9,421	1,262	622	1,884	64	(75,003)
August 1976	9,142	1,225	601	1,826	111	(73,288)
September 1976	9,416	1,262	541	1,803	71	(71,556)
October 1976	9,632	1,291	703	1,994	87	(69,649)
November 1976	9,644	1,292	649	1,941	112	(67,820)
December 1976	10,570	1,416	514	1,930	153	(66,043)
January 1977	9,091	1,218	571	1,789	87	(64,341)
February 1977	8,737	1,171	548	1,719	76	(62,698)
March 1977	9,785	1,311	614	1,925	75	(60,848)
April 1977	9,974	1,337	626	1,963	68	(58,953)
May 1977	9,538	1,278	599	1,877	75	(57,151)
Total	249,188	31,879	16,456	48,335	105,486	(.....)

(B) Entitlement if Huffington had participated in drilling replacement well.
(C) After royalty and production tax.
(D) After royalty and production tax.
(E)=(C)+(D).
(F) 200 pct of Huffington working interest share of new well investment shown in January 1975. Huffington working interest share of direct lease operating expense shown monthly beginning February 1975.
(G)=(E)−(F).

[FR Doc. 78-12662 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. RI77-132]

JOHN H. HURBROUGH, ET AL.

Order Granting Petition for Special Relief

MAY 2, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Public Law 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 64267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ———, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 13, 1977, John H. Hurbrough, et al. (Hurbrough) filed a petition for special relief in Docket No. RI77-132 pursuant to section 2.76 (18 CFR § 2.76) of the Commission's General Policy and Interpretations. Hurbrough requests a total rate of $2.10 per Mcf at 14.65 psia for the sale of natural gas to United Gas Pipeline Co. (United) from the J. C. Beard No. 1 well, Boggy Creek Field, Anderson County, Tex.

United stated in a letter dated September 2, 1977, to Hurbrough that it will pay the requested rate.

Presently, Hurbrough is selling its gas at the authorized rate of 76 cents per Mcf. This sale of gas is being made pursuant to Hurbrough's small producer certificate issued in Docket No. CS76-446 on February 2, 1976.

Hurbrough proposes to spend $10,000 reworking the J. C. Beard No. 1 well, which will enable the recovery of estimated gross volumes of 47,761 Mcf of gas over the next 1⅔ years. The reworking of the well includes acidizing, perforating, and testing. Further, Hurbrough avers that if its petition for special relief is not granted, plugging of the well will be necessary.

Based on the data filed by the applicant, staff determined Hurbrough's net remaining book investment to be $28,709 and its estimated production expenses to be $15,000 annually for a total of $25,505 over the remaining 1⅔ year of production, including an annual 5 percent inflation factor. Based upon staff's analysis of the data submitted by Hurbrough, these figures are reasonable.

Staff, using the above costs and the net working interest reserves of 34,083 Mcf [1] in a traditional cost study wherein the modified Btu method was utilized to allocate cost between gas and liquids, concludes that a total rate of $2.10 per Mcf is required to allow Hurbrough to recoup the costs associated with this project, including a 15 percent rate of return.[2]

Hurbrough's petition was noticed on September 30, 1977 and published in the FEDERAL REGISTER on October 7, 1977 (42 FR 54602). A timely petition to intervene was filed by United, in support of Hurbrough's petition on October 19, 1977.

For the foregoing reasons we conclude that Hurbrough's proposed rate is cost supported. Accordingly, we further conclude that Hurbrough's petition for special relief should be granted.

The Commission finds

(1) It is in the public interest to grant Hurbrough's petition for special relief.

(2) The petition for special relief by Hurbrough meets the criteria set forth in section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders

(A) The petition for special relief filed by Hurbrough, et al. in Docket No. RI77-132 is hereby granted.

(/b) Hurbrough is authorized to collect a total rate of $2.10 per Mcf at 14.65 psia for all gas produced from its J. C. Beard No. 1 Well and sold to United, effective on the date of completion of the workover of the well, or the date of the order herein, whichever is later subject to the conditions set forth in paragraphs (C) and (D) below.

(C) Within 30 days of the effective date of the rate specified in paragraph (B), Hurbrough shall file a statement setting forth the date the proposed work has been compleited to United's satisfaction.

(D) Within 30 days of the date of this order herein, Hurbrough must file an executed amendment to its contract with United providing for payment of the rate granted above and a notice of independent producer rate change reflecting the above authorized rate.

(E) United is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that its participation shall be limited to matters affecting asserted rights and interest specifically set forth in its petition for leave to intervene; and *Provided, further,* that the admission of United in the manner provided shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding, and that United agrees to accept the record as it now stands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[1] This figure was derived by multiplying the gross volumes by the net working interest percentage. (47,761 Mcf times 0.713 = 34,083)

[2] See Appendix A, attached hereto.

APPENDIX A

JOHN H. HURBROUGH, ET AL.—*Unit cost of gas*

[Docket No. RI77-132]

Line No. and item (a)	Amount (b)
1. Net working interest volumes:	
2. Gas (1,000 ft³ 14.65 psia) [1]	34,083
3. Liquids (bbls.) [2]	75
4. Cost of Production:	
5. Return on rate base at 15 pct [3]	$5,052
6. D. D. & A. [4]	36,709
7. Production expense [5]	25,505
8. Subtotal	67,266
9. Allocated to gas [6]	65,920
10. Regulatory expense [7]	34
11. Total cost of production	$65,954
12. Unit cost of gas (cents per 1,000 ft³):	
13. Cost of production [8]	194.00
14. Production tax [9]	16.00
15. Total unit cost	210.00

[1] 47,761 1,000 ft³ times 0.713616 net working interest.
[2] 105 bbls. times 0.713616 net working interest.
[3] Line 9 of sheet 3 times 0.15 times 1.667 year productive life.
[4] From line 6, sheet 2.
[5] Based on estimated future operating expenses of $15,000 per year, escalated 5 percent for second year.
[6] Line 8 times line 12 of sheet 2.
[7] Line 2 times 0.1 cent per 1,000 ft³ per Opinion No. 749.
[8] Line 11 divided by line 2.
[9] 7.5 percent times line 15.

JOHN H. HURBROUGH, ET AL.—*Investment and allocation of costs*

[Docket No. RI77-132]

Line No. and item (a)	Amount (b)
1. Investment:	
2. Remaining net book value, July 31, 1977	$28,709
3. Rework well	10,000
4. Total investment	38,709
5. Less salvage value [1]	2,000
6. Depreciable investment	36,709
7. Depreciation per unit of production [2]	1.077
8. Allocation of costs (MMBtu): [3]	
9. Gas [4]	35,617
10. Liquids [5]	613
11. Total	36,230
12. Percentage allocated to gas [6]	.98

[1] Net salvage value as estimated by petitioner.
[2] Line 6 divided by 34,083 1,000 ft³.
[3] Modified Btu per Opinion No. 749.
[4] 34,083 times 1.045 MMBtu per 1,000 ft³.
[5] 75 bbls. times 5.448 MMBtu per bbl. times 1.5 modifier.
[6] Line 9 divided by line 11.

JOHN H. HURBROUGH, ET AL.—*Average investment and annual rate base*

[Docket No. RI77-132]

Line No. and year	Annual N.W.I. production (1,000 ft³)	Beginning of year investment	Depreciation [1]	End of year investment	Average investment [2]
(a)	(b)	(c)	(d)	(e)	(f)
1. Average investment:					
2. 1977	24,281	$38,709	$26,151	$12,558	$25,634
3. 1978 (8 mo)	9,802	12,558	10,558	2,000	*4,855
4. Totals			36,709		30,489
5. Average annual investment [3]					18,290
6. Average annual rate base:					
7. Average annual investment					18,290
8. Average annual working capital allowance [4]					1,913
9. Total annual rate base					20,203

[1] Col. (b) times line 7 of sheet 2.
[2] Col. (c) plus col. (e) divided by 2.
[3] Col. (f) of line 4 divided by 1.667 yr productive life.
[4] 0.125 times line 7 of sheet 1 divided by 1.667 yr productive life.
* Adj. for ⅔ yr.

[FR Doc. 78-12663 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. RP78-23]

MIDWESTERN GAS TRANSMISSION CO.

Filing of Substitute Tariff Sheets

MAY 4, 1978.

Take notice that on May 1, 1978, Midwestern Gas Transmission Co. (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, to be effective on June 1, 1978:

Third Revised Volume No. 1

Substitute Twenty-Second Revised Sheet No. 5
Substitute Fifth Revised Sheet No. 5A
Substitute Fourth Revised Sheet No. 80
Second Substitute Third Revised Sheet No. 85
First Revised Sheet No. 93
Second Revised Sheet No. 94

Original Volume No. 2

Substitute Second Revised Sheet No. 37

Midwestern states that the purpose of these tariff sheets is to make certain revisions in the rates proposed in Midwestern's December 1, 1977 Section 4 rate filing, which rates were suspended to June 1, 1978, Docket No. RP78-23. Midwestern states that such revisions include (1) the revision of the Northern System rates to reflect the *United* 25-75 classification methodology pursuant to the Commission's warning in its December 30, 1977, suspension order (2) revisions to reflect the current cost of purchased gas and revised surcharges to recover unrecovered purchased gas costs and curtailment credits reflected in Midwestern's PGA filing of December 16, 1977; (3) revisions to reflect the rate adjustments reflected in Midwestern's Gas Research Institute rate adjustment filing of April 6, 1978; and (4) revisions to permit, beginning June 1, 1978, the flow-through to Midwestern's customers of curtailment credits received from Tennessee Gas Pipeline Co.

Midwestern states that copies of the filing have been mailed to all affected customers, the regulatory commissions of each state in which any such customer distributes gas, and the parties in docket No. RP78-23.

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 Section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-12800 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket Nos. G-3359, et al.]

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MAY 3, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all a more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-3359, C, Apr. 21, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Cities Service Gas Co., Edmond plant located in sec. 31-T14N-R3W, Oklahoma County, Okla.	(1 2)	14.65
G-17888, D, Apr. 20, 1978	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	(3)	
G-17888, D, Apr. 20, 1978	Shell Oil Co	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	(4)	
CI63-578, C, Apr. 20, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Cities Service Gas Co., certain acreage in the northwest Lovedale field, Harper County, Okla.	(5)	14.65
CI77-850, C, Apr. 12, 1978	Columbia Gas Development Corp., P.O. Box 1350, 1700 West Loop South, Houston, Tex. 77001.	Columbia Gas Transmission Corp., block 267, Vermilion area, offshore Louisiana.	(6)	15.025
CI78-29, C, Apr. 20, 1978	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hawkins "B" No. 1 and Oklahoma State "J" No. 1 wells from the Morrow series and the Cherokee group of the Pennsylvanian systems only in the Goff Creek and Unity northwest fields, Texas County, Okla.	(5)	14.65
CI78-625, A, Apr. 10, 1978	Shell Oil Co	Transcontinental Gas Pipe Line Corp., South Marsh Island block 132 field, offshore Louisiana.	(5)	15.025
CI78-626, A, Apr. 10, 1978	do	Natural Gas Pipeline Co. of America, South Marsh Island block 115 field, offshore Louisiana.	(5)	15.025
CI78-627, A, Apr. 10, 1978	Columbia Gas Development Corp	Southwest Gas Corp., Federal "E" well in Eddy County, N. Mex.	(5)	14.73
CI78-628, A, Apr. 10, 1978	Louisiana Land Offshore Exploration Co., Inc., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	United Gas Pipe Line Co., certain acreage in block A-480, High Island area, offshore Texas.	(5)	14.65
CI78-629 (CI67-960), B, Apr. 10, 1978.	Austral Oil Co., Inc., 2700 Exxon Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., certain acreage in the Bancker field, Vermilion Parish, La.	(7)	
CI78-630, A, Apr. 10, 1978	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	Michigan Wisconsin Pipe Line Co., High Island area blocks A-369 and A-370 in the Gulf of Mexico, offshore Texas.	(5)	15.025
CI78-631, A, Apr. 11, 1978	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Colorado Interstate Gas Co., West Panhandle field, Hutchinson and Carson Counties, Tex.	(8)	14.65
CI78-632, A,[9] Apr. 12, 1978	Aminoil USA, Inc., Golden Center 1, 2800 North Loop West, Houston, Tex. 77018.	El Paso Natural Gas Co., certain acreage in Eddy County, N. Mex.	(5)	14.73
CI78-633 (CI61-399), B, Apr. 12, 1978.	Caroline Hunt Schoellkopf, 2500 1st National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Laverne field, Beaver County, Okla.	Depleted, leases released from contract.	
CI78-634, A, Apr. 13, 1978	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79189.	Phillips Petroleum Co., Mitchell "A" Unit No. 1, located in sec. 123, block 42, H. & T.C. survey, Hemphill County, Tex. and limited to production from surface to base of Morrow formation.	(5)	14.73
CI78-635 (CI77-211), B, Apr. 13, 1978.	Pioneer Production Corp., et al	United Gas Pipe Line Co., Littlefield No. 1, Morgan's Creek field, Isaac Parker survey, A-61, Polk County, Tex.	Depletion of production in paying quantities.	
CI78-656, A, Apr. 17, 1978	American Natural Gas Production Co., 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., Wheeler County, Tex.	(10 11)	14.65
CI78-657, A, Apr. 17, 1978	Alminex U.S.A. Inc.(successor in interest to Superior Oil Co.), P.O. Box 1521, Houston, Tex. 77001.	Columbia Gas Transmission Corp., blocks A-337, A-342, and A-343, High Island area, offshore Texas.	(5)	15.025
CI78-658 (CI62-244), B, Apr. 17, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Richland field, Stephens County, Okla.	(12)	
CI78-659, A, Apr. 17, 1978	Natresco Inc. (successor in interest to the Superior Oil Co.), P.O. Box 1521, Houston, Tex. 77001.	Columbia Gas Transmission Corp., blocks A-337, A-342, and A-343, High Island area, offshore Texas.	(5)	15.025
CI78-660, A, Apr. 17, 1978	American Natural Gas Production Co., 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., Wheeler County, Tex.	(10 11 13)	14.65
CI78-661, A, Apr. 17, 1978	Canadian Superior Oil (U.S.) Ltd., P.O. Box 1521, Houston, Tex. 77001.	Columbia Gas Transmission Corp., blocks A-337, A-342, and A-343, High Island area, offshore Texas.	(5)	15.025
CI78-662, A, Apr. 19, 1978	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Southern Natural Gas Co., blocks 47 and 52, Main Pass area, Plaquemines Parish, La.	(5)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-663 (G-16501), B, Apr. 19, 1978.	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Trunkline Gas Co., sec. 15, the east one-half of sec. 17, the northeast quarter of sec. 20, the north one-half of sec. 21, and the north one-half of sec. 22, all in T15S, R2E, Vermilion Parish, La.	The dedicated leasehold acreage has been released and there has ben no production therefrom.	
CI78-664, A, Apr. 19, 1978.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Colorado Interstate Gas Co., Wilburton field, Morton County, Kans.	(3)	14.73
CI78-665 (CI72-854) (G-18063) (G13274), B, Apr. 19, 1978.	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Getty Oil Co., Reinecke and Von Roeder fields, Borden County, Tex.	(14)	.....
CI78-666 (CI69-1035), F, Apr. 17, 1978.	Ocean Production Co., et al., (successor in interest to the Preston Oil Co.), P.O. Box 61780, New Orleans, La. 70161.	Columbia Gas Transmission Corp., a portion of Vermilion block 161, in the Gulf of Mexico, offshore Louisiana.	(3 15)	15.025
CI78-668, A, Apr. 19, 1978.....	Felmont Oil Corp., 1446 Buffalo St., Olean, N.Y. 14760.	Columbia Gas Transmission Corp., Detweiler No. 1 well, Pineton gas field, Indiana County, Pa.	(3)	14.73
CI78-669, A, Apr. 19, 1978.....	Felmont Oil Corp	Columbia Gas Transmission Corp., C.B.C. No. 5 well, Pineton gas field, Indiana County, Pa.	(3)	14.73
CI78-670, A, Apr. 19, 1978.....	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Carthage field, Panola County, Tex.	(16)	14.65
CI78-671, A, Apr. 20, 1978.....	Ashland Exploration, Inc., P.O. Box 1503, Houston, Tex. 77001.	Colorado Interstate Gas Co., from eight wells located in Hamilton and Stanton Counties, Kan.	(3)	14.65
CI78-672, A, Apr. 20, 1978.....	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Empire Abo unit, Eddy County, N. Mex., limited to the interval between the surface and the Wolfcamp formation, less and except rights in the Premier Sand-Grayburg formation, which rights are not owned by applicant.	(3)	14.65
CI78-673, A, Apr. 20, 1978.....	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	El Paso Natural Gas Co., unnamed field, Roger Mills County, Okla.	(17)	14.73
CI78-674, A, Apr. 20, 1978.....	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., certain acreage in the Oates northeast field, Pecos County, Tex.	(3)	14.65
CI78-675, B, Apr. 21, 1978.....	Lloyd W. Roberts, P.O. Box 1077, Spearman, Tex. 79081.	Northern Natural Gas Co., Clementine field, Hansford County, Tex.	Well will no longer meet line pressure. Applicant proposes to utilize remaining gas production for irrigation purposes.	
CI78-676 (CI60-63), B, Apr. 21, 1978.	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	South Texas Natural Gas Gathering Co., various fields, Hidalgo County, Tex.	(19)	.....

[1] Applicant is filing under residue gas sales agreement dated Apr. 14, 1978.
[2] Applicant requests its certificate of public convenience and necessity be amended to change delivery point from Edmond plant to Kingfisher plant located in section 9-T15N-R5W, Kingfisher County, Okla.
[3] Depleted, plugged, and abandoned and release of oil and gas lease was executed by applicant in favor of the lessors on Sept. 15, 1977.
[4] Ceased production, plugged, and abandoned, and leases dated Aug. 17, 1977 and Aug. 24, 1977 were released to the mineral interest owners.
[5] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[6] Applicant is filing under gas purchase and sales agreement dated Sept. 14, 1977, amended by amendment dated Mar. 7, 1978, to reflect that the depth limitation of said contract has been extended.
[7] At the time of assignment to Seaboard, Austral assigned all of its remaining leasehold interest in Bancker field.
[8] Applicant is filing under gas purchase agreement dated Mar. 31, 1978
[9] Applicant seeks authorization to make a sale to El Paso for a 5-yr. term.
[10] Applicant is filing under gas purchase contract dated Apr. 14, 1978.
[11] Applicant and purchaser are affiliated.
[12] Ceased production, only well on the lease has been plugged and abandoned and lease subject to the contract was released in 1971.
[13] Applicant is filing under gas sales contract dated Apr. 13, 1978.
[14]
[14] Contract terminated Apr. 2, 1977. Residue gas will be delivered to same purchaser, El Paso Natural Gas Co., at tailgate of new plant.
[15] Effective Jan. 1, 1978, Odeco Drilling Inc., assigned all of its right, title, and interest in Vermilion block 161 to Ocean Production Co.
[16] Applicant is filing under gas sales contract dated Jan. 24, 1978.
[17] Applicant is filing under gas purchase contract dated Mar. 20, 1978.
[18] On Mar. 24, 1978, applicant and buyer agreed to the termination of their contract dated Jan. 1, 1960, and the services related thereto because the subject contract covers sale of surplus gas and there has been no surplus gas available since early 1972.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-12664 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. CP78-304]

SOUTHERN NATURAL GAS CO. AND UNITED GAS PIPE LINE CO.

Application

APRIL 27, 1978.

Take notice that on April 21, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, and United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-304 an application pursuant to section 7(c) of the Natural Gas Act authorizing the exchange of natural gas between Applicants to enable United to receive a supply of natural gas located remote from its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that United has the right to purchase natural gas from Exchange Oil and Gas Co. in the Loisel Area, Iberia Parish, La., and that such gas is accessible to Southern's Fish Island Receiving Station in Sec. 35, T. 12 S., R. 8 E., in Iberia Parish. United proposes to deliver up to 800 Mcf of gas per day to Southern and Southern proposes to redeliver equivalent volumes to United at the following locations:

1. The interconnection with United on Sea Robin Pipeline Co.'s system near Erath, Vermilion Parish, La.;
2. The interconnection at the outlet side of the measuring station installed and operated by Natural Gas Pipeline Co. of America at the outlet of the Texaco Henry Plant in Sec. 21, T. 13 S., R. 4 E., Vermilion Parish, La.;
3. The interconnection between the facilities of Applicants at Southern's Shadyside Compressor Station, St. Mary's Parish, La., where United delivers gas to Southern; or
4. Any other mutually agreeable existing authorized point of interconnection between United and Southern, including interconnections at Perryville, Ouachita Parish, La., and Kosciusko, Miss.

Applicants state that the service will be on an Mcf-for-Mcf basis, that no new facilities will be required, and that there will be no charge for the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 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. 78-12802 Filed 5-10-78; 8:45 am]

[6740-02]

[Docket No. CP73-300]

TEXAS GAS TRANSMISSION CORP.

Application

MAY 3, 1978.

Take notice that on April 21, 1978, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP73-300 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 during the 12-month period commencing on the date of issuance of the requested authorization of a maximum of 12 rural delivery points necessary for the establishment of new and additional delivery points for the delivery of natural gas to existing utility customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it, in acquiring pipeline right-of-way, has, in certain right-of-way agreements, agreed to install a farm tap as part of the consideration for such right-of-way, subject to a utility distribution company assuming operation and control of such farm tap. Applicant further states that certain of its customers have a controlled attachment policy which allows them to add new residential and small commercial customers to offset attrition of existing customers.

It is stated that the proposed facilities will consist of one side valve for each rural delivery point constructed and would be used by the customer for the installation of a meter for such new service. The cost of installation of each new rural delivery point is estimated at $1,000, with a total overall expenditure not to exceed $12,000 for the period, which cost would be financed by Applicant from funds on hand, it is stated.

Applicant states that service to be rendered through the proposed delivery points would be provided for by the utility customers of Applicant without increase in either their contract demands or quantity entitlement. It is indicated that service would be primarily for residential use.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 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. 78-12801 Filed 5-10-78; 8:45 am]

[3128-01]

Office of Hearings and Appeals

SYSTEM TO MONITOR NO. 2 (HOME) HEATING OIL PRICES

Rules of Procedure

AGENCY: Department of Energy, Office of Hearings and Appeals.

ACTION: Amendments to rules of procedure.

FOR FURTHER INFORMATION CONTACT:

George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Room 8014, Washington, D.C. 20461, telephone number, 202-254-9681.

I. DISCUSSION

On April 24, 1978, the Office of Hearings and Appeals of the Department of Energy announced the adoption of certain interim rules of procedure. 43 FR 17393 (April 24, 1978). The rules of procedure were established for the purpose of governing the conduct of an evidentiary hearing which the Office of Hearings and Appeals plans to hold in August 1978. The purpose of the evidentiary hearing will be to consider the need for further regulatory action with regard to the pricing and allocation of No. 2 (home) heating oil in light of information compiled by the Department of Energy. In the April 24, 1978 notice, the Office of Hearings and Appeals indicated that it would accept written comments with respect to the interim rules until May 8, 1978. In addition, the rules provided that any person wishing to participate in the evidentiary hearing must submit a petition to intervene to the Office of Hearings and Appeals no later than May 15, 1978.

On May 5, 1978, the subcommittee of the Fuel Oil Marketing Advisory Committee (the subcommittee), which was designated to assist the Department of Energy in the analysis of home heating oil prices, requested that the Office of Hearings and Appeals extend the final dates for accepting both comments regarding the proposed rules and petitions to intervene. The members of the subcommittee asserted that the filing requirements set forth in the rules of procedure did not provide interested persons an adequate amount of time in which to formulate comments on the interim rules or prepare their petitions to intervene. Therefore, the subcommittee requested that the Office of Hearings and Appeals amend the filing dates to require that comments on the interim rules be submitted by May 15, 1978 and that petitions to intervene be submitted on or before May 25, 1978.

The purpose of establishing the filing dates set forth in the April 24, 1978 Notice is to ensure that this proceeding is administered in a fair and efficient manner. The subcommittee is comprised of members of the petroleum industry, consumer groups, state energy offices, and the DOE, who represent the various interests most likely to be involved in this proceeding, and their views as to the appropriate time period for filing comments and Petitions to Intervene should be very seriously considered. Moreover, it does not appear that the filing extensions requested by the subcommittee would unduly delay the proceedings. Under these circumstances, the Office of Hearings and Appeals has determined that the filing dates with respect to comments regarding the interim rules should be extended to May 14, 1978. The filing date for submitting Petitions to Intervene will also be extended to May 25, 1978. The Office of Hearings and Appeals intends to issue a determination with respect to the Petitions to Intervene no later than June 9, 1978.

All other filing dates specified in the April 24, 1978 Notice remain unchanged at the present time. However, these dates will be subject to reconsideration pending the submission of comments regarding the interim rules of procedure to the Office of Hearings and Appeals.

II. AMENDMENTS

(1) The effective date by which comments with respect to the interim rules must be submitted is hereby amended to May 15, 1978.

(2) Rule 2 (Petition to Intervene) is hereby amended in the following manner:

(a) *Filing Requirement.* Any person who wishes to be designated a party to this proceeding shall file a Petition to Intervene no later than May 25, 1978.

(3) Rule 3 (Decision With Respect to Petition to Intervene) is hereby amended in the following manner:

(c) The Order of the Office of Hearings and Appeals with respect to a Petition to Intervene shall not be subject to further administrative review or appeal. The Office of Hearings and Appeals intends to issue a determination with respect to Petitions to Intervene no later than June 9, 1978.

Issued in Washington, D.C., May 5, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals, Department of Energy.

[FR Doc. 78-12874 Filed 5-10-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 894-1]

AIR QUALITY CRITERIA FOR COKE OVEN EMISSIONS SUBCOMMITTEE

Open Meeting

As required by Pub. L. 92-463, this is to announce a public meeting of the Science Advisory Board's subcommittee to review the Environmental Protection Agency's draft document relating to the human health effects of atmospheric emissions from coke ovens. The draft documents to be reviewed are entitled An Assessment of the Health Effects of Coke Oven Emissions, Human Population Exposures to Coke Ovens, and Carcinogen Assessment Group's Preliminary Report on Population Risk to Ambient Coke Oven Exposure.

The meeting will be for one and a half days, starting at 10 a.m. on May 30 and at 9 a.m. on May 31, Room 2117 of the Mall, 401 M Street SW., Washington, DC. The meeting is open to the public. Any member of the public wishing to attend or submit written comments regarding the scientific and technical information in the documents should call or write Ms. Elaine Hance or Mr. Lloyd Taylor, Science Advisory Board (A-101), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The telephone number is 703-557-7720.

Dated: May 4, 1978.

RICHARD M. DOWD,
Staff Director, Science Advisory Board.

[FR Doc. 78-12765 Filed 5-10-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENT FILED

Revision

Notice of Agreement filed by:
Edward Schmeltzer, Esquire, Schmeltzer, Aptaker and Sheppard, P.C., Counselors at Law, Suite 305, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 9929-5, among the parties to the Combi Line Joint Service Agreement, previously appeared in the FEDERAL REGISTER of February 7, 1978, Vol. 43, No. 26, page 5065. This amendatory agreement has now been revised relative to the parties' coordinated container service to: (1) Extend the overall limitation on the carriage of cargo in containers to include all vessels operated by the joint service, (2) include within this limitation service between United States ports and ports in Mexico, (3) further limit the

carriage and the loading and discharging of containerized cargo at U.S. South Atlantic ports moving to and from Europe, (4) limit the carriage of reefer containers to the current reefer capacity of approximately 30,000 cubic feet weekly in each direction, (5) provide that the limitations on the carriage of containers shall apply to containers both loaded and discharged at ports covered by the agreement regardless of the ultimate destination, except containers carrying motor vehicles or parts originating at or destined to ports or points in Mexico, (6) provide that the parties may jointly schedule and advertise their sailings, and (7) provide for the pooling of revenues and the sharing of operational expenses until Agreement No. 10266, as amended, has been approved and implemented.

This agreement has been incorporated into Docket No., 77-7 which concerns Agreement No. 9929-5, as amended, and as herein clarified. The above is due to a prehearing conference held on February 27, 1978, concerning Docket No. 77-7 wherein the proponents voluntarily withdrew Amendments 2 and 4 to the subject agreement. All persons, except parties to Docket No. 77-7, desiring to comment upon this revision may do so by filing petitions to intervene in this proceeding. However, comments should be restricted to these latest changes and only comments thereon shall be considered.

By the Order of the Federal Maritime Commission.

Dated: May 5, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-12857 Filed 5-10-78; 8:45 am]

[6730-01]

NOUVELLE COMPAGNIE DE PAQUEBOTS (PAQUET LINES)

Order of Revocation

In the matter of certificate of financial responsiblilty for indemnification of passengers for nonperformance of transportation No. P-82 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,077.

Whereas, Nouvelle Compagnie de Paquebots (Paquet Lines), c/o Paquet Cruises, Inc., 1370 Avenue of the Americas, New York, New York 10019, has ceased to operate the passenger vessel Renaissance; and

Whereas, Nouvelle Compagnie de Paquebots (Paquet Lines) has retured Certificate (Performance) No. P-82 and Certificate (Casualty) No. C-1,077 applying to the Renaissance for revocation;

It is ordered, That Certificate (Performance) No. P-82 and Certificate (Casualty) No. C-1,077 applying to the Renaissance be and are hereby revoked effective May 4, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission May 4, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-12858 Filed 5-10-78; 8:45 am]

[1505-01]

FEDERAL MARITIME COMMISSION

[Docket No. 72-35]

PACIFIC WESTBOUND CONFERENCE

Investigation of Rates, Rules and Practices Pertaining to the Movement of Wastepaper and Woodpulp from United States West Coats Ports to Ports in Japan; Draft Environmental Impact Statement

Correction

In FR Doc. 78-9137, appearing at page 14538 in the issue for Thursday, April 6, 1978; on page 14539, first column, first line, the date "May 8, 1978" should read "May 22, 1978".

[6730-01]

SECURITY FOR THE PROTECTION OF THE PUBLIC; INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. Part 540):

Venture Cruise Lines, Inc., 1175 N.E. 125th Street—Suite No. 103, North Miami, Fla. 33161.

Dated: May 8, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-12859 Filed 5-10-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

DECATUR COUNTY BANKSHARES, INC.

Formation of Bank Holding Company

Decatur County Bankshares, Inc., Oberlin, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85.2 percent of the voting shares of Decatur County National Bank, Oberlin, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 1, 1978.

Board of Governors of the Federal Reserve System, May 4, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-12839 Filed 5-10-78; 8:45 am]

[6210-01]

FIRST & MERCHANTS CORP.

Proposed Commencement of Reinsurance Activities

First & Merchants Corp., Richmond, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its subsidiary Security-Atlantic Life Insurance Co., Phoenix, Ariz. Notice of the application was published on March 24, 1978 in The Richmond Times-Dispatch, a newspaper circulated in Richmond, Va. and on March 28, 1978 in The Arizona Republic, a newspaper circulated in Maricopa County, Ariz.

Applicant states that the proposed subsidiary would engage in the activity of reinsuring credit life and credit accident and health insurance sold at offices in North Carolina in connection with extensions of credit by nonbanking subsidiaries of First & Merchants Corp. 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 pro-

poses 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 Richmond.

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 June 2, 1978.

Board of Governors of the Federal Reserve System, May 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-12842 Filed 5-10-78; 8:45 am]

[6210-01]

KENCO BANCSHARES, INC.

Formation of Bank Holding Company

Kenco Bancshares, Inc., Jayton, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Kent County State Bank, Jayton, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 2, 1978.

Board of Governors of the Federal Reserve System, May 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-12840 Filed 5-10-78; 8:45 am]

[6210-01]

NATIONAL BANCSHARES CORP. OF TEXAS

Acquisition of Bank

National Bancshares Corp. of Texas, San Antonio, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Brooks Field National Bank, San Antonio, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 5, 1978.

Board of Governors of the Federal Reserve System, May 4, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-12841 Filed 5-10-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Eduction

NATIONAL CENTER FOR RESEARCH IN VOCATIONAL EDUCATION ADVISORY COUNCIL

Establishment

The Secretary of Health, Education, and Welfare has determined that the establishment of the National Center for Research in Vocational Education Advisory Council, as identified hereinafter, to be in the public interest, and necessary and appropriate to provide advice to the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, the Commissioner of Education and the Director of the National Center for Research in Vocational Education. The Council is established in accordance with and will be governed by the provisions of the Federal Advisory Committee Act, Pub. L 92-463.

1. Designation—National Center for Research in Vocational Education Advisory Council.
2. Establishment date and date of termination—The Council was established April 24, 1978, and will terminate 2 years from that date unless renewed by appropriate action prior to its expiration.
3. Purpose—To assist the Director of the National Center and to advise the Commissioner when and if necessary in determining the location of one or more Regional Research Centers.
4. Membership—The Council shall consist of 13 public members knowledgeable about, or from some of the fields of: State administration of vocational education, Research Coordinating Units, State advisory councils on vocational education, teacher education, a vocational educator, a State or local superintendent of schools, community college and junior college educators, employers, labor, management, economics, psychology-sociology, and special needs of the disadvantaged and handicapped. At least one member shall be a student. In addition, a representative of the Department of Defense and a representative of the Department of Labor will be appointed *ex-officio* (non-voting) members.
5. Meetings—Notice of meetings, to be held not less than two times each year, will be given to the public in accordance with the Federal Advisory Committee Act.

Signed at Washington, D.C., on May 3, 1978.

ANN V. BAILEY,
Committee Management Officer, Office of Education.

[FR Doc. 78-12834 Filed 5-10-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHEMEHUEVI INDIAN RESERVATION, CALIF.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

MAY 3, 1978.

In accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 230 DM 2 (32 FR 13938) and in accordance with the Act of August 15, 1953, Pub. L. 277, 83d Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Chemehuevi Indian Reservation, Calif., was adopted September 24, 1977, by the Chemehuevi Indian Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Pursuant to the authority vested in the Tribal Council of the Chemehuevi Indian Tribe by its Constitution, the Tribal Council of the Chemehuevi Indian Tribe unanimously takes, adopts, and enacts the following Ordinance.

Whereas, title 18, section 1161 of the United States Code provides that certain laws prohibiting the sale and consumption of alcoholic beverages on Indian country are not applicable to an act or transaction which is in conformity both with the applicable laws of the State of California and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of Interior and published in the FEDERAL REGISTER; and

Whereas, the Chemehuevi Tribal Council has heretofore enacted Tribal Ordinance No. 7 with respect to the sale and consumption of alcoholic beverages on the Reservation, which ordinance was certified by the Secretary of the Interior and published in volume 37, No. 217 of the FEDERAL REGISTER on November 9, 1972; and

Whereas, the Chemehuevi Tribal Council has heretofore enacted Tribal Ordinance No. 14 with respect to the sale and consumption of alcoholic beverages on the Reservation, which ordinance was certified by the Secretary of the Interior and published in volume 41, No. 186 of the FEDERAL REGISTER on September 23, 1976; and

Whereas, the Chemehuevi Tribal Council wishes to amend such ordinance.

Now, therefore, the following ordinance is hereby enacted:

The possession and consumption of alcoholic beverages on the Chemehuevi Indian Reservation shall be lawful, provided that such possession and consumption is in con-

formity with the applicable laws of the State of California. The purchase and sale of alcoholic beverages on the Chemehuevi Reservation shall be lawful only within that portion of the reservation riparian to Lake Havasu designated by U.S. Secretary of the Interior Ickes on November 25, 1941, bounded on the North by a line parallel to and 200 feet south of the north boundary of section 31, T5N, R25E, San Bernardino Meridian and bounded on the south by the east-west centerline of the SW-¼ of section 31; provided that such purchase and sale is in conformity with the applicable laws of the State of California.

Resolved further, That Tribal Ordinance No. 14 is hereby repealed; and

Resolved further, That the Chairman of the Tribe is hereby directed to submit the foregoing ordinance, or cause such ordinance to be submitted, to the Superintendent of the Colorado River Agency, Bureau of Indian Affairs, for submission to the Secretary of the Interior for certification and publication in the FEDERAL REGISTER.

CERTIFICATION

The foregoing resolution was presented at the regular meeting of the Chemehuevi Tribal Council, meeting on this 24th day of September 1977, with a quorum present, by motion of Ralph Esquerra, seconded by Nina Murdock and approved by a vote of 8 yes and 0 nos.

HERBERT W. PENCILLE,
Chairman.
ROSIE M. LEIVAS,
Secretary/Treasurer
FORREST J. GERARD,
Assistant Secretary for Indian Affairs.
LAFOLLETTE BUTLER,
Acting Assistant Area Director.

[FR Doc. 78-12774 Filed 5-10-78; 8:45 am]

[4310-02]

INDIAN TRIBES PERFORMING LAW ENFORCEMENT FUNCTIONS

Determination—Amendment

MAY 3, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law enforcement functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law enforcement functions they have responsibility to exercise. Determinations and certifications concerning Indian tribes not listed are made on an individual basis upon application by such tribes.

It has been determined by the Assistant Secretary—Indian Affairs that the Absentee Shawnee and the Cheyenne-Arapaho Tribes of Indians in Oklahoma have responsibility to perform the six functions listed below:

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) is further amended by adding the entry for the Absentee Shawnee and Cheyenne-Arapaho Tribes of Indians in the State of Oklahoma to read as follows:

Tribal entities recognized by the Federal Government and listed by State	To employ tribal police	To establish a tribal court	To adopt a tribal law and order code	To undertake correction functions	To undertake programs aimed at preventing crime and juvenile delinquency	To undertake adult and juvenile rehabilitation programs
Oklahoma:						
Absentee Shawnee	X	X	X	X	X	X
Cheyenne-Arapaho	X	X	X	X	X	X

FORREST J. GERARD,
Assistant Secretary, Indian Affairs.

[FR Doc. 78-12773 Filed 5-10-78; 8:45 am]

[4310-84]

Bureau of Land Management

[Serial No. I-14476]

IDAHO

Application

MAY 3, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a cathodic protection station on the following described Federal lands:

BOISE MERIDIAN, IDAHO

T. 2S., R. 6E.,
Sec. 33, NW¼SW¼.

This facility is necessary for the protection and safe operation of their natural gas pipe line system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

EUGENE E. BABIN,
Acting Chief,
Branch of L&M Operations.

[FR Doc. 78-12820 Filed 5-10-78; 8:45 am]

[4310-84]

[NM 33322, 33323 and 33324]

NEW MEXICO

Applications

MAY 2, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for three 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 6 W.,
Sec. 11, E½SE¼;
Sec. 15, NW¼SW¼.
T. 29 N., R. 11 W.,
Sec. 26, E½SE¼.

These pipelines will convey natural gas across 0.497 of a mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-12821 filed 5-10-78; 8:45 am]

[4310-84]

[N-19622]

NEVADA

Proposed Withdrawal and Reservation of Lands of Military Purposes

The Department of the Navy, Western Division, Naval Facilities Engineering Command, on behalf of the Naval Air Station at Fallon, Nev., filed application N-19622 on March 6, 1978, for the withdrawal of lands described below from mining, settlement, sale, location, or entry under the public land laws.

The applicant desires to use the lands in the B-20 Target Range for aerial bombing practice, target gunnery operations, and the jettison of unsafe ordnance.

On or before June 12, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976 (hereinafter referred to as the act), an opportunity for a public hearing is hereby afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, within the 30 day period allowed. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

Some of the lands involved are presently segregated from the operation of the public land laws by virtue of withdrawals effected by Secretarial Orders of July 2, 1902 and August 4, 1904.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will submit a legislative proposal to the Congress of the United States for its consideration to determine whether the lands will be withdrawn as requested by the applicant agency.

The lands involved in the application are described below and are delineated on a map designated Proposed Acquisition Map of Extended B-20 Range, copies of which are on file in Case No. N-19622, Nevada State Office, Bureau of Land Management.

All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Department of the Interior; Chief, Division of Technical Services, 300 Booth Street, Reno, Nev. 89509.

MOUNT DIABLO MERIDIAN, NEVADA

T. 23 N., R. 32 E.
Secs. 1-30 inclusive.
T. 24 N., R. 32 E.
Secs. 19-36 inclusive.
T. 23 N., R. 33 E.
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30.
T. 24 N., R. 33 E.
Secs. 19, 20, 29, 30, 31, and 32.

The lands described above aggregate 21,600 acres more or less in Churchill County.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc. 78-12775 Filed 5-10-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[332-98; 332-99]

THE PROBABLE ECONOMIC EFFECT OF U.S. ADOPTION OF NEW RULES OF CUSTOMS VALUATION; CONVERSION OF SPECIFIC AND COMPOUND RATES OF DUTY TO AD VALOREM RATES

Extension of Deadline for Written Submissions

AGENCY: United States International Trade Commission.

ACTION: The Commission is extending the deadline for written submissions on Investigations 332-98, "The Probable Economic Effect of U.S. Adoption of New Rules of Customs Valuation" and 332-99, "Conversion of Specific and Compound Rates of Duty to Ad Valorem Rates," from previously announced deadlines to not later than June 1, 1978.

The deadline for written submissions for Investigation 332-98 is being changed from April 28, 1978, the deadline announced in a Commission notice on this investigation which appeared in the FEDERAL REGISTER of March 23, 1978 (43 FR 12096-12130).

The deadline for written submissions for Investigation 332-99 is being changed from May 3, 1978, the deadline announced in the Commission notice on this investigation which appeared in the FEDERAL REGISTER of April 4, 1978 (43 FR 14156).

Although the Commission is not providing additional hearings in these investigations, persons who testified at the hearings and/or submitted written statements within the original deadlines are welcome to submit additional information not later than June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Investigation 332-98—Mr. E. Rosengarden, Office of Nomenclature, Valuation, and Related Activities, 202-523-0370.

Investigation 332-99—Mr. Aaron Chesser, Office of Industries, 202-523-0171.

SUPPLEMENTARY INFORMATION: Interested persons may submit written statements expressing their positions on the above investigations. Any business information which a submitted desires the Commission to treat as confidential shall be submitted on separate sheets, each clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be made available for inspection by interested persons. The original and 19 copies of each written submission are required. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than June 1, 1978. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: May 8, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-12876 Filed 5-10-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

UNITED STATES v. HUDSON PULP AND PAPER CO.

Proposed Consent Judgment in Action To Enjoin Discharges of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on or about April 28, 1978, a proposed consent decree in *United States* v. *Hudson Pulp and Paper Company*, No. 77-274-CIV-J-S (M.D. Fla.) was lodged with the United States District Court in Jacksonville, Fla. The proposed consent decree requires the company to attain compliance with its NPDES permit issued under the Clean Water Act by July 1, 1978.

The Department of Justice will receive written comments relating to the proposed consent decree until June 12, 1978. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Hudson Pulp and Paper Company*, D.J. Ref. 90-5-1-1-637.

The proposed consent decree may be examined at the office of the United States Attorney, P.O. Box 600, Jacksonville, Fla. 32201, at the office of the Clerk of the District Court, Middle District of Florida, Jacksonville Division, Jacksonville, Fla. 32201, at the office of the Environmental Protection Agency, Region IV, Enforcement Division, 345 Courtland Street, Atlanta, Ga. 30308, and at the office of the Pollution Control Section, Land and Natural Resources Division, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 78-12776 Filed 5-10-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration

ADVISORY COMMITTEE OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Meetings

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on May 30, 1978 from 9:15 a.m. to 4:30 p.m. and on May 31, 1978 from 9:15 a.m. to 12 p.m. at the Holiday Inn, 480 King Street, Old Town Alexandria, Va.

The major topic of discussion will concern the long range research agenda for fiscal year 1979 and beyond with particular focus on selected priority areas including community crime prevention and crime correlates.

The meeting will be open to the public.

For further information, please contact Blair G. Ewing, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3606.

BLAIR G. EWING, ACTING,
Director, NILECJ.

[FR Doc. 78-12822 Filed 5-10-78; 8:45 am]

[7535-01]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on June 13-14, 1978, at the Offices of the National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. The meetings will commence at 9 a.m. daily in Room 4002.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration. An NCU Board review will also be held.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

LAWRENCE CONNELL,
Administrator.

MAY 5, 1978.

[FR Doc. 78-12767 Filed 5-10-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Meeting

The ACRS Working Group on Anticipated Transients Without Scram will hold an open meeting on May 26, 1978, in room 1046, 1717 H Street NW., Washington, D.C. 20555, to discuss various issues pertaining to anticipated transients during reactor operations that might take place without the occurrence of reactor scram.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, 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 subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Friday, May 26, 1978, 8:30 a.m. until the conclusion of business.

The working group may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the working group will hear presentations by and hold discussions with representatives of the NRC staff and their consultants pertinent to the above topics. The working group may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether additional meetings of the working group will be required.

Further information regarding topics to be discussed, whether the meeting has been canceled 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 designated Federal employee for this meeting, Dr. Thoman G. McCreless, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., EDT.

Dated: May 3, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-12548 Filed 5-10-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE MAINE YANKEE NUCLEAR PLANT

Changed Meeting

The postponed May 2, 1978 meeting of the ACRS Subcommittee on the Maine Yankee Nuclear Plant has been rescheduled to be held on May 25. The meeting will start at 10 a.m. on Thursday, May 25, 1978.

All other items pertaining to this meeting remain the same as announced in the FEDERAL REGISTER On April 17, 1978.

Dated: May 9, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-12932 Filed 5-10-78; 8:45 am]

[7590-01]

[DOCKET NO. STN 50-437]

OFFSHORE POWER SYSTEMS, FLOATING NUCLEAR POWER PLANTS

Availability of Revised Draft Environmental Statement, Part III

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's (Commission) regulations in Appendix M of 10 CFR Part 50 and 10 CFR Part 51, notice is hereby given that the Commission's Office of Nuclear Reactor Regulation has prepared a Revised Draft Environmental Statement, Part III (Revision 1, NUREG-0127).

The original Draft Environmental Statement (DES) considered the comparative risks and consequences between floating nuclear plants and land-based nuclear plants associated with the accidental release of radioactive material to the aqueous environment. Notice of availability of the original Draft Environmental Statement, Part III, was published in the FEDERAL REGISTER on October 18, 1976 (41 FR 45899). Comments received on the original DES have been included as Appendix A, and discussed in section 5 of the Revised DES.

This Revised DES differs from the original DES in that it considers the overall risk and consequences between floating and land-based nuclear plants resulting from the accidental releases of radioactivity to the environment. It also provides a total cost-benefit balance for the proposed licensing action, which considers the findings made in the FES, Parts I and II, (NUREG-75/091 and NUREG-0056), the Draft Addendum to the Final Environmental Statement (FES), Part II (NUREG-0056; Addendum) and the Part III Draft Statement.

The Final Liquid Pathway Generic Study (NUREG-0440) was used as a primary reference by the NRC staff in the preparation of this Part III Environmental Statement. The Notice of availability of NUREG-0440 was published in the FEDERAL REGISTER on March 10, 1978 (43 FR 9891).

The Revised DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.; the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Fla. 32204; the Stockton State College Library, Pomona, N.J. 08240; and the New Orleans Public Libary, Business and Science Division, 29 Loyola Avenue, New Orleans, La. 70140. The Revised DES is also being made available at the Bureau of Intergovernmental Relations, Division of State Planning, Department of Administration, 660 Apalachee Parkway, Tallahassee, Fla. 32304 and at the Jacksonville Area Planning Board, 330 East Bay Street, Jacksonville, Fla. 32202.

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Revised Draft for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the Revised Draft. Comments by those officials or other persons received by the Commission will be available for public inspection at the Commission's Public Document Room in Washington, D.C., and the other locations indicated above.

Upon consideration of comments submitted with respect to this Revised Draft, the Commission's staff will prepare a Final Environmental Statement, Part III, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Revised Draft from interested members of the public should be sent to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Site Safety and Environmental Analysis and are due by July 3, 1978.

Copies of the Commission's Revised Draft, Part III, may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

Dated at Bethesda, Md. this 5th day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-12933 filed 5-10-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-462]

AIRCRAFT ACCIDENT—RICHLAND, WASH.

Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time) on May 23, 1978, in Conference Room H, Center House, Seattle Center Conference Center, Seattle, Wash.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving a Columbia Pacific Airlines, Inc. Beech 99, N199EA, which occurred February 10, 1978, at Richland, Wash.

MARTIN SPEISER,
Senior Hearing Officer.

MAY 5, 1978.

[FR Doc. 78-12882 Filed 5-10-78; 8:45 am]

[4910-58]

THIRD PARTY COMMUNICATIONS

Board Policy

Notice is hereby given that on May 4, 1978, the NTSB adopted the following policy statement by unanimous vote:

It is the policy of the National Transportation Safety Board that the Members thereof will not solicit or subject themselves to third party communications regarding any matter[1] pending before the Board after the notation with a notation number has been received by the Board.

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 5, 1978.

[FR Doc. 78-12883 Filed 5-10-78; 8:45 am]

[1]Enforcement opinions and orders are not included since they are adjudications and thereby subject to the Board's rules concerning Ex Parte Communication (49 CFR § 821.60 and 825.40).

[4910-58]

[N-AR 78-19]

SAFETY EFFECTIVENESS EVALUATION; RECOMMENDATIONS AND RESPONSES

Printed copies of the following report have recently been made available to the public by the National Transportation Safety Board:

Report to Congress-Safety Effectiveness Evaluation of the National Highway Traffic Safety Administration's National Accident Sampling System (Report No. NTSB-SEE-78-1).—On March 3, 1977, the Subcommittee on Transportation and Related Agencies of the Senate Appropriations committee asked the National Transportation Safety Board to study the National Accident Sampling System (NASS), which was being developed by the National Highway Traffic Safety Administration (NHTSA). Specifically, they urged the Safety Board to evaluate NASS to determine if a sufficient ammount of reliable data will be collected in order to accurately determine accident trends and to assess the impact of vehicle safety standards.

Based on this evaluation, the Safety Board, on May 3, made recommendations to the Federal Highway Administration, and to the National Highway Traffic Safety Administration, respectively.

To the Federal Highway Administration:

Conduct a comprehensive study to identify highway safety accident problem factors for which data must be collected to identify the problem magnitude, and support research and countermeasure formulation. Such problem factors should include elements such as geometric design factors, roadway surface skid resistance qualities, traffic control devices, traffic barrier systems, roadside hazards, and other factors related to highway operational safety. This study should be designed to support both the NHTSA NASS Program as well as the activities of FHWA and State and local agencies involved in highway safety. (H-78-20) (Class II, Priority Action)

To the National Highway Traffic Safety Administration:

Establish a NASS Advisory Committee to provide NHTSA with a broader perspective of types of data that should be collected and methods of data storage and retrieval. The committee membership should be balanced and include persons from automobile manufacturers, highway user groups, the insurance industry, governors' highway safety representatives, highway engineering agencies, medical and legal professions, statistical and economic professions, and the private and governmental highway safety research community. (H-78-21) (Class II, Priority Action)

Study the practical problems associated with collecting key data, such as injury data, to determine the magnitude of any problems and to assess the impact on the effectiveness of the NASS program before selecting the number and location of future NASS investigation sites. (H-78-22) (Class II, Priority Action)

Study the effects on the cost and quality of data collection that could result from the need for NASS investigators to testify in liability cases resulting from motor accidents. The Study should consider the need, advisability, and obtainment of a limited shield for NASS investigators. (H-78-23) (Class II, Priority Action)

Assure that the number of NASS accident investigation sites will not be expanded beyond the original 10 until after experience with field data collection and processing is evaluated; the exposure data system design, sample design, accident causation methodology, and other NASS studies are completed; and a comprehensive plan for further implementation of NASS is developed and made public. (H-78-24) (Class II, Priority Action)

Ensure that copies of the sanitized accident reports and case files including photographs completed by each team are retained and systematically filed at a central location for easy retrieval for future use by persons interested in further in-depth research. (H-78-25) (Class II, Priority Action.)

Revise the currently proposed data collection forms to include substantially increased emphasis on the highway environment. The recommendations and counsel of the Federal Highway Administration should be sought and utilized. (H-78-26) (Class II, Priority Action.)

SAFETY RECOMMENDATION

Highway: H-78-19.—On July 14, 1977, a 1972 Ford sedan southbound on U.S. Route 69 about 19.4 miles south of McAlester, Oklahoma, went out of control on wet pavement, crossed the centerline sideways, and collided with a northbound Midas Mini Motor Home. All six persons in the automobile were killed; the driver and right front passenger in the motor home were also killed and the six other passengers of the motor home were injured.

As a result of its investigation of this accident, the Safety Board on May 1, recommended that the Federal Highway Administration:

Develop expeditiously procedures to determine the skid resistant characteristics of newly constructed and resurfaced roadways before they are opened to the public. (H-78-19) (Class II, Priority Action.)

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation.—The Federal Aviation Administration (FAA) on February 21 advised the Safety Board of actions taken regarding the following recommendations:

A-71-18.—This recommendation sought appropriate regulatory action to prohibit the servicing of oxygen systems while passengers are on board. FAA reports issuance of Notice 74-21 in this connection and, as a result of comments received, issued Notice 74-21A, which was withdrawn October 17, 1977, based on FAA's evaluation of the comments. FAA notes that the rationale for this decision is provided in the notice of withdrawal, appearing at 42 FR 55480.

A-72-179.—FAA states that this recommendation (to amend FAR 135.136 to provide that all flying, including private, shall not exceed the prescribed flight time limitations) was considered in preparing the FAR Part 135 Review. FAA advises that this item was not included in the proposal since no information was available to support regulatory action in this area; further, "private" flying by individuals could not be controlled nor could such a requirement be effectively enforced.

A-74-30 through 34.—These recommendations asked FAA to install conventional transmissometers or other visibility measuring devices in the approach areas of instrument runways, to combine the approach zone transmissometer or visibility readings with the ceilometer readings to produce estimates of "threshold contact height," and to reassess the operational meteorological minimums to make full use of the new observations, respectively.

FAA reports that, as referred to in its letters of May 21 and October 24, 1974, the Slant Visual Range Measurement System development program did not produce sufficiently promising results to warrant continuance as a high priority effort. Also, because of several recent serious and fatal accidents involving encounters with wind shear in the takeoff, approach and landing phases of flight, the highest priority was assigned to research for developing a suitable wind shear detection system as soon as possible. FAA states that it has no plans to reinstate the Slant Visual Range program unless significant advancements and requirements become evident.

A-76-20.—In answer to this recommendation, which asked FAA to require after a certain date that passenger emergency supplemental oxygen systems have readily discernible means to indicate that oxygen is flowing, FAA issued Advisory Circular AD-121-24 on June 23, 1977.

A-76-85 and 86.—The recommendations called for the development of a simple, economical wind measuring system for use particularly at relatively small airports primarily by general aviation aircraft, and, through the FAA/NWS Working Group on Improving Pilot Education, the placing of special emphasis on the hazards associated with unfavorable winds during the landing regime.

Concerning A-76-85, FAA reports that it has evaluated the "pole streamer" type wind indicator referred to in its October 15, 1976, letter, and finds that this type of indicator is too limited for practical, universal use, especially at night. Concerning A-76-86, FAA states that revised Private Pilot—

Airplane Written Test Guide, Advisory Circular AC-61-32B, containing questions on critical weather situations, was issued May 2, 1977. Paragraphs emphasizing the problems of unfavorable and variable wind conditions/wind shear during approach, flare and touchdown, have been included in the revised Private Pilot's Handbook of Aeronautical Knowledge, AC-61-23B.

A-76-129 through 131.—These recommendations asked FAA to evaluate the service life of hubs with truncated and short-peened retention threads and limit the life of the hubs accordingly, to issue an airworthiness directive to require periodic inspection of the threaded area until an appropriate life limit is established on these propellers, and to issue an airworthiness directive to require that the relevant provisions of AD-75-24-2 are applied to all model propellers which have been involved in ground strikes or sudden stops.

FAA reports that its evaluation of fatigue test data reveals no requirement for a life limit. FAA has issued Airworthiness Directives 77-17-09, 77-20-03, 77-23-1, and 77-24-04, requiring initial and repetitive inspections or replacement with oil-filled hubs. FAA states that it is unable to correlate blade strikes with hub failures. Compliance with these airworthiness directives provides additional means of damage/failure discovery.

A-77-23.—This recommendation called for issuance of an airworthiness directive to require an immediate one-time magnetic particle inspection of all Bell main rotor hub trunnions P/N 206-011-113-1, in accordance with Bell Helicopter published maintenance and overhaul procedures, to detect machining deficiencies, surface irregularities and cracks. FAA reports that after issuance on June 6, 1977, of notice of proposed rulemaking 77-SW24 (AD) specifying magnetic particle inspection, seven comments objecting to the proposal and one (from the Safety Board) in support were received. FAA said that the consensus of those objecting to the proposal is that if the trunnion is properly inspected every 1200 hours in accord with the manufacturer's recommended procedures, an acceptable level of safety is assured. FAA has determined that the proposed airworthiness directive is not required at this time.

A-77-33.—This recommendation asked the FAA to reevaluate the current inspection interval and issue requirements for more frequent periodic inspections if necessary to ensure continued safe operation. FAA assessments have been completed and Airworthiness Directive 77-16-06 issued, effective August 18, 1977.

A-77-34.—In answer to this recommendation, which called for issuance of an advisory circular to establish criteria for the design, installation, and use of livestock restraining systems and to ensure that carriage of livestock will not adversely affect the operation of the aircraft or function of crewmembers, FAA Order 8110.29, Cargo Compartment Requirements for Air Shipment of Livestock, was issued July 27, 1977.

A-77-51.—In answer to this recommendation, which would require that the sliding cockpit door on the Sikorsky S-61 helicopter be removed or retained open so that it cannot obstruct the entrance from the cockpit to the cabin area, FAA reports that New York Airways removed the sliding doors from their aircraft; also, FAA issued Operations Bulletin 77-5 instructing inspectors to notify other operators of S-61 aircraft.

Copies of all above-referenced documents are attached to the responses.

Highway: H-72-51 through 53, H-72-56, H-75-8, and H-75-34 and 36.—The National Highway Traffic Safety Administration on February 27 responded to the Safety Board's inquiry of last December 22 concerning these recommendations which deal with reduced visibility driving. NHTSA's letter refers to its October 21, 1977, letter which indicated that "the significance of the reduced visibility crash experience cannot presently be determined with acceptable accuracy."

Referring to the Board's citing of statistical data from the Fatal Accident Reporting System (FARS), NHTSA states that the source of the FARS data is the investigating police officer's accident report, and that in many instances, the officer does not make nor record the distinction between "conditions existing" and "conditions existing and contributing to the accident." According to NHTSA, based upon the current accident data system, the distinction, even if recorded by the investigating officer, may be omitted in the data processing system. NHTSA states, however, that the uncertain data base does not diminish the fact that "reduced visibility" is and accident causative factor which requires NHTSA's attention. Highway Safety Program Standard No. 15 requires States to adopt procedures for investigating, recording, and reporting causative factors in individual accidents and hazardous highway defects and conditions.

NHTSA has informed the States of the recommendations developed by the International Association of Chiefs of Police, and states that, obviously, adoption and enforcement of the Uniform Vehicle Code's basic speed rule (i.e., reasonable and prudent for existing weather and highway conditions) is the single most effective driver control countermeasure now available. Accordingly, NHTSA has emphasized speed enforcement in numerous manuals, policy documents and other guidance materials developed and issued to the States by NHTSA.

NHTSA is informed that the Federal Highway Administration is also concerned over the reduced visibility problem and is studying the feasibility of highway engineering aids and solutions.

NOTE.—The above notice consists of summaries of Board documents recently released and responses to safety recommendations received.

The Board's safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4 for service and 10¢ per page for reproduction.

Single copies of the Safety Effectiveness Evaluation report may be obtained from the Safety Board without charge; multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

All requests to the Board for copies must be in writing, identified by the report or recommendation number and the date of publication of this notice in the FEDERAL REGISTER. Address requests to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594

Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 8, 1978.

[FR Doc. 78-12884 Filed 5-10-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

BOSTON STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 2, 1978.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Fleetwood Enterprizes, Inc. (Del.), capital stock, $1 par value, File No. 7-5030.

Upon receipt of a request, on or before May 31, 1978 from any interested person, the Commission will determine whether the applications with respect to the companies named shall be set down for hearing. Any such request should include a brief statement

as to the title of the security in which the person is interested, the nature of his interest in making the request, and the position which he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-12769 Filed 5-10-78; 8:45 am]

[8010-01]

MIDWEST STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 2, 1978.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Levitz Furniture Corp., common stock, $0.40 par value, File No. 7-5025.

Upon receipt of a request, on or before May 31, 1978 from any interested person, the Commission will determine whether the applications with respect to the companies named shall be set down for hearing. Any such request should include a brief statement as to the title of the security in which the person is interested, the nature of his interest in making the request, and the position which he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-12770 Filed 5-10-78; 8:45 am]

[8010-01]

PHILADELPHIA STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 2, 1978.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Marshall Field & Co., Common Stock, $1 Par Value; File No. 7-5024.
Clarkson Industries, Inc., Common Stock, $1 Par Value; File No. 7-5026.
National Starch & Chemical Corp., Common Stock, $0.50 Par Value; File No. 7-5027.
Sycor, Inc., Common Stock, $0.50 Par Value; File No. 7-5028.
Fleetwood Enterprises, Inc. (Delaware), Common Stock, $1 Par Value; File No. 7-5029.
Flying Diamond Oil Corp., Common Stock, $1 Par Value; File No. 7-5031.

Upon receipt of a request, on or before May 31, 1978, from any interested person, the Commission will determine whether the applications with respect to the companies named shall be set down for hearing. Any such request should include a brief statement as to the title of the security in which the person is interested, the nature of his interest in making the request, and the position which he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-12771 Filed 5-10-78; 8:45 am]

[8010-01]

[File No. 500-1]

SEQUENTIAL INFORMATION SYSTEMS, INC.

Suspension of Trading

MAY 4, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Sequential Information Systems, 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 3:30 p.m. (e.d.t.) on May 4, through May 13, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-12772 Filed 5-10-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

NONRUBBER FOOTWEAR

Amendment to Subpart A, Part 2 of the Appendix to the Tariff Schedules of the United States

The Government of the United States concluded orderly marketing agreements on nonrubber footwear with the Governments of the Republics of China and Korea on June 14 and June 21, 1977, respectively. These agreements were implemented by Presidental Proclamation No. 4510 of June 22, 1977, which authorized the Special Representative for Trade Negotiations to act for the U.S. Government in undertaking modifications of the agreements.

On May 8, 1978, letters were exchanged between the Special Representative for Trade Negotiations and Minister Yoonsae Yang, on behalf of the Republic of Korea, amending the orderly marketing agreement on nonrubber footwear between the United States and the Republic of Korea. This amendment increases the amount by which the restraint levels specified in the agreement may be exceeded in the first restraint year, provided that any amount by which the restraint levels are exceeded in the first restraint year are subracted from the restraint levels for the second restraint year. The letters amending the agreement, which will explain more fully the reasons for the amendments, are set forth at Annex I to this notice.

In order to implement these amendments, subpart A, part 2, of the appen-

dix to the Tariff Schedules of the United States is modified by amending Headnotes 3(g) and 3(h) thereof to read as follows:

"(g) *Exceeding restraint levels.*—Upon appropriate request of the foreign government involved and to the extent consistent with an orderly marketing agreement existing between the Government of the United States of America and such Government, restraint levels for each item may be exceeded by not more than 20 percent during the first restraint period, at the discretion of the Special Representative for Trade Negotiations, and by not more than 6 percent during any subsequent restraint period, except as provided for in paragraph (h). If a restraint level is exceeded during a restraint period, the Special Representative for Trade Negotiations shall make a downward adjustment of the restraint level for the next succeeding restraint period in the absolute amount by which the preceding restraint level was exceeded.

"(h) *Limitation of paragraphs (f) and (g).*—Except at the discretion of the Special Representative for Trade Negotiations in the first restraint period, paragraphs (f) and (g) may not be used in combination to increase the restraint level applicable to any item in any restraint period by more than 11 percent."

These amendments will be effective one day after this notice is published in the FEDERAL REGISTER.

The Republic of Korea has requested that the restraint level for the first restraint year be increased in accordance with the amendments implemented by this notice. A letter from the Special Representative for trade Negotiations to the Commissioner of Customs, directing the Commissioner to make this adjustment, is set forth at Annex II.

ROBERT S. STRAUSS,
Special Representative for Trade Negotiations.

ANNEX I

Minister YOONSAE YANG,
Embassy of the Republic of Korea, 23220 Massachusetts Avenue NW., Washington, D.C.

DEAR MR. MINISTER: I have the honor to refer to the agreement between the Government of the Republic of Korea and the Government of the United States of America regarding exports from the Republic of Korea of nonrubber footwear, hereinafter referred to as the "Agreement".

Paragraph 2(d) of that Agreement contained special provisions regarding footwear that was exported from the Republic of Korea before the date that the visa requirement became effective under the Agreement (June 28, 1977). These provisions state in part that non-rubber footwear exported from the Republic of Korea before June 28, 1977, and that entered the United States on or after June 1, 1977 but before September 1, 1977, would not be counted against the first year's restraint levels unless such exports exceeded 9 million pairs. All such exports in excess of 9 million pairs would be counted against the restraint levels for the first year.

The purpose of this provision was to permit a reasonable amount of footwear exports that were "in the pipeline" at the time the agreement was signed to enter without being counted against the restraint levels, but to count those "pipeline" shipments in excess of the specified levels.

The Government of the Republic of Korea has stated that at the time the Agreement was signed a far greater volume of footwear was in transit to the United States than it had anticipated. It has asked for relief from the reduction in the first annual restraint levels that has resulted from counting "pipeline" shipments in excess of 9 million pairs against the first year's levels.

The Government of the United States of America has consented to amend the Agreement in order to permit the Government of the Republic of Korea to request increases in the first year's restraint levels by borrowing from the second year's levels a larger amount than the Agreement originally permitted. Thus the Government of the United States of America and the Government of the Republic of Korea have agreed to the amendment set forth below, which increases the amount of footwear that can be taken from the second year's restraint levels and allocated to the first year's levels.

Accordingly, pursuant to discussions that have been held between representatives of our Governments, I hereby propose to amend subparagraphs 4(c) and 4(d) of the Agreement to read as follows:

"4. (c) The restraint levels for each category may be exceeded by not more than 6 percent in any one restraint period, except that in the restraint period June 28, 1977–June 30, 1978, the restraint level for each category may be exceeded by not more than an additional 14 percent at the discretion of the Special Representative for Trade Negotiations (1,610,000 pairs for category K1 and 2,990,000 pairs for category K2). Any restraint level that is exceeded in one restraint period will be reduced for the next succeeding restraint period by the absolute amount by which it was exceeded.

"4. (d) Except at the discretion of the Special Representative for Trade Negotiations during the first restraint period, subparagraphs (a) and (c) may not be used in combination to increase the restraint level applicable to any category in any restraint period by more than 11 percent."

It is also my understanding that the Government of the Republic of Korea will continue to adhere to the commitments made at the time of the signing of the Agreement and under foreseeable circumstances will not make similar approaches for relief from delayed entry of nonrubber footwear covered by the Agreement.

I would appreciate your confirming that this proposal is acceptable to your Government.

With best wishes, I am,
Sincerely yours,
(Signed) ROBERT S. STRAUSS.

EMBASSY OF THE REPUBLIC OF KOREA,
Washington, D.C., May 8, 1978.

His Excellency Ambassador ROBERT S. STRAUSS,
Special Representative for Trade Negotiations, Executive Office of the President, Washington, D.C.

DEAR MR. AMBASSADOR. I have the honor to acknowledge the receipt of your letter of today's date which reads as follows:

"I have the honor to refer to the Agreement between the Government of the Republic of Korea and the Government of the United States of America regarding exports from the Republic of Korea of non-rubber footwear, hereinafter referred to as the 'Agreement'.

"Paragraph 2[d] of that Agreement contained special provisions regarding footwear that was exported from the Republic of Korea before the date that the visa requirement became effective under the Agreement [June 28, 1977]. These provisions state in part that non-rubber footwear exported from the Republic of Korea before June 28, 1977, and that entered the United States on or after June 1, 1977 but before September 1, 1977, would not be counted against the first year's restraint level unless such exports exceeded 9 million pairs. All such exports in excess of 9 million pairs would be counted against the restraint level for the first year.

"The purpose of this provision was to permit a reasonable amount of footwear exports that were 'in the pipeline' at the time the Agreement was signed to enter without being counted against the restraint levels, but to count those 'pipeline' shipments in excess of the specified level.

"The Government of the Republic of Korea has stated that at the time the Agreement was signed a far greater volume of footwear was in transit to the Unted States than it had anticipated. It has asked for relief from the reduction in the first annual restraint level that has resulted from counting 'pipeline' shipments in excess of 9 million pairs against the first year's level.

"The Government of the United States of America has also consented to amend the Agreement in order to permit the Government of the Republic of Korea to request increases in the year's restraint levels by borrowing from the second year's levels a larger amount than the Agreement originally permitted. Thus the Government of the United States of America and the Government of the Republic of Korea have agreed to the amendment set forth below, which increases the amount of footwear that can be taken from the second year's restraint levels and allocated to the first year's levels.

"Pursuant to discussions that have been held between representatives of our two Governments, I hereby propose to amend subparagraphs 4[c] and 4[d] of the Agreement to read as follows:

'4. [c] The restraint levels for each category may be exceeded by not more than 6 percent in any one restraint period, except that in the restraint period June 28, 1977–June 30, 1978, the restraint level for each category may be exceeded by not more than an additional 14 percent at the discretion of the Special Representative for Trade Negotiations [1,610,000 pairs for category K1 and 2,990,000 pairs for category K2]. Any restraint level that is exceeded in one restraint period will be reduced for the next succeeding restraint period by the absolute amount by which it was exceeded.

'4. [d] Except at the discretion of Special Representative for Trade Negotiations during the first restraint period, subparagraphs [a] and [c] may not be used in combination to increase the restraint level applicable to any category in any restraint period by more than 11 percent.'

"It is also my understanding that the Government of the Republic of Korea will continue to adhere to the commitments made at the time of the signing of the Agreement and under foreseeable circumstances will not make similar approaches for relief from delayed entry of non-rubber footwear covered by this Agreement.

"I would appreciate your confirming that this proposal is acceptable to your Government."

I have further the honor to confirm that the proposal and your understanding contained in your letter is acceptable to the Government of the Republic of Korea.

Accept, Excellency, the renewed assurances of my highest consideration.

YOONSAE YANG,
Minister.

ANNEX II

THE SPECIAL REPRESENTATIVE
FOR TRADE NEGOTIATIONS,
Washington, May 8, 1978.

MR. ROBERT CHASEN,
Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 22029.

DEAR MR. COMMISSIONER: We have exchanged letters on May 8, 1978, with the representative of the Government of the Republic of Korea, concerning the orderly marketing agreement on non-rubber footwear concluded between that Government and the Government of the United States of America. These letters state, in pertinent part, as follows:

"• • • amend subparagraphs 4(c) and 4(d) of the Agreement to read as follows:

"4. (c) The restraint levels for each category may be exceeded by not more than 6 percent in any one restraint period, except that in the restraint period June 28, 1977–June 30, 1978, the restraint level for each category may be exceeded by not more than an additional 14 percent at the discretion of the Special Representative for Trade Negotiations (1,610,000 pairs for category K1 and 2,990,000 pairs for category K2). Any restraint level that is exceeded in one restraint period will be reduced for the next succeeding restraint period by the absolute amount by which it was exceeded.

"4. (d) Except at the discretion of the Special Representative for Trade Negotiations during the first restraint period, subparagraphs (a) and (c) may not be used in combination to increase the restraint level applicable to any category in any restraint period by more than 11 percent."

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) has been amended to reflect these changes.

Pursuant to these amendments and to authority delegated by operative paragraph (6) of Proclamation 4510 of June 22, 1977, you are directed to allow, during the restraint period June 28, 1977–June 30, 1978, entry or withdrawal from warehouse for consumption of additional non-rubber footwear covered by the agreement, in the amounts of 1.61 million pairs for TSUS category 923.93 and 2.99 million pairs for category 923.94. For the restraint period, July 1, 1978–June 30, 1979, you are directed to reduce the restraint levels applicable to each category by the absolute amount by which entries for the current restraint period exceed the original restraint levels (11.52 million pairs for category 923.93, and 21.48 million pairs for category 923.94).

This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT S. STRAUSS.

[FR Doc. 78-12911 Filed 5-10-78; 8:45 am]

[4710-07]

DEPARTMENT OF STATE

[Public Notice CM-8/58]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The Department of State will hold a meeting on May 23 for the Working Group on Transborder Data Flows of the Advisory Committee on Transnational Enterprises. The Working Group will meet from 9 a.m. until 12 noon. The meeting will be held in Room 3524 of the State Department, 2201 C Street NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss ongoing work in international bodies in the area of transborder data flows, particularly the work of the Organization for Economic Cooperation and Development toward formulating "guidelines" for international data flows.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meetings.

Dated: May 2, 1978.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 78-12777 Filed 5-10-78; 8:45 am]

[4710-09]

[Public Notice 608]

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of State has prepared a draft environmental impact statement, dated May 10, 1978, for the Renegotiation of the International Convention for the High Seas Fisheries of the North Pacific Ocean. The Convention provides for the protection of North American-origin Salmon pursuant to the Fishery Conservation and Management Act of 1976.

Copies of the draft environmental impact statement may be obtained by writing to William H. Mansfield, Office of Environmental Affairs, Department of State, room 7820, Washington, D.C. 20520. Written comments on the proposed action should be submitted to Mr. Mansfield no later than June 26, 1978.

For the Secretary of State.

DONALD R. KING,
Acting Deputy Assistant Secretary for Environment and Population.

MAY 4, 1978.

[FR Doc. 78-12779 Filed 5-10-78; 8:45 am]

[4710-07]

[Public Notice CM-8/57]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on the carriage of dangerous goods of the Shipping Coordinating Committee's (SHC) Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 9:30 a.m. on Thursday, June 8, 1978 in room 8334 of the Nasiff Building, Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to: Discuss the report of the 28th session of the Subcommittee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO); consider U.S. positions on matters to be considered at the 29th session of the IMCO Subcommittee; relate the progress of continuing IMCO activities in this area such as implementation of the IMCO International Maritime Dangerous Goods (IMDG) Code.

Requests for further information on the meeting should be directed to: Captain C. E. Mathieu, U.S. Coast Guard (G-MHM/83), Washington, D.C. 20590, telephone 202-426-2296.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

APRIL 27, 1978.

[FR Doc. 78-12778 Filed 5-10-78; 8:45 am]

[4710-02]

Agency for International Development

MISSION DIRECTOR, USAID INDIA

Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511) with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/India and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act or predecessor legislation, including the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to India.

Redelegation of Authority No. 164-13 dated February 14, 1977 from Michael H. B. Adler, Acting Assistant Administrator to the AID Affairs Officer, India is hereby rescinded.

This Redelegation of Authority is effective immediately.

Dated: April 21, 1978.

JOHN H. SULLIVAN,
Assistant Administrator,
Bureau for Asia.

[FR Doc. 78-12780 Filed 5-10-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 78-WA-OE-4; Aeronautical Study No. 77-AEA-1038-OE]

DISCRETIONARY REVIEW OF DETERMINATION OF HAZARD TO AIR NAVIGATION

Hearing Rescheduled

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of hearing rescheduled.

SUMMARY: This notice reschedules a hearing set for May 17, 1978, in Pomona, N.J., to receive evidence from parties to the hearing and other interested persons regarding a proposed hotel in Atlantic City, N.J. The hearing date is changed to July 19, 1978, as a result of a request by the petitioner for a delay in the scheduled hearing.

HEARING DATE: July 19, 1978, at 9:00 a.m.

ADDRESSES: Hearing location, Auditorium, Building 11, Headquarters, National Aviation Facilities Experimental Center (NAFEC), Federal Aviation Administration, Pomona, N.J.

Make request to be heard at the hearing to Presiding Officer, Mr. William E. Broadwater, Chief, Airspace and Air Traffic Rules Division (AAT-200), Federal Aviation Administration, Air Traffic Service, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202-426-3731. (This is not a toll-free number).

FOR FURTHER INFORMATION CONTACT:

Mr. James E. Shipman, Airspace Obstruction and Airports Branch (AAT-244), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8777. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On Thursday, April 20, 1978, the Federal Aviation Administration (FAA) published a notice of hearing in the FEDERAL REGISTER (43 FR 16835) regarding the proposed construction of a high rise hotel and casino in Atlantic City, N.J. Aeronautical Study No. 77-AEA-1038-OE was conducted of the proposal which resulted in the issuance of a Determination of Hazard to Air Navigation on December 22, 1977.

As explained in the original notice of hearing, the FAA granted a discretionary review of the determination on February 9, 1978, by Notice of Petition for and Grant of Review, OE Docket Number 77-WA-OE-4.

On May 4, 1978, the petitioner requested a 60-day delay of the May 17, 1978, hearing date. The FAA has determined that such action would not adversely effect the safe and efficient utilization of the navigable airspace and a delay in the hearing date is so ordered.

As stated above, the hearing will be convened at 9 a.m., on July 19, 1978. If response to this notice exceeds the time alloctaed for the hearing, it will be continued at 9 a.m., July 20, 1978, at the same location. All other hearing details set forth in the notice published on April 20, 1978, in the FEDERAL REGISTER (43 FR 16835) remain the same.

(Secs. 104, 307, 313, 1001, and 1101, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1304, 1328, 1354, 1481, and 1501); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 77.49).)

Issued in Washington, D.C. on May 9, 1978.

B. KEITH POTTS,
Alternate Presiding Officer.

[FR Doc. 78-12955 Filed 5-10-78; 8:45 am]

[4910-60]

Materials Transportation Bureau

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by June 12, 1978.

ADDRESSED TO: Dockets Sections, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature or Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft.

NEW APPLICATION

Application No.	Applicant	Regulation(s) affected	Nature of application
7968-N	SCM Corp., Cleveland, Ohio	49 CFR 173.224	To authorize shipment of pinane hydroperoxide in MC-310, MC-311, and MC-312 tank motor vehicles. (Mode 1.)
7969-N	Royalvac, Inc., Fort Lauderdale, Fla	49 CFR 173.119, 173.245	To manufacture, mark, and sell non-DOT specification cargo tanks for transporting certain flammable and corrosive liquids. (Mode 1.)
7971-N	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.304, 178.53	To manufacture, mark, and sell cylinders built in compliance with DOT specification 4D, except the minimum service pressure shall be 700 lb/in², for the transportation of nonflammable compressed gas. (Modes 1, 2, 3, 4, and 5.)
7972-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.504	To authorize shipment of explosive samples in nonplacarded private motor vehicles. (Mode 1.)
7973-N	Provost Cartage Inc., Ville D'Anjou, Que., Canada.	49 CFR pt. 172, subpt. F	To authorize use of UN placards on tank motor vehicles transporting hazardous materials. (Mode 1.)
7974-N	Koppers Co., Inc., Pittsburgh, Pa	49 CFR 173.348	To authorize shipment of arsenic acid solution in DOT 103CW rail cars. (Mode 2.)
7976-N	Trans International Airlines, Oakland, Calif.	49 CFR 172.101, 175.3, 175.30.	To authorize transportation of class A explosive projectiles by cargo-only aircraft. (Mode 4.)
7978-N	Magnavox Government & Industrial Electronics Co., Fort Wayne, Ind.	49 CFR 172.504	To authorize transportation of certain hazardous materials packages containing lithium batteries without placarding the transport vehicle. (Mode 1.)
7979-N	Texas Gas Transport Co., Austin, Tex	49 CFR 173.302(a)(3)	To authorize shipment of hydrocarbon gas, consisting primarily of methane and ethane, in DOT-3T cylinders. (Mode 1.)
7980-N	Applied Equipment Co., Van Nuys, Calif	49 CFR 173.302, 175.3	To manufacture, mark, and sell non-DOT specification welded cylinders for shipment of nonflammable compressed gases. (Modes 1, 2, and 4.)
7981-N	....do	49 CFR 173.302, 175.3	To manufacture, mark, and sell non-DOT specification cylinders fabricated of precipitation hardening corrosion resistant steel for shipment of nonflammable compressed gases. (Modes 1, 2, and 4.)
7982-N	....do	49 CFR 173.302, 175.3	To manufacture, mark, and sell non-DOT specification high pressure welded cylinders for shipment of nonflammable compressed gases. (Modes 1, 2, and 4.)
7983-N	Union Carbide Corp., New York, N.Y	49 CFR pt. 100-189	To authorize transportation of miniature batteries containing lithium metal without complying with the hazardous materials regulations. (Modes 1, 2, 3, 4, and 5.)
7984-N	Air Products & Chemicals Inc., Allentown, Pa.	49 CFR 173.154	To authorize shipment of a liquid fertilizer mixture classed as an oxidizer in DOT 105A200W tank cars. (Mode 2.)
7985-N	Process Engineering Inc., Plaistow, N.H	49 CFR 173.315	To manufacture, mark, and sell non-DOT specification portable tanks for shipment of liquefied nitrogen. (Modes 1 and 3.)
7986-N	The Aluminum Association, Washington, D.C.	49 CFR pt. 172, subpt. E, 172.232(b)(c).	To authorize shipment of metallic aluminum powder in packages and gross weights other than as prescribed in 173.232 and without labels. (Modes 1, 2, 3, 4, and 5.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on May 4, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 78-12852 Filed 5-10-78; 8:45 am]

[4910-60]

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the

nature of application would be described. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments by May 26, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of an Exemption
1479-X	Jet Propulsion Laboratory, Pasadena, Calif.	1479
2787-X	U.S. Department of the Army, Washington, D.C.	2787
3307-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	3307
4175-X	Allied Chemical Corp., Morristown, N.J.	4175
4248-X	MC/B Manufacturing Chemists, Inc., Norwood, Ohio.	4248
4390-X	Enthone Inc., New Haven, Conn.	4390
4554-X	The BF Goodrich Co., Cleveland, Ohio.	4554
4575-X	ICI Americas Inc., Wilmington, Del.	4575
5196-X	Shell Oil Co., Houston, Tex	5196
5200-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	5200
5243-X	IMC Chemical Group, Inc., Allentown, Pa.	5243
5243-X	E. I. duPont de Nemours & Co., Inc., Wilmington, Del.	5243
5615-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	5615
5849-X	Olin Chemicals Group, Stamford, Conn.	5849
5948-X	Department of Energy, Washington, D.C.	5948
5951-X	Jones Chemicals, Inc., Caledonia, N.Y.	5951
6039-X	Rohm and Haas Co., Philadelphia, Pa.	6039
6113-X	L. P. Transportation, Inc., Chester, N.Y.	6113
6113-X	Public Service Electric and Gas Co., Newark, N.J.	6113
6113-X	Providence Gas Co., Providence, R.I.	6113
6113-X	The Southern Connecticut Gas Co., New Haven, Conn.	6113
6113-X	New Jersey Natural Gas Co., Asbury Park, N.J.	6113
6113-X	Valley Gas Co., Cumberland, R.I.	6113
6113-X	The Hartford Electric Light Co., Wethersfield, Conn.	6113
6197-X	The Connecticut Light and Power Co., Berlin, Conn.	6197
6197-X	Providence Gas Co., Providence, R.I.	6197
6225-X	Great Lakes Chemical Corp., El Dorado, Ark.	6225
6253-X	United States Navigation Inc., New York, N.Y.	6253
6253-X	Atlantic Cargo Services AB, Gothenburg, Sweden.	6253
6309-X	Insta-Foam Products, Inc., Joliet, Ill.	6309
6309-X	Olin Chemicals Group, Stamford, Conn.	6309
6398-X	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	6398
6675-X	Olin Chemicals Group, Stamford, Conn.	6675
6749-X	Bio-Lab, Inc., Conyers, Ga	6749
6816-X	U.S. Department of the Army, Washington, D.C.	6816
6844-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	6844
6859-X	Pyronetics Devices Inc., Cerritos, Calif.	6859
7014-X	Eastern Mediterranean (Containers) Co. Ltd., London, England.	7014
7015-X	Gardner Cryogenics Division, Bethlehem, Pa.	7015
7024-X	Burlington Industries, Inc., Burlington, N.C.	7024
7031-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7031
7052-X	Eagle Picher Industries, Inc., Joplin, Mo.	7052
7052-X	GTE Sylvania Inc., Seneca Falls, N.Y.	7052
7052-X	Honeywell Inc., Horsham, Pa	7052
7052-X	Mallory Battery Co., Tarrytown, N.Y.	7052
7094-X	The Lubrizol Corp., Wickliffe, Ohio.	7094
7094-X	Champion Chemicals, Inc., Odessa, Tex.	7094
7409-X	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	7409
7423-X	Hart Metals, Inc., Tamaqua, Pa.	7423
7483-X	Hugonnet S.A., Paris, France	7483
7503-X	Lowaco, S.A., Geneva, Switzerland.	7503
7584-X	Eastern Mediterranean (Containers) Co., Ltd., London, England.	7584
7584-X	Orval Tank Containers, Paris, France.	7584
7584-X	Interox Chemicals Ltd., Bedfordshire, England.	7584
7596-X	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	7596
7611-X	Richfood, Inc., Richmond, Va	7611
7616-X	Missouri Pacific Railroad Co., St. Louis, Mo.	7616
7621-X	Great Lakes Chemical Corp., El Dorado, Ark.	7621
7632-X	Enterprise Service Co., Houston, Tex.	7632
7633-X	Sea Containers, London, England.	7633
7671-X	Sea Containers, London, England.	7671
7690-X	Prestex Products Co., St. Paul, Minn.	7690
7714-X	Suttons International Limited, London, England.	7714
7719-X	Turner Co., Sycamore, Ill	7719
7725-X	Economics Laboratory, Inc., St. Paul, Minn.	7725
7752-X	Eurotainer, Paris, France	7752
7753-X	Stauffer Chemical Co., Westport, Conn.	7753
7770-X	Ugine Kuhlmann of America, Inc., Paramus, N.J.	7770
7820-X	Permal International, Inc., New York, N.Y.	7820
7830-X	Orval Tank Containers, Paris, France.	7830
7893-X	Orval Tank Containers, Paris, France.	7893
7925-X	A/S Cheminova, Lemvig, Denmark.	7925
4108-P	C & C Oxygen Co., Chattanooga, Tenn.	4108
4497-P	Bill Munn, Enid, Okla	4497
5196-P	Mobil Chemical Co., Beaumont, Tex.	5196
5520-P	Amchem Products, Inc., Ambler, Pa.	5520
6234-P	Chem Lab Products Inc., Anaheim, Calif.	6234
6348-P	Airwick Industries, Inc., Carlstadt, N.J.	6348
6614-P	Hill Brothers Chemical Co., City of Industry, Calif.	6614
6847-P	Olin Chemicals Group, Stamford, Conn.	6847
6858-P	Orval Tank Containers, Paris, France.	6858
*7052-P	Beech Aircraft Corp., Wichita, Kans.	7052
7094-P	Rohm and Haas Co., Philadelphia, Pa.	7094
7584-P	Compagnie Des Containers Reservoirs, Paris, France.	7584
7597-P	Woolfolk Chemical Works, Inc., Fort Valley, Ga.	7597
7597-P	Apollo Enterprises, Inc., Altheimer, Ark.	7597
7597-P	United Seed Co., Bunkie, La	7597
*7014-P	Eurotainer, Paris, France	7014
7597-P	Thompson-Hayward Chemical Co., San Antonio, Tex.	7597
7597-P	Mirco Chemical Co., Winnsboro, La.	7597
7597-P	Cleveland Chemical Co., Cleveland, Miss.	7597
7633-P	Orval Tank Containers, Paris, France.	7633
7654-P	Eastman Kodak Co	7654

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 CFR 1806; 49 CFR 1.53(e).)

Issued in Washington, D.C., on May 4, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 78-12851 Filed 5-10-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

1971-76 FORD PINTO AND 1975-76 MERCURY BOBCAT

Public Proceeding Scheduled

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. § 1412, the Deputy Administrator, National Highway Traffic Safety Administration, has made an initial determination that a safety related defect exists in the fuel tanks and filler necks installed in 1971-76 Ford Pinto and 1975-76 Mercury Bobcat automobiles (not including station wagons).

A public proceeding will be held at 10 a.m., June 14, 1978, in Room 2230, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590, at which the Ford Motor Co. will be afforded an opportunity to present data, views and arguments to establish that there is no safety related defect in the 1971-76 Ford Pintos and 1975-76 Mercury Bobcats (not including station wagons).

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Room 5326, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (telephone 202-426-2850) before close of business on June 7, 1978.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on May 8, 1978.

HOWARD J. DUGOFF,
Deputy Administrator.

[FR Doc. 78-12853 Filed 5-10-78; 8:45 am]

[4910-59]

1977 CHEVROLET CHEVETTE

Public Proceeding Scheduled

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. § 1412, the Deputy Administrator, National Highway Traffic Safety Administration, has made an initial determination that a noncompliance with Federal Motor Vehicle Safety Standard No. 301-75, *Fuel System Integrity*, exists with respect to the 1977 Chevrolet Chevette automobile.

A public proceeding will be held at 10 a.m., June 6, 1978, in room 2230, Department of Transportation Building, 400 Seventh Street, SW., Washington, D.C. 20590, at which the General Motors Corp. will be afforded an opportunity to present data, views and arguments to establish that there is no failure to comply in the 1977 Chevrolet Chevette.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Gail Willis, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, room 3222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20590, telephone 202-426-2832, before close of business on May 30, 1978.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on May 4, 1978.

HOWARD J. DUGOFF,
Deputy Administrator.

[FR Doc. 78-12615 Filed 5-10-78; 8:45 am]

[4910-59]

[Docket No. IP78-4, Notice 1]

VOLVO OF AMERICA

Receipt of Petition for Determination of Inconsequential Noncompliance

Volvo of American Corp. of Rockleigh, N.J., ("Volvo" herein) has petitioned to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, "Tire Selection and Rims for Passenger Cars," on the basis that it is inconsequential as it related to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3(b) of Standard No. 110 requires that the information on the placard affixed to the glove compartment door include the designated seating capacity of the vehicle, expressed in terms of total numbers of occupants and in terms of occupants for each seat location. Volvo has discovered that the placard installed on 17,780 model year passenger cars lacks this information. The vehicles include 2-door sedans (Model 242), 4-door sedans (Models 244 and 264) and station wagons (Models 245 and 265). Volvo argues that the noncompliance is inconsequential as the total number of designated seating positions in each model is five (two front and three rear) and the configuration of the vehicles is such that extra passengers cannot be added to overload the vehicle.

Interested persons are invited to submit written data, views and arguments on the petition of Volvo of America Corp. described above. Comments should refer to the docket number and be submitted to: Docket section, National Highway Traffic Safety Administration, room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date:

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on T4May 4, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-12616 Filed 5-10-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 47F)]

BURLINGTON NORTHERN, INC.

Abandonment Near Adrian and Odair, in Grant County, Wash.

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated April 28, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of a line of railroad known as the Adrian to Odair Line extending from railroad milepost 126.24 near Adrian, Wash., to railroad milepost 106.70 near Odair, Wash., a distance of 19.54 miles, in Grant County, Wash. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern, Inc. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than May 26, 1978. The offer,

as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective June 26, 1978.

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

[FR Doc. 78-12861 Filed 5-10-78; 8:45 am]

[7035-01]

DECISIONS VOLUME NO. 2

Order-Notice

The following applications are governed by Special Rule 247 of the Commission's rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concutrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission notice, order or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

We find preliminarily that, with the exception of those applications involving duly noted impediments (e.g., unapproved common control, unresolved fitness questions, and jurisdictional problems) to authorization of proposed services, each applicant has demonstrated, in accordance with the applicable provisions of the Interstate Commerce Act and with the Commission's rules and regulations, that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human envirinment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: In the absence of legally sufficient protests, filed within 30 days of publication of this order-notice (or, if at any prescribed time thereafter, the application becomes unopposed), an appropriate certificate, permit, or license (which subsequently may reflect administratively acceptable restrictive amendments to the service proposed below) will be issued to each applicant upon compliance with certain requirements which will be set forth in a notification of effectiveness of this order-notice. To the extent that the authority sought by each applicant below may duplicate its existing authority, such duplicating authorities shall be construed, for all purposes, as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of symplifying grants of operating authority.

Dated: May 8, 1978.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

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

No. MC 409 (Sub-No. 66F), filed April 21, 1978. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Kansas City, MO.)

No. MC 42405 (Sub-No. 36F), filed April 17, 1978. Applicant: MISTLETOE EXPRESS SERVICE, d.b.a. Mistletoe Express, P.O. Box 25125, Oklahoma City, OK 73125. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, OK 73112. Authority granted to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and articles of unusual value), moving in express service, between points in OK (except Cimarron, Texas, Beaver, Ellis, and Delaware Counties), as intermediate and off-route points in connection with carrier's authorized regular-route operations. (Hearing site: Oklahoma City, OK.)

No. MC 80443 (Sub-No. 11F), filed April 25, 1978. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated houses,* knocked-down, from Minneapolis, MN, to points in IL, IN, IA, MI, MO, NE, ND, SD, and WI. (Hearing site: Minneapolis, or St. Paul, MN.)

No. MC 105413 (Sub-No. 39F), filed April 17, 1978. Applicant: PETROLEUM TRANSPORT SERVICE, INC., 3908 Richland Drive, Council Bluffs, IA 51501. Applicant's representative: ARTHUR J. CERRA, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Anhydrous ammonia,* in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Kansas City, MO.)

No. MC 116077 (Sub-No. 392F), filed April 24, 1978. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Applicant's representative: Pat H. Robertson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from the facilities of Jefferson Chemical Co., Inc., located at or near Port Neches, Austin, and Youens, TX, to points in the United States (except TX, AK, and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Houston, TX, or New Orleans, LA.)

No. MC 107010 (Sub-No. 65F), filed April 19, 1978. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Kansas City, MO.)

No. MC 108248 (Sub-No. 14F), filed April 14, 1978. Applicant: SHAW TRUCKING, INC., P.O. Box E, Brockway, PA 15824. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Authority granted to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers,* from points in Clearfield and Jefferson Counties, PA, to points in Cayuga, Onondaga, and Oswego Counties, NY, and points in MD; and (2) *Equipment, materials, and supplies,* used in the production and distribution of glass containers, from the destination points described above, to points in Clearfield and Jefferson Counties, PA. (Hearing site: Philadelphia, PA.)

No. MC 112963 (Sub-No. 75F), filed April 18, 1978. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy, 764 Boston Road, Pinehurst, MA 01866. Authority granted to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dry sugar,* in bulk, in dump vehicles, (1) From New York, NY, to points in ME, NH, VT, MA, CT, RI, and NJ; and (2) From Philadelphia, PA, to points in ME, NH, VT, MA, CT, RI, NY, and NJ. (Hearing site: Boston, MA, or New York, NY.)

No. MC 113624 (Sub-No. 81F), filed April 17, 1978. Applicant: WARD TRANSPORT, INC., P.O. Box 100, Commerce City, CO 81001. Applicant's representative: Leslie R. Kehl, Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. Authority granted to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Kansas City, MO.)

No. MC 116725 (Sub-No. 25), filed April 11, 1978. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Avenue, Harleysville, PA 19438. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority granted as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Beatrice Foods Co., at Archbold, OH, to points in PA, NY, NJ, RI, CT, and MA. (Hearing site: Harrisburg, PA.)

No. MC 118959 (Sub-No. 168F), filed April 24, 1978. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, Cape Girardeau, MO 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *Paper and paper products,* from the facilities of the Procter & Gamble Distributing Co., at or near Albany, GA, to points in LA and MS; and (2) *equipment, supplies, and materials* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in LA and MS, to the facilities of the Procter & Gamble Manufacturing Co., at or near Albany, GA. (Hearing site: Louisville, KY or Washington, DC.)

No. MC 123424 (Sub-No. 9F), filed April 14, 1978. Applicant: POSA, INC., 122-24 Kingsland Avenue, Brooklyn, NY 11222. Applicant's representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers,* between the facilities of Midland Glass Co., Inc., at Cliffwood, NJ, on the one hand, and, on the other, the facilities used by Midland Glass Co., Inc., at points in Onondaga County, NY. (Hearing site: New York, NY.)

No. MC 129908 (Sub-No. 5F), filed April 24, 1978. Applicant: AMERICAN FARM LINES, INC., 8115 Southwest 15th Street, P.O. Box 75410, Oklahoma City, OK 73107. Applicant's representative: William L. Peterson, Jr., P.O. Box 917, Oklahoma City, OK 73101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Flat glass,* from the facilities of PPG Industries, Inc., at or near Crystal City, MO, to points in AZ, CA, CO, ID, NV, OR, UT, and WA. (Hearing site: Oklahoma City, OK; Pittsburgh, PA.)

No. MC 133035 (Sub-No. 25F), filed April 24, 1978. Applicant: DILTS TRUCKING, INC., Route No. 1, P.O. Box 156, Crescent, IA 51526. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Omaha, NE or Kansas City, MO.)

No. MC 133689 (Sub-No. 195F), filed April 26, 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 granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Renville, East Grand Forks, Moorhead, and Crookston, MN, to Altavista, VA. (Hearing site: St. Paul, MN.)

No. MC 134477 (Sub-No. 236F), filed April 20, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Green coffee,* in bags, from New York, NY to Omaha, NE. (Hearing site: Minneapolis, MN.)

No. MC 142999 (Sub-No. 4F), filed April 24, 1978. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products* (1) from Miquon, PA, to points in AZ, CA, CO, FL, GA, ID, NM, NV, OR, UT, and WA, and (2) from Longview, WA, to points in NJ, NY, and PA. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Weyerhaeuser Co. (Hearing site: Washington, DC.)

No. MC 144595 (Sub-No. 1F), filed April 17, 1978. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN CO. Route 3, Box 42, Pawnee City, NE 68420. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wooden products,* from points in AR, CA, ID, LA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, and NE. Restriction: Limited to a transportation service to be performed under a continuing contract, or contracts, with Braun, Ray Bros. & Finley Co., of Omaha, NE. (Hearing site: Omaha, NE.)

No. MC 144604F, filed April 17, 1978. Applicant: JOHN HALEY d.b.a. J & R AUTO TRANSPORT, P.O. Box 27, Summersville, MO 65571. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used automobiles and trucks,* in secondary movements, in truckaway service, between points in WA, OR, CA, ID, NV, UT, AZ, MT, CO, WY, NM, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MI, ID, and OH. (Hearing site: Kansas City, MO.)

[FR Doc. 78-12864 Filed 5-10-78; 8:45 am]

[7035-01]

[No. MC-C-10095]

DECLARATORY ORDER—EXECUTIVE COACH SERVICE

Filing of Petition

Petitioners: Blue Bird Coach Lines, Inc., Indian Trails, Inc., and Peter Pan Bus Lines, Inc. Petitioners' representative: Charles A. Webb, Suite 600, 1250 Connecticut Avenue NW., Washington, DC. 20036.

By petition filed April 13, 1978, Blue Bird Coach Lines, Inc., Indian Trails, Inc., and Peter Pan Bus Lines, Inc., seek a ruling defining a new type of bus service in charter and special operations as "executive coach service."

Petitioners are Class I motor carriers of passengers operating over described regular routes. Charter and special service is also offered. Each petitioner either operates or has ordered executive motor coaches. An executive coach is manufactured from the shell of a conventional 35 or 40 foot intercity motor coach by modifying the interior to include most or all of these Luxury features: (1) Lounge type seats; (2) Low-density seating; (3) conference or card tables; (4) electric kitchenette and bar; (5) stereo, movie, or video systems; (6) supplemental power unit for stationary heating and cooling; (7) radiotelephone; and (8) carpeting and draperies. Petitioners consider items (1) and (2) to be the most distinguishing features of this service.

Petitioners assert that executive coach charter service and ordinary charter service are non-competitive. Because of the limited number of prospective users, they argue that it is not economically feasible to restrict the origination of charters to a small geographic area. If petitioners seek an expanded origin territory for executive coach service, the application would be opposed by carriers offering an essentially non-competitive service. They, therefore, propose the following definition:

As used in certificate and permits authorizing the transportation of passengers in charter or special operations, the term "executive coach service" means service in a motor coach having Lounge-type seating, a minimum length of 35 feet, a maximum seating capacity of 25 passengers or less, and other significant Luxury features which distinguish such coaches from conventional motor coaches.

Each petitioner has filed applications for authority to provide this type of service.

Any interested person or persons desiring to participate in this proceeding may file an original and six (6) copies of his or her written representations, views or arguments in support of or against the petition on or before ————————. No oral hearing is contemplated at this time.

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

[FR Doc. 78-12784 Filed 5-10-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

May 8, 1978.

This application for long- and short-haul relief has been filed with the ICC.

Protests are due at the ICC on or before May 26, 1978.

FSA No. 43540, Southwestern Freight Bureau, Agent's No. B-738, rates on clam shells, from stations in Louisiana and/or Texas, to stations in official, southern, and western trunk line territories; also, between stations in southwestern territory; and, also returned shipments in the reverse direction, in sup. 22 to its tariff 4-D, ICC 5153, and other schedules named in the application, to become effective June 5, 1978. Grounds for relief—kindred articles and returned shipments.

By the Commission.

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

[FR Doc. 78-12865 Filed 5-10-78; 8:45 am]

[7035-01]

[Ex Parte No. 349]

INCREASED FREIGHT RATES AND CHARGES, 1978, NATIONWIDE (AUTHORITY TO FILE MASTER TARIFF)

Decision

The railroad industry, by petition and verified statements filed May 1, 1978, seeks authority to increase freight rates and charges by 4 percent within Eastern territory, within Western territory and between Eastern and Western territory, and by 2 percent from, to and within Southern territory. The proposed general increase is subject to certain exceptions and holddowns. For example, coal traffic, with specified exceptions, is proposed to be increased by 7 percent and no increase is proposed on certain commodities destined for points on the Long Island Rail Road. Other major variances involve fibreboard, paperboard, pulpboard and iron and steel scrap. A complete list of exceptions and holddowns is set forth in Appendix II of the petition. A copy of the petition and verified statements may be obtained from Albert B. Russ Esq., 527 American Railroad Building, 1920 L Street, NW., Washington, D.C. 20036.

Petitioners seek permission to make the proposed increases effective June 1, 1978, subject to the condition that refunds shall be made in the event that, after any investigation that the Commission deems necessary, no increase or a lesser increase than that requested is authorized. Petitioners also seek entry of an order modifying all outstanding Commission orders to the extent necessary to enable the railroads to file and make effective the proposed increased rates and charges. Such order is also requested to allow the entry of appropriate orders under Sections 4 and 6 of the Interstate Commerce Act.

The petitioners have filed and served 32 verified statements constituting their evidential case pursuant to the requirements set forth in Ex Parte No. 290, *Procedures Governing Rail Carrier General Increase Proceedings*, 49 CFR 1102, effective January 1, 1978. Petitioners have also submitted data of the type called for in Ex Parte No. 290 (Sub-No. 1), *Procedures—Rail Car General Increase Proceedings*, 349 ICC 22 (1974), namely detailed information on estimated revenues which would have been obtained had the last authorized increase been fully applied, and the actual total increase in revenues realized by application of the last authorized general increase.

The petitioners have given notice of the petition and have furnished data to the public in compliance with Ex Parte No. 286, *Notice of Increases of Frt. Rates and Pass. Fares*, 349 ICC 741 (1975), and with section 5b of the Interstate Commerce Act.

The petitioners have also submitted information of the type called for in Ex Parte No. 55 (Sub-No. 4), *Revised Guidelines for the Implementation of the National Environmental Policy Act of 1969*, 352 ICC 451 and 49 CFR 1108, namely a supplemental evaluation of environmental considerations with regard to the petitioner's increased rate proposal. The petitioners contend that the requested increases will have no significant adverse effects upon the movement of the traffic or transportation of recyclable commodities by rail. Any person or persons believing that the requested increases, if authorized, would have a significant impact upon the quality of the human environment are invited to comment upon this matter in verified statements authorized to be filed pursuant to this order. Environmental matters and the requirements of the National Environmental Policy Act of 1969 will be considered by this Commission in any subsequent action on the merits of the requested general increases.

It is ordered:

1. All common carriers by railroad are made respondents to this proceeding. 2. Under the special permission authority granted in conjunction with this order, the tariff schedules shall be published and filed upon not less than 30 days' notice effective not earlier than June 8, 1978, nor later than July

8, 1978,[1] *subject to protest and possible suspension.* These schedules are to contain an appropriate refund provision.

3. Any person opposing or wishing to comment on the proposed increase in rates and charges shall file and serve verified statements, as provided below, on or before May 30, 1978.[2]

(a) The verified statements shall contain all evidence relevant and material to the issues in this proceeding which the parties desire to have considered by the Commission as a basis for a decision on the merits. Any submission on asserted environmental impact shall be set forth under an appropriate subheading in order to identify properly such subject matter.

(b) Verified statements may include arguments in support of an affiant's position but such argument shall be set forth in a separate section of the document containing the verified statement. If desired, such argument may be contained in a separate document simultaneously filed and served.

(c) Each verified statement shall be signed in ink by affiant and verified (notarized) in the manner provided by Rule 28 and Form No. 6 of the Commission's Rules of Practice (See 49 CFR 1100.48 and Appendix B, Form No. 6, to 49 CFR 1100). The post office address of affiant or his counsel shall be shown.

(d) Verified statements and arguments shall be filed and served as follows:

The original and 20 copies of each such document for the use of the Commission shall be addressed to the Secretary, and sent to the Office of Proceedings, room 5342, Interstate Commerce Commission, Washington, D.C. 20423, except that a lesser number of copies may be filed with the Commission in this matter shall contain the following notation on the envelope: *Ex Parte No. 349.*

One copy shall be served upon the representative of the petitioning railroads, Albert B. Russ, Esq., 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036, which service shall constitute service upon all respondents. However, all parties able to do so shall serve 20 copies upon the railroads' representative. In all cases, where service is made by mail, the document shall be mailed in time to be received by the respective due dates.

(e) Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties, as herein provided.

(f) Verified statements and arguments by persons opposed to the proposed increases in rates and charges shall include all matters which they desire the Commission to consider with respect to statutory suspension of the rates pending completion of the investigation, as well as evidence relevant to the ultimate decision.

4. On or before June 2, 1978, the respondents shall file with the Commission and serve upon opposing parties such replies to protests or other pleadings and rebuttal evidence on the merits of the proceeding as they desire to present. Such evidence shall be in the form and served in the same manner as the opening statements filed in accordance with the regulations published in 49 CFR 1102, except that replies and rebuttal evidence need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. However, replies or rebuttal statements proposing changes in the tariff shall be served on all parties. All such statements shall be furnished to interested parties upon request.

5. The request for fourth-section relief will be considered following the filing of verified statements and replies.

By Special Permission Order No. 78-2700, served in conjunction with this order, the Commission is authorizing the filing of tariff schedules increasing rates and charges sought in the petition. These tariff schedules are to become effective upon not less than 30 days' notice to the Commission and the general public, subject to protest and possible suspension as provided by the Interstate Commerce Act. By this Special Permission Order, the Commission upon a showing of good cause shown. All documents filed with the Commission in this matter shall contain the following notation on the envelope: *Ex Parte No. 349.*

SPECIAL PERMISSION No. 78-2700

It is ordered:

1. All railroads, and water and motor carriers to the extent they have joint rates with the railroads, and their tariff-publishing agents, are authorized to depart from the Commission's tariff publishing rules in Tariff Circular No. 20 (49 CFR 1300), when publishing and filing tariffs, and tariff amendments, to become effective upon not less than 30 days' notice to the Commission and the public but not earlier than June 8, 1978, nor later than July 8, 1978, providing for increased rates and charges as set forth in the petition:

(a) By publishing and filing a master tariff of increased rates charges, and supplements to the master tariff, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increase resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with percent interest.[3]

In the event any increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with —— percent interest.[4]

The master tariff shall be indicated to expire on interstate and foreign commerce with a date not beyond one year after the effective date, which may not be extended or cancelled except upon specific authorization of this Commission, and all relief granted in this order expires with that date. Respondents are placed on notice that they must comply with the regulations, 49 CFR 1300.32 governing the transfer of railroad general increases from master tariffs. The master tariff must initially contain all provisions for application of the increases (including provisions for no increase, part of the overall proposal) following which (unless suspended) any provisions other than those of a general character may be cancelled and transferred to the particular tariff affected upon a common effective date with appropriate notation to that effect in the master tariff amendment.

(b) By publication and filing of a connecting link supplement to each tariff to be made subject to the master tariff, connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs).

(c) The master tariff and connecting link supplements issued and filed under this order shall not provide for nonapplication on interstate traffic competitive with intrastate traffic between the same points unless the interstate rates and routes are specifically identified in the connecting link supplements.

(d) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and upon the same notice which provide specifically increased rates and

[1] In the event the tariff is not filed prior to May 19, 1978, the due date specified for the filing of protests and verified statements will be extended to a date 20 days prior to the effective date, and the reply date will be correspondingly extended.

[2] Section 15 (3)(d) of the Interstate Commerce Act specifically requires the filing of verified complaints seeking suspension of proposed rate changes.

[3] The interest rate to be inserted in the refund provision shall be equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days. See Section 15(8)(e) of the Interstate Commerce Act.

[4] See, footnote 3.

charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to a refund clause worded substantially as in paragraph (a) above.

(e) By publication of provisions in tariffs or amendments thereto subjecting rates and charges therein to the provisions of the master tariff, subject to the restriction in (c) above.

2. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized herein shall bear the notation: Form of publication authorized, ICC permission No. 78-2700; and (b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading: Publication made in accordance with ICC permission No. 78-2700.

3. Connecting-link supplements authorized herein shall be exempted from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. The master tariff filed under this order shall not be amended except to correct errors and to comply with findings and orders of the Commission, except when specifically authorized to do so. The terms of rule 9(e) (40 CFR 1300.9(e)) are not waived as to supplements to the master tariff.

5. Outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to protest and possible suspension and rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, *Increased Freight Rates and Charges, 1972,* 341 ICC. 288, 336, and *Increased Freight Rates, 1970 and 1971,* 339 ICC 125, 188. The rate increase table on grain shall progress in one-half cent increments.

Notice of the filing of a railroad general increase petition will be given by sending a copy of this decision to each party to the Ex Parte No. 343 proceeding, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

Decided May 4, 1978.

By the Commission, Commissioner Murphy not participating.

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

[FR Doc. 78-12863 Filed 5-10-78; 8:45 am]

[7035-01]

[Volume No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

MAY 3, 1978.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before June 12, 1978. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issued or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative, is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 409 (Sub-No. 65F), filed March 13, 1978. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Saunders Avenue and Hwy 6, Sutton, NE 68979. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer,* in bulk, in tank vehicles, from Optic, NE to points in KS and CO. (Hearing site: Sioux City, IA or Omaha, NE.)

No. MC 921 (Sub-No. 31F), filed March 17, 1978. Applicant: DEAN TRUCK LINE, INC., P.O. Drawer 631, Cornith, MS 38834. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. 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 in 17 MCC 467, livestock, commodities in bulk, and articles which because of size or weight require special equipment), between Tupelo and New Albany, MS: from Tupelo, over U.S. Hwy 78, to New Albany and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Tupelo, MS or Memphis, TN.)

No. MC 4405 (Sub-No. 576F), filed March 16, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size and weight, require the use of special equipment or handling, and *parts* thereof, and *accessories* thereto when transported with such commodities, and (2) *self-propelled articles,* each weighing 15,000 lbs, or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in AL, FL, GA, MS, SC, and TN, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, and RI. (Hearing site: Washington, DC.)

NOTE.—The purpose of this application is seeking the substitution of a single-line serv-

ice for an existing joint line service. Common control may be involved.

No. MC 4687 (Sub-No. 17F), filed: March 27, 1978. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, FL 32304. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene products* (except in bulk) from Jacksonville, FL, to points in AL, FL, and GA. (Hearing site: Jacksonville or Tallahassee, FL).

No. MC 5623 (Sub-No. 37F), filed March 23, 1978. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. 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) *Cooling accessories, components, equipment, and parts*, and (2) *equipment, materials, and supplies* (except commodities in bulk) used in, or in connection with, the installation, manufacture, or distribution of the commodities named in (1) above, between points in Mayes County, OK, and Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of the Marley Cooling Tower Co., Mayes County, OK, or its vendors at Tulsa, OK. (Hearing site: Washington, DC).

No. MC 5888 (Sub-No. 43F), filed March 23, 1978. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Applicant's representative: Louis A. Hoger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical distribution transformers or parts thereof* (except commodities in bulk), between the facilities of RTE Corp. at or near Waukesha, WI, on the one hand and points in IL, IN, and NE on the other. (Hearing site: Milwaukee, WI, or Chicago, IL).

NOTE.—Common control may be involved.

No. MC 8973 (Sub-No. 48F), filed March 24, 1978. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of The Dow Chemical Co., at or near Carteret, NJ, and Hanging Rock, OH, to points in the United States, on and east of U.S. Hwy 85. (Hearing site: Washington, DC or Chicago, IL.)

No. MC 9644 (Sub-No. 6F), filed: March 24, 1978. Applicant: B. T. L., Inc., 631 Santa Fe, Kansas City, MO 64101. Applicant's representative: William J. Burns, 631 Santa Fe, Kansas City, MO 64101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Joseph, MO, and Omaha, NE: From St. Joseph, MO, north via Interstate Hwy 29 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Service at St. Joseph, MO, limited to joinder with applicant's present route between St. Joseph and Kansas City, MO. (Hearing site: Omaha, NE.)

No. MC 25798 (Sub-No. 308F), filed: March 24, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slate;* from Middle Granville, NY, to points in AL, GA, MS, NC, SC, and TN; (2) *clay tile;* from Dallas, TX, to points in AL, FL, GA, MS, NC, SC, and TN; (3) *tile cleaning compound, tile setting binder, mortar, grout*, and *ceramic tile adhesive* (except in bulk, in tank vehicles); from Atlanta, GA, to points in FL; (4) *tile setting binder* (except in bulk, in tank vehicles); from Clifton, NJ, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 25798 (Sub-No. 309F), filed: March 24, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Plover, WI, to points in AZ, AR, CA, ID, LA, NV, OR, TX, UT, WA, and FL. (Hearing site: San Francisco, CA.)

NOTE.—Common control may be involved.

No. MC 25798 (Sub-No. 310F), filed March 24, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC. P.O. Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed supplements*, from points in FL, east and south of Jefferson County to points in the United States (except AL, AK, FL, GA, HI, MS, NC, SC, and TN.) (Hearing site: Tampa, FL.

NOTE.—Common control may be involved.

No. MC 29886 (Sub-No. 342F), filed March 24, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Material-handling equipment and parts, attachments, and accessories* for such equipment, from New Bremen, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Washington DC.)

NOTE.—Common control may be involved.

No. MC 30844 (Sub-No. 603F), filed: March 23, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bottles*, from Cincinnati, OH, to Iowa City, IA; (2) *shampoo, toilet preparations, and permanent hair wave kits in boxes* (except electric), from Iowa City, IA, to Cincinnati, OH. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 31389 (Sub-No. 243F), filed March 22, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes: Between Jacksonville, FL and Atlanta, GA, serving Atlanta, GA; for purposes of joinder only: From Jacksonville over U.S. Hwy 23 to the junction of Interstate Hwy 16 near Macon, GA, then over Interstate Hwy 16 to the junction of Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta, GA, and return over the same route. (Hearing site: Washington, DC, or Winston-Salem, NC.)

NOTE.—Common control may be involved. The purpose of this application is to eliminate the gateway of Memphis, TN.

No. MC 40757 (Sub-No. 18F), filed: March 20, 1978. Applicant: CREECH

BROS. TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Applicant's representative: Francis W. McInerny, 1000 6th Street NW., Suite 502, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Deodorants; disinfectants; breath fresheners; cleaning compounds; swimming pool treatment compounds; insecticides; and materials, supplies, and equipment* used by deodorant and cleaning compound manufacturers (except commodities in bulk, in tank vehicles), between St. Peters and O'Fallon, MO; WI, IL, MI, OH, IN, and NJ. Restriction: The authority sought herein is limited to the transportation of shipments originating at or destined to the facilities used by Airwick Industries, Inc. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 40978 (Sub-No. 38F), filed March 24, 1978. Applicant: CHAIR CITY MOTOR EXPRESS CO., a corporation, 3321 Business 141 South Sheboygan, WI 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and parts and accessories thereof*, from Chicago, IL, and points in the Chicago, IL commercial zone, to points in the Upper Peninsula of MI, MN, and WI. (Hearing site: Milwaukee, WI or Chicago, IL.)

No. MC 41406 (Sub-No. 68F), filed March 27, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and materials, supplies equipment and related articles* used in the manufacture and production of motor vehicles, from points in MI and points in Allen, Defiance, Erie, Hamilton, Lucas, Ottawa, Sandusky, Seneca, and Wood Counties, OH to points in WI, IA, MO, KY, IL, MI, IN, OH, WV, PA, NY, NJ, MD, and DE. (Hearing site: Detroit, MI.)

No. MC 45163 (Sub-No. 12F), filed March 22, 1978. Applicant: CARL J. EDDY, d.b.a. CARL EDDY TRUCKING, P.O. Box 350, Independence, IA 50644. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. 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 the use of special equipment), between Waterloo, IA, on the one hand, and, on the other, points in IA, restricted to the transportation of shipments having a prior or subsequent movement by rail in other than TOFC (trailer-on-flat-car) service. (Hearing site: St. Paul, MN or Chicago, IL.)

No. MC 47171 (Sub-No. 106F), filed March 23, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, SC 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental and hospital supplies*, including needles, from the facilities of Becton-Dickinson & Co., North Canaan, CT to Atlanta, GA. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 50935 (Sub-No. 19F), filed March 24, 1978. Applicant: WOLVERINE TRUCKING CO., a corporation, 1020 Doris Road, Pontiac, MI 48057. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Malt beverages and related advertising materials*, from the facilities of Pabst Brewing Co. in Houston County, GA, to Detroit, MI and points in its commercial zone, and (2) *empty malt beverage containers, pallets and rejected shipments of malt beverages*, from Detroit, MI and points in its commercial zone to the facilities of Pabst Brewing Co. in Houston County, GA. (Hearing site: Milwaukee, WI Or Chicago, IL.)

No. MC 59367 (Sub-No. 119F), filed March 22, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible food products*, from the facilities of Terminal Ice & Cold Storage Co., of Bettendorf, IA, to points in AR, AL, CO, CT, FL, GA, LA, MA, ME, MI, NJ, NY, NH, OK, PA, RI, SC, TN, TX, VT, and WV. (Hearing site: Chicago, IL or Minneapolis, MN.)

No. MC 60157 (Sub-No. 26F), filed March 24, 1978. Applicant: C. A. WHITE TRUCKING CO., a corporation, 5327 North Central Expressway, Suite 310, Dallas, TX 75205. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Valves, hydrants;* and (2) *parts, attachments and accessories* for the commodities named in (1) above, from the facilities of American Darling Valve & Manufacturing Co., located at or near Beaumont, TX to points in the United States, including AK, but excluding HI. (Hearing site: Houston or Dallas, TX).

No. MC 61592 (Sub-No. 416F), filed March 17, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of the Dow Chemical Co., at or near Hanging Rock, OH, Magnolia, AR, Pevely, MO, and Channahon, IL to points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC or Chicago, IL, and at the same time and place as similar applications).

No. MC 61592 (Sub-No. 417F), filed March 17, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ventilation equipment, environmental control equipment, housing modules, air penthouses, air moving, heating and cooling equipment, motors and electrical equipment;* (2) *parts, tools and accessories* designed to be used with the articles described in (1) above, from Memphis, TN to points in the United States (except AK and HI); and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), from points in the United States (except AK and HI) to Memphis, TN. (Hearing site: Memphis, TN).

No. MC 69397 (Sub-No. 35F), filed March 24, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and fence posts*, (1) from the Federalsburg Industrial Park, Federalsburg, MD, to points in the United States in and east of MN, IA, MO, AR and LA (except points in DE, MD, NJ, NY, those in PA on and east of the Susquehanna River, and the Washington, DC); and

(2) from points in Somerset, Worcester, and Wicomico Counties, MD, to points in VA. (Hearing site: Washington, DC or Salisbury MD.)

NOTE.—Common control may be involved.

No. MC 69833 (Sub-No. 129F), filed March 20, 1978. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue NW., 6th Floor, Grand Rapids, MI 49503. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Dow Chemical Co. at or near Midland, MI as an off-route point in connection with carrier's authorized regular route operations. (Hearing site: Lansing, MI or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 69833 (Sub-No. 130F), filed March 27, 1978. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW., 6th Floor, Grand Rapids, MI 49503. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Evart, MI, as an off-route point in connection with carrier's regular route operations; and (2) over irregular routes: *Auto parts and related articles*, between Evart, MI, on the one hand, and, on the other, the facilities of American Motors Corp. located at or near Kenosha and Milwaukee, WI. (Hearing site: Chicago, IL or Lansing, MI.)

NOTE.—Common control may be involved.

No. MC 73165 (Sub-No. 436F), filed March 22, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc, zinc alloy and zinc products*, from Montgomery County, TN to points in and east of ND, SD, NE, KS, OK and TX, (2) *equipment, machinery, materials, and supplies* (except commodities in bulk), used in the manufacture, process or distribution of commodities in (1) above, from points in and east of ND, SD, NE, KS, OK, and TX, to points in Montgomery County, TN. (Hearing site: Nashville, TN.)

No. MC 73165 (Sub-No. 432F), filed March 6, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel piling and pile-driving equipment and machinery*, from Jacksonville, FL to points in the United States (except AK and HI). (Hearing site: Jacksonville or Tampa, FL.)

No. MC 74107 (Sub-No. 2F), filed March 6, 1978. Applicant: SUPER MOTOR LINES, INC., 1800 East Bessemer Avenue, Greensboro, NC 27405. Applicant's representative: F. Kent Burns, P.O. Box 1406, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1)(A) between points in Forsyth, Guilford, Wilkes, Orange, Durham, Wake, Vance, Wilson, Wayne, Greene, Pitt, Yadkin, Washington, Lee, Harnett, Cumberland, Bladen, Columbus, Pender, New Hanover, Brunswick, Craven, Lenoir, Edgecombe, Nash, Johnston, Alamance, Robeson, Sampson, Davidson, Caldwell, Randolph, Chatham, Iredell, Beaufort and Rockingham Counties, NC. (B) between Wilmington, NC, on the one hand, and, on the other, the counties shown in (1)(A) above; and (C) between Wilmington, NC, on the one hand, and, on the other, points in SC on and east of Interstate Hwy 26 between Charleston and Columbia, SC and on and east of Interstate Hwy 77 from Columbia, SC to Charlotte, NC; (2) *furniture and materials, finishes and products* used in the manufacture of furniture from Wayne and Beaufort Counties, NC, to Guilford, Forsyth and Caldwell Counties, NC; and (3) *pipe, iron or steel, conduit pipes, insulated copper wire, steel switch or conduit outlet boxes, switch boxes conduit outlet, plastic or plastic and steel combined, insulated aluminum wire, wooden reel and wooden pallets* (A) from Guilford and Forsyth Counties, NC to Whiteville, NC; and (B) between points in NC and SC within 100 mile radius of Whiteville, NC. Common control may be involved. (Hearing site: Greensboro or Raleigh, NC.)

No. MC 75320 (Sub-No. 194F), filed March 26, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Wal-Mart Stores, Inc. at or near Searcy (White County), AR, as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Little Rock, AR.)

No. MC 77061 (Sub-No. 11F), filed March 20, 1978. Applicant: LARMER TRANSFER CO., a corporation, P.O. Box 706, Eugene, OR 97440. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate, angle iron, bars, pipe* and *channels*, from the facilities of Farwest Steel Corp. and Farwest Rebar Co. at or near Eugene, OR, to points in Adams, Washington, Payette, Gem, Ada, Canyon and Owyhee Counties, ID. (Hearing site: Portland or Eugene, OR.)

NOTE.—Applicant holds motor contract carrier authority in MC 142346 (Sub-No. 1), therefore, dual operations may be involved.

No. MC 78228 (Sub-No. 74F), filed March 24, 1978. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, from Buffalo, NY, to points in CT, DE, ME, MD, MA, MI, NH, OH, PA, RI, VA, VT and WV. (Hearing site: Washington, DC or Buffalo, NY.)

No. MC 82492 (Sub-No. 188F), filed March 24, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc. at or near Lawton, MI, to points in KS, MO and TN. (Hearing site: Washington, DC.)

No. MC 82492 (Sub-No. 189F), filed March 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of

Continental Freezers of Illinois at Chicago, IL, to points in IN, KY, Lower Peninsula of MI, and OH, and to St. Louis, Scotts City and Sikeston, MO and points in their commercial zones. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 83539 (Sub-No. 488F), filed March 22, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Applicant's representative: Mr. Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Gypsum wallboard, lath and plaster*, from points in Clark County, NV, to points in AZ, CA and UT. (Hearing site: Los Angeles, CA or Dallas, TX.)

No. MC 87523 (Sub-No. 95F), filed March 23, 1978. Applicant: STEWART TRANSPORT, INC., P.O. Box 504, Londonderry, NH 03053. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501 Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from East Ryegate, VT and Claremont, NH, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, and VA, (2) *waste paper and waste paper products*, from points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, and VA to East Ryegate, VT. (Hearing site: Concord, NH or Washington, DC.)

No. MC 88182 (Sub-No. 4F), filed March 22, 1978. Applicant: SHIRAR FEED CO. INC., P.O. Box 51, Flora, IN 46929. Applicant's Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry feed and feed ingredients, insecticides, and poultry and livestock remedies*, from Shipshewana, IN, to points in OH, and (2) *dry feed ingredients, insecticides, and poultry and livestock remedies*, from points in OH, to Shipshewana, IN, under a continuing contract or contracts with Hubbard Milling Co. of Mankato, MN. (Hearing site: Indianapolis, IN or Chicago, IL.)

No. MC 95350 (Sub-No. 8F), filed March 20, 1978. Applicant: R. W. JONES TRUCKING CO., a corporation, P.O. Drawer T, Vernal, UT 84078. Applicant's representative: Harry D. Pugsley, Suite 1200, 310 South Main Street, Salt Lake City, UT 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment, supplies, and facilities* used in, or incidental to, or in connection with the discovery, development, production, extraction, and preservation of oil shales, natural gas, and petroleum and the construction, dismantling, operation, processing, repressuring, and blending of oil shale, natural gas, gasoline, and petroleum, together with like commodities for discovery, development and production of geothermal and nuclear resources, from points in UT, ID, WY, CO, and NV, to points in Uintah, Duchesne, Daggett, Cache, Summit, Rich, Grand, Emery, and Carbon Counties, UT, Madison, Fremont, Clark, Jefferson, Teton, Bonneville, Bingham, Bannock, Caribou, Power, Bear Lake, Oneida, and Franklin Counties, ID, Moffatt, Rio Blanco, Routt, Mesa, and Garfield Counties, CO, Sweetwater, Fremont, Teton, Uinta, Lincoln, Carbon, Sublette, and Natrona Counties, WY, and all of NV. (Hearing site: Salt Lake City, UT.)

No. MC 99427 (Sub-No. 39F), filed March 23, 1978. Applicant: ARIZONA TANK LINES, INC., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed oil*, in bulk, from Casa Grande, AZ, to Houston, TX. (Hearing site: Des Moines, IA or Phoenix, AZ.)

No. MC 95540 (Sub-No. 1005F), filed March 21, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products and equipment, materials, and supplies* used in the production and transportation of confectionery products, between the facilities of Charms Co., located at or near Covington, TN on the one hand, and, on the other, the facilities of the Charms Co., located at or near Freehold, NJ. (Hearing site: New York, NY, Washington, DC, or Tampa, FL.)

No. MC 96881 (Sub-No. 19F), filed March 24, 1978. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Valliant, OK and Broken Bow, OK, from Valliant over U.S. Hwy 70 to junction OK Hwy 147, then over OK Hwy 147 to junction OK Hwy 7, then over OK Hwy 7 to Broken Bow, and return over the same route, serving all intermediate points, (2) between Waskom, TX and Texarkana, TX, from Waskom over U.S. Hwy 80 to junction U.S. Hwy 165, then over U.S. Hwy 165 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Texarkana, and return over the same route, serving all intermediate points, (3) between Broken Bow, OK and Fort Smith, AR, from Broken Bow over U.S. Hwy 259 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction OK Hwy 112, then over OK Hwy 112 to junction U.S. Hwy 271, then over U.S. Hwy 271, to Fort Smith, and return over the same route, as an alternate route for operating convenience only. (Hearing site: Shreveport, LA or Texarkana, TX.)

No. MC 100449 (Sub-No. 93F), filed March 27, 1978. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, IA 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Logansport, IN and Monmouth, IL, to points in OK and TX. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

No. MC 102616 (Sub-No. 942F), filed March 23, 1978. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, OH 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from (1) Louisville, KY, to points in IN and (2) from Lawrenceville and Robinson, IL, to Evansville and Newburgh, IN. (Hearing site: Columbus, OH or Chicago, IL.)

NOTE.—Common Control may be involved.

No. MC 102616 (Sub-No. 945F), filed March 23, 1978. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, OH 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Sullivan, IL, to points in IN, KY, and TN. (Hearing site: Columbus, OH or Chicago, IL.

NOTE.—Common Control may be involved.

No. MC 103498 (Sub-No. 50F), filed March 24, 1978. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Applicant's representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *plastic pipe and fitting and material used in the installation of plastic pipe*, from the plantsite of Johns-Manville Sales Corp. at or near Wilton, IA to points in AR, AL, MS, OK, and TX. (Hearing site: Dallas, TX or Lubbock, TX.)

NOTE.—Common Control may be involved.

No. MC 105636 (Sub-No. 39F), filed March 27, 1978. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, NJ 08360. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: (1) *Petroleum products*, in containers, from the facilities of Shell Oil Co. at or Sewaren, NJ., and the facilities of Sun Oil Co. at or near Marcus Hook, PA, to Riviera Beach, FL; and (2) *petroleum refinery materials, supplies* and *equipment* (except in bulk), from the facilities of Hess Oil V.I. Corp. at or near Woodbridge and Avenel, NJ., to West Palm Beach, FL, restricted in (1) and (2) above to traffic having an immediately subsequent movement by water. (Hearing site: New York, NY, Washington, DC, or Miami, FL.)

No. MC 105782 (Sub-No. 9F), filed March 3, 1978. Applicant: HUGHES REFRIGERATED EXPRESS, INC., P.O. Box 2106, Haines City, FL 33844. Applicant's representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: *Frozen foods, and fresh, cold-packed, and partially frozen fruit, berries, and vegetables*, when transported in the same vehicle, and at the same time with the preceding commodities, between points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MO, NJ, NY, NC, OH, PA, RI, SC, VA, TN, WI, and DC. (Hearing site: Orlando or Tampa, FL.)

NOTE.—The purpose of this application is to eliminate the gateways of Philadelphia and Doylestown, Pennsylvana; Camden, Beech Haven and Brant Beach, New Jersey; and Crisfield, MD.

No. MC 105813 (Sub-No. 237), filed March 24, 1978. Applicant: BELFORD TRUCKING CO., 1759 S.W. 12th Street, P.O. Box 1936, Ocala, FL 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs;* (2) *Animal Foods;* and (3) *Such Merchandise* as is dealt in by retail gift and curio shops and catalog distribution centers, from points in WI to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN. (Hearing site: Chicago, IL.)

No. MC 106074 (Sub-No. 61F), filed March 23, 1978. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, NC 28043. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. 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 (except hides and commodities in bulk) as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and facilities of Wilson Foods Corp. at Albert Lea, MN, to points in NC, SC, and VA. Restriction: Restricted to traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX or Kansas City, MO.)

No. MC 106674 (Sub-No. 301F), filed March 24, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles from the facilities utilized by Translake, Inc. located at or near Burns Harbor, IN to points in IL, OH, and the Lower Peninsula of MI. (Hearing site: Chicago, IL or Indianapolis, IN.)

No. MC 106674 (Sub-No. 303F), filed March 24, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Paper, paper products and woodpulp* from the facilities of Bowater Southern Paper Corp. at Calhoun, TN to points in DE, IL, IN, KY, MD, MI, OH, VA, WI, and DC; and (2) *materials, equipment and supplies* from IL, IN, MI, OH, and WI to the facilities of Bowater Southern Paper Corp. at Calhoun, TN. Restriction: Restricted to the transportation of traffic originating at the named origin points and destined to the indicated destination points. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 107010 (Sub-No. 64F), filed March 27, 1978. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, in tank vehicles, from Phelps City, MO, to Lawrence, KS. (Hearing site: Omaha, NE).

No. MC 108207 (Sub-No. 478F), filed March 24, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, TX 75222. Applicant's representative: Mike Smith, P.O. Box 5888, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX. Restricted to traffic originating at the named facilities and destined to points in the named States.

(Hearing site: Buffalo, NY or Washington, DC.)

No. MC 108341 (Sub-No. 93F), filed March 16, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air compressors and earth drilling machinery and equipment*, between Claremont, NH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 108449 (Sub-No. 407F), filed March 23, 1978. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from Grand Forks, ND, to points in MN and ND. (Hearing site: St. Paul, MN, or Chicago, IL.)

No. MC 108859 (Sub-No. 65F), filed March 13, 1978. Applicant: CLAIR-

MONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 58929. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Dixon, IL, and Belvidere, IL, serving all intermediate points: From Dixon over IL Hwy 2 to Rockford, IL, and then over U.S. Hwy 20, to Belvidere, IL, and return over the same route; (2) between Rochelle, IL, and Rockford, IL, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route operations: From Rochelle over U.S. Hwy 51 to junction U.S. Hwy 20, and return over the same route; (3) between Rochelle, IL, and Veedersburg, IN, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route authority; from Rochelle, IL, over U.S. Hwy 51 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction with U.S. Hwy 41 at or near Veedersburg, IN, and return over the same route; (4) between Rockford, IL, and Milwaukee, WI, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route operations: From Rockford over U.S. Hwy 20 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction WI Hwy 15, then over WI Hwy 15 to junction U.S. Hwy 41 at Milwaukee, WI, and return over the same route; (5) between Belvidere, IL, and Melrose Park, IL, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route operations: From Belvidere, IL, over U.S. Hwy 20, to Melrose Park, IL, and return over the same route; (6) between Fort Wayne, IN, and junction U.S. Hwy 24 and U.S. Hwy 6 (near Napoleon, OH), as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route operation: From Fort Wayne, IN, over U.S. Hwy 24 to junction U.S. Hwy 6, and return over the same route; (7) between junction U.S. Hwy 24 and U.S. Hwy 6 (near Napoleon, OH) and Toledo, OH, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route operations: From junction U.S. Hwy 24 and U.S. Hwy 6, over U.S. Hwy 24, to Toledo, OH, and return over the same route; (8) between Hammond, IN, and Toledo, OH, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise authorized regular route operations: From Hammond, IN, over U.S. Hwy 20, to Toledo, OH, and return over the same route. (Hearing site: Chicago, IL, or Madison, WI.)

No. MC 109633 (Sub-No. 32F), filed March 27, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials* (except in bulk), and *supplies and equipment* used in the manufacture of plastic articles, between the facilities of Mobil Chemical Co., Plastics Division at Jacksonville and Springfield, IL, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

No. MC 109704 (Sub-No. 3F), filed March 23, 1978. Applicant: CHEMTRANS, INC., Suite 917, 400 Penn Center Boulevard, Pittsburgh, PA 15235. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and vegetable oils*, in bulk in tank vehicles, between the borough of Bridgeville and the township of South Fayette, PA, and the township of Stickney, IL, on the one hand, and, on the other, points in and east of MN, IA, MO, KS, OK, and TX, under a continuing contract, or contracts, with Koppers Co., Inc. (Hearing site: Pittsburgh, PA, or Washington, DC.)

No. MC 109708 (Sub-No. 77F), filed March 23, 1978. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a., INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, FL 33838. Applicant's representative: Bruce A. Bullock, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, (1) From ports of entry on the United States-Canada Boundary Line located at NY, to Silverton, OH; and (2) from Silverton, OH, to Peoria, IL. (Hearing site: Peoria, IL, St. Louis, MO, or Chicago, IL.)

No. MC 110098 (Sub-No. 165F), filed March 27, 1978. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of Wilson Foods Corp. at Logansport, IN, and Monmouth, IL, to points in AR, NM, OK, and TX. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

No. MC 110098 (Sub-No. 166F), filed March 27, 1978. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 of MCC 209 and 766 (except hides and commodities in bulk), from Indianapolis, IN, and points in IA, MN, NE, and SD, to points in AR, OK, LA, NM, and TX. (Hearing site: Omaha, NE, or San Antonio, TX.)

No. MC 110525 (Sub-No. 1233F), filed March 24, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Dry fertilizer and fertilizer materials, urea, and soda ash*, in bulk, in tank vehicles, from points in Richmond County, GA, to points in KY, TN, VA, and WV. (Hearing site: Atlanta, GA.)

No. MC 111231 (Sub-No. 232F), filed March 24, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. 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); between the plantsite of William Wrigley, Jr. Co., at or near Flowery Branch, GA, on the

one hand, and, on the other, Dallas-Ft. Worth, TX, Memphis, TN, Atlanta, GA, and Greenville and Meridian, MS. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 111231 (Sub-No. 233F), filed March 27, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points, in AR, KS, LA, MS, MO, NM, OK, TN, and TX. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 111302 (Sub-No. 119F), filed March 13, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Applicant's representative: David A. Petersen, P.O. Box 10470 Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, in tank or hopper type vehicles, from the facilities of Cargill, Inc., at or near Sidney, OH, to CT, DE, IL, IN, KY, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, and WI. (Hearing site: Minneapolis, MN.)

NOTE.—Common control may be involved.

No. MC 111611 (Sub-No. 34F), filed March 22, 1978. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass pellets and marbles* (except in bulk), between the facilities of Owens-Corning Fiberglas Corp. at or near Anderson, SC, on the one hand, and, on the other, the facilities of Owens-Corning Fiberglas Corp. at or near Huntingdon, PA. (Hearing site: Anderson or Greenville, SC, or Washington, DC.)

No. MC 112304 (Sub-No. 140F), filed March 27, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the warehouse and shipping facilities of Parker Steel Co., at or near Andrews, SC, to all points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Washington, DC, or Detroit, MI.)

NOTE.—Common control may be involved.

No. MC 112801 (Sub-No. 200F), filed March 22, 1978. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at or near Sidney, OH, to points in IL, IN, KY, GA, MD, ME, NC, NY, NJ, PA, OH, VA, and TN. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 113170 (Sub-No. 7F), filed March 23, 1978. Applicant: PEET FRATE LINE, INC., 1315 South Route 47, P.O. Box 529, Woodstock, IL 60098. Applicant's representative: Eugene L. Cohn, One North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food cookers* and *parts* thereof and *Foodstuffs, food seasoning, food flavoring and materials, supplies and accessories* used or useful in the manufacture, distribution, shipping and sale thereof; between the facilities of Broaster Co. at Beloit, WI on the one hand and, on the other, points in the Chicago, IL commercial zone, as defined by the Commission, and points in IL within 50 miles of Marengo, IL, including Marengo. (Hearing site: Chicago, IL.)

No. MC 113362 (Sub-No. 320F), filed March 16, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer, and sound deadener compound* (except commodities in bulk), from the facilities of Witco Chemical Corp. at Houston, TX to points in NC, SC, GA, FL, AL, MS, TN, KY, OH, MI, IL, WI, IN, MN, IA, MO, AR, LA, TX, OK, KS, NE, SD, ND, and CO. Restriction: Restricted to traffic originating at the above named origin point and destined to the above named destination States. (Hearing site: Pittsburgh, PA or Washington, DC.)

No. MC 113434 (Sub-No. 96F), filed March 24, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Materials, products* and *supplies used in or produced by the food processing industry* (except commodities in bulk), from points in Allegan, Berrien and Van Buren Counties, MI, to OH, IN, IL and St. Louis, MO. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 113666, (Sub-No. 128F), filed March 23, 1978. Applicant: Freeport Transport, Inc., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC. 20036. Authority sought to operate as a *Common carrier* by motor vehicle over irregular routes, transporting, (1) *advertising materials;* (2) *aluminum foil;* (3) *animal and poultry feeds, and ingredients* thereof, in containers; (4) *boards and sheets*, plastic or wood; (5) *cabinets, parts and components thereof;* (6) *carbon black*, in containers; (7) *chemicals, dyes, drugs, ad pharmaceuticals*, in containers; (8) *cloth;* (9) *containers;* (10) *documents and printed matter;* (11) *earth*, diatomaceous or infusorial, in containers; (12) *gases*, compressed, in containers; (13) *cleaning compounds*, in containers; (14) *machinery, and components and parts thereof;* (15) *naval stores*, in containers; (16) *paints*, liquid, dry or paste, in containers; (17) *paper and paper products;* (18) *petroleum oils*, in containers; (19) *plastic materials*, dry, in containers; (20) *recording devices;* (21) *rubber*, synthetic or natural; (22) *shampoos and toilet preparations*, in containers; (23) *sizings*, in containers; (24) *sugar*, in containers; (25) *surgical materials and supplies;* (26) *vegetable oils*, in containers: (27) *personal protective devices*, including hats, goggles, ear protectors. From Danbury, Shippan, Stamford and Wallingford, CT; South Lee and West Springfield, MA; Westbrok, ME; Bound Brook, Clifton, Linden, Princeton, Warners, and Woodbridge, NJ; Buchanan, Pearl River and Solvay, NY; Cincinnati and Marietta, OH; Hazelton, PA; and Willow Island, WV., To Ports of entry on the International Boundary Line between the United States and Canada in MI, NY, and VT. Restriction, restricted to foreign traffic originating at or destined to failities of American Cyanamid Co. and Cyanamid Canada Inc. (Hearing site: Washington, DC.)

No. MC 113678 (Sub/No. 733F), filed March 22, 1978. Applicant: Curtis, Inc., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative Roger M. Shaner, (Same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and foodstuffs* (except commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in CA to points in ID, OR, and WA (Hearing site: Los Angeles, CA or San Francisco, CA.)

No. MC 113678 (Sub-No. 736F), filed March 22, 1978. Applicant: CURTIS,

INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner, (Same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, (except commodities in bulk in tank or hopper type vehicles), from New Orleans, LA; Houston, TX; Philadelphia, PA; and Baltimore, MD; to Denver, CO, restricted to traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

No. MC 113678 (Sub-No. 737F), filed March 22, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner, (Same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soup mixes, Salad Dressings, Tea, and dry beverage preparations* (except commodities in bulk), from the facilities of Thomas J. Lipton, Inc., located at or near Independence, MO to Denver, CO; Santa Cruz, CA and points in their respective commercial zones, restricted to traffic originating at and destined to the named points. (Hearing site: New York City, NY.)

No. MC 113843 (Sub-No. 252F), filed March 24, 1978. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer street, Boston, MA 02210. Applicant's representative: Willima J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Bananas and Agricultural Commodites* (exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas) from Batimore, MD; New York, NY; and Albany, NY, to points in NY, NJ, PA, OH, IN, KY, IL, MD, DE, VA, WV, and DC. (Hearing site: New York, NY or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 114211 (Sub-No. 351F), filed March 20, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Applicant's representative: Adelor Warren, P.O. Box 420, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Lumber, lumber products, wood products, and forest products*, between the ports of entry on the international boundary line between the United States and Canada, located at points in ND and MN, on the one hand, and, on the other, points in MN, ND, SD, NE, KS, IA, WI, IL, IN, MI, OH, MO, and KY. (Hearing site: Minneapolis, MN or Fargo, ND.)

NOTE.—Applicant may have further movements in foreign commerce.

No. MC 114211 (Sub-No. 354F), filed March 27, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420 Waterloo, IA 50704. Applicant's representative: Adelor J. Warren, (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Composition board*, from Jacksonville, TX, to points in the United States (except AL and HI). (Hearing site: Dallas, TX of Fort Worth, TX.)

No. MC 114457 (Sub-No. 366F), filed March 23, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Willis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mops, brooms, brushes, and wooden and plastic articles*, from Greenville, NC, to points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: St. Paul, MN or New York, NY.)

No. MC 115162 (Sub-No. 411F), filed March 27, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp., located at or near Texarkana, AR, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk, in tank vehicles), from the destination States named in (1) above, to the facilities of the Celotex Corp., located at or near Texarkana, AR. (Hearing site: Tampa, FL or Mobile, AL.)

No. MC 115904 (Sub-No. 97F), filed March 27, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Denver, CO, to points in OK and MO. Restriction: Restricted against the transportation of those commodities falling within the category described in the Mercer Extension—Oil Field Commodities, 74 MCC 459, and further restricted to the transportation of traffic originating at the facilities of Amoco Chemicals Corp. at Denver, CO. (Hearing site: Denver, CO or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115931 (Sub-No. 59F), filed March 24, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wall board joint treatment systems* (except in bulk), from Madison, SD, to points in ID, MT, ND, and WY. (Hearing site: Sioux Falls, SD.)

No. MC 116260 (Sub-No. 9) (correction), filed January 16, 1978 published in the FEDERAL REGISTER issue of March 9, 1978 and partially republished in the FEDERAL REGISTER issue of April 20, 1978 and republished as corrected this issue. Applicant: PASHA TRUCKAWAY, a corporation, 1308 Canal Boulevard, Richmond, CA 94804. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Franisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements in truckaway service, and *parts for the above-described vehicles* when accompanying the shipment thereof, from points in CA to points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY. (Hearing site: San Francisco, CA.)

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 116645 (Sub-No. 24F), filed March 27, 1978. Applicant: DAVIS TRANSPORT CO., a corporation, P.O. Box 56, Gilcrest, CO 80623. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds, liquid animal feed supplements, and molasses*, in bulk, in tank vehicles, from the facilities of Cargill, Inc. at Sterling, CO, to points in SD, east of U.S. Hwy 83 and points in NE, east of U.S. Hwy 281. (Hearing site: Denver, CO.)

NOTE.—Common control may be involved.

No. MC 116763 (Sub-No. 409F), filed March 24, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, plastic bags and bags constructed of paper and plastic combined*, from the facilities of Great Plains Bag Corp., at or near Jacksonville, AR, to points in FL, GA, IL, IN, OH, and WI. Restricted to traffic originating at the facilities of

Great Plains Bag Corp. and destined to the named States. (Hearing site: Memphis, TN.)

No. MC 116915 (Sub-No. 53F), filed March 27, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable*, from points in Madison County, KY, to points in the United States (including AK, but excluding HI); and (2) *empty cable reels*, from points in the United States (including AK, but excluding HI), to points in Madison County, KY. (Hearing site: Lexington or Louisville, KY, or Washington, DC.)

No. MC 117257 (Sub-No. 3F), filed March 24, 1978. Applicant: D-S TRANSPORT, INC., 324 Sixteenth Street North, Moorehead, MN 56560. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Malt beverages*, from St. Louis, MO and LaCrosse, WI, to Detroit Lakes and Perham, MN, (b) *empty malt beverage containers and empty pallets* used in the transportation of malt beverages, from Detroit Lakes and Perham, MN, to St. Louis, MO and LaCrosse, WI, restricted in (1)(a) and (1)(b) to service under contract with D-S Beverages, Inc., Morehead, MN; (2)(a) *malt beverages*, from Milwaukee, WI, to Morehead, MN, (b) *empty malt beverage containers and empty pallets* used in the transportation of malt beverages, from Moorehead, MN, to Milwaukee, WI, restricted in (2)(a) and (2)(b) to service under contract with Valley Distributing Co., and Hansen Distributing, Inc., Moorehead, MN; (3)(a) *malt beverages*, from Milwaukee, WI, to Fargo, ND, (b) *empty malt beverage containers and empty pallets* used in the transportation of malt beverages, from Fargo, ND, to Milwaukee, WI, restricted in (3)(a) and (3)(b) to service under contract with Bergseth Bros. Co., Inc., and Beverage Wholesalers, Inc., Fargo, ND; (4)(a) *malt beverages*, from St. Paul, MN and St. Louis, MO, to Wahpeton, ND, (b) *empty malt beverage containers and empty pallets* used in the transportation of malt beverages, from Wahpeton, ND, to St. Paul, MN and St. Louis, MO, restricted in (4)(a) and (4)(b) to service under contract with Red River Jobbing, Wahpeton, ND. (Hearing site: Fargo, ND or Minneapolis or St. Paul, MN.)

No. MC 117765 (Sub-No. 238F), filed March 27, 1978. Applicant: HAHN TRUCK LINE, INC., 1100 South MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic articles and materials and supplies and equipment* used in the manufacture and distribution of plastic articles and materials (except in bulk), between the facilities of Mobil Chemical Co., Plastics Division at Jacksonville and Springfield, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Oklahoma City, OK.)

No. MC 118535 (Sub-No. 118F), filed March 16, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea, ammonium nitrate, fertilizer and fertilizer ingredients* (except in liquid), from (1) Gainesville, Littlefield, Pittsburg, Terrell and Vernon, TX to all points in AR, CO, KS, LA, MO, MS, NE, NM and OK; (2) Kerens, TX to all points in LA and MS; (3) Kerens, TX to all points in AR, CO, KS, MO, NE, NM and OK, restricted against commodities, in bulk, in tank vehicles. (Hearing site: Kansas City, MO.)

No. MC 119489 (Sub-No. 49F), filed March 27, 1978. Applicant: PAUL ABLER, d.b.a. CENTRAL TRANSPORT CO., 2500 North 13th Street, P.O. Box 249, Norfolk, NE 68701. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Blair, NE, to points in IA, MN, ND, SD, WI, and IL. (Hearing site: Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 119726 (Sub-No. 119F), filed March 20, 1978. Applicant: N. A. B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington, Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, NC, to points in AL, DE, DC, FL, GA, KY, MD, SC, TN, VA, and WV, and (2) *materials, supplies and equipment* used in the manufacture, sale, and distribution of malt beverages, and *returned empty malt beverage containers*, from points in AL, DE, DC, FL, GA, KY, MD, SC, TN, VA, and WV, to Eden, NC. Restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles. (Hearing site: Indianapolis, IN, or Chicago, IL.)

No. MC 119765 (Sub-No. 50F), filed March 23, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., at Sioux Falls, SD and Sioux City, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and, (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co. at Estherville, IA, to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, and VA. (Hearing site: Omaha, NE or Chicago, IL.)

No. MC 119789 (Sub-No. 442F), filed March 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of E. J. Brach & Sons at or near NV, to points in AZ, CA, ID, MT, OR, UT, and WA. (Hearing site: Chicago, IL.)

No. MC 119934 (Sub-No. 224F), filed March 23, 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 bul, in tank vehicles, from Illiopolis, IL, to points in GA, IN, KA, KY, MA, MI, MN, MS, MO, OH, TN, VA, and WI. (Hearing site: Columbus, OH or Indianapolis, IN.)

No. MC 118989 (Sub-No. 185F), filed March 23, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth

Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from St. Joseph, MO, Jefferson WI, Fort Dodge, IA, and Sebring, OH, to points in IL, IN, MI, OH, PA, KY, TN, MO, KS, IA, WI, and MN. (Hearing site: Chicago, IL.)

No. MC 119988 (Sub-No. 136F), filed March 24, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, TX 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Water heaters, house heating boilers, glasslined tanks, and garbage disposals*, from Kankakee, IL, to points in TX, OK, LA, and AR. (Hearing site: Chicago, IL or Dallas, TX.)

No. MC 121060 (Sub-No. 57F), filed March 24, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Building materials*, and materials, equipment and supplies used in the manufacture and installation of building materials (except commodities in bulk), between Franklin (Warren County) OH, on the one hand, and, on the other, points in IL, IN, KY, MI, and MO. (Hearing site: Washington, DC.)

No. MC 123048 (Sub-No. 396F), filed March 23, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021-21st Street, Post Office Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, supplies* and *paraphernalia* used in exhibitions, shows, business meetings, product introductions, motion picture and television productions and demonstrations (except commodities in bulk), between points in the United States (except AK and HI), in non-radial movement, restricted to the transportation of traffic originating at and destined to facilities utilized by Wilding Corp. Division of Bell and Howell Co. (Hearing site: Detroit, MI or Washington, DC.)

No. MC 123048 (Sub-No. 397F), filed March 24, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021-21st Street, Post Office Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from Fargo, ND, to points in IL, IN, IA, MI, MO, OH, and WI., restricted to shipments having a prior movement by rail or truck from Manitoba Forestry Resources, Ltd. located in Manitoba, Canada. (Hearing Site: Minneapolis, MN or Fargo, ND.)

No. MC 123048 (Sub-No. 399F), filed March 24, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and accessories*, materials and supplies used for cooling towers; and (2) *materials, equipment* and *supplies* used in the manufacture, distribution and sale of commodities in (1) above, between Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tulsa, OK or Dallas, TX.)

No. MC 123255 (Sub-No. 145F), filed March 21, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and container accessories and materials, equipment and supplies* used in the manufacture and distribution of containers and container accessories, between the facilities of Brockway Glass Company, Inc. in Pittsylvania County, VA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123255 (Sub-No. 146F), filed March 23, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, printing paper, and wrapping paper*, from the facilities of Union Camp Corp. at or near Franklin, VA, to points in IL, IN, KY, MI, OH, and WI. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123255 (Sub-No. 152F), filed March 24, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except commodities in bulk), between the ports of entry between the United States and Canada at Port Huron and Detroit, MI, and Buffalo, NY, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, WV, WI, and that portion of PA and NY on and west of U.S. Hwy 219. Restricted to traffic originating in Canada. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123389 (Sub-No. 43F), filed March 23, 1978. Applicant: CROUSE CARTAGE CO., a corporation, P.O. Box 151, Carroll, IA 51401. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of and facilities utilized by Farmland Foods, Inc., at or near Crete, Lincoln, and Omaha, NE and Carroll, Denison, Des Moines, Fort Dodge, Sioux City, and Iowa Falls, IA to points in KY, TN, NC, SC, MS, AL, GA, LA, and FL. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 123407 (Sub-No. 446F), filed March 13, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe, fittings and valves*, from Nitro, WV, to points in the United States in and east of WI, IL, KY, TN, MS, LA, and TX. (Hearing site requested: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 124078 (Sub-No. 788F), filed March 23, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carri-*

er, by motor vehicle, over irregular routes, transporting: *Fly ash,* from the facilities of Georgia Power Plant Wansley at or near Roopville, GA, to points in AL, FL, GA, MS, and TN. (Hearing site: Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 124078 (Sub-No. 792F), filed March 27, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from the plantsite of the Alpha Portland Cement Co., at or near Cementon, NY, to points in CT. (Hearing site: Washington, DC.)

No. MC 124170 (Sub-No. 80F), filed March 17, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, IA, to points in IL, IN, MI, MO, KY, OH, MN, WI, PA, and NY. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 124170 (Sub-No. 82F), filed March 23, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than bulk), from the plantsite of American Home Foods, a Division of American Home Products Corp. in La Porte, IN to points in the Lower Peninsula of MI. (Hearing site: Washington, DC or New York City, NY.)

No. MC 124692 (Sub-No. 197F), filed March 14, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, wood products and forest products,* from Lawrence and Meade Counties, SD, to points in MN, WI, IL, IN, MI, OH, PA, MO, IA, NE, KS, and MT. (Hearing site: Billings, MT or Minneapolis, MN.)

NOTE.—Common control may be involved.

No. MC 124692 (Sub-No. 199F), filed March 22, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, P.O. Box 4347, Missoula, MT 59806. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fire sprinkler systems, and materials and supplies* used in the installation and operation thereof, from Denver, CO, to points in CO, WY, NE, IA, KS, MO, NM, OK, and MN. Restriction: Restricted to traffic originating at Denver, CO. (Hearing site: Denver, CO.)

NOTE.—Common control may be involved.

No. MC 124692 (Sub-No. 201F), filed March 24, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, P.O. Box 4347, Missoula, MT 59806. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles, wire rope, strand and fittings,* from St. Joseph, MO, points in CA, ID, MT, NV, OR, UT, WA and WY. (Hearing site: Kansas City, KS.)

No. MC 124692 (Sub-No. 202F), filed March 24, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, P.O. Box 4347, Missoula, MT 59806. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Log homes, and parts, materials and accessories therefor,* from Englewood, CO, to points in SD, MN, WI and MI. (Hearing site: Denver, CO.)

NOTE.—Common control may be involved.

No. MC 124692 (Sub-No. 204F), filed March 24, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork,* from points in WA and OR to points in CA. (Hearing site: Portland, OR or San Francisco, CA.)

NOTE.—Common control may be involved.

No. MC 125129 (Sub-No. 5F), filed March 21, 1978. Applicant: INDEPENDENT FREIGHT, INC., Route 44, R.F.D. No. 1, Putnam, CT 06260. Applicant's representative: Richard B. Greene, Maple Street, Danielson, CT 06239. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers, bottles demijohns, jars, caps, covers, stoppers, tops, fiber board boxes,* (1) between Dayville, CT, on the one hand, and on the other, Lincoln, RI, (2) between Lincoln, RI, on the one hand, and, on the other, Cranston, RI, and points in MA on and east of Interstate Hwy 91, (3) Between Framingham, MA, on the one hand, and, on the other, Cranston, RI and points in MA on and east of Interstate Hwy 91, (4) between Holyoke, MA, on the one hand, and, on the other, Worcester, MA, and points in MA on and east of Interstate Hwy 91, under contract or continuing contract with Glass Corp. (Hearing site: Hartford, CT or Springfield MA.)

No. MC 125254 (Sub-No. 39F), filed March 27, 1978. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. 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: *Frozen foods* (except in bulk), between the facilities of Terminal Ice & Cold Storage, Inc. and Ore-Ida Foods, Inc. at or near Plover, WI, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, and TN, restricted to traffic originating at or destined to the named origin point. (Hearing site: Milwaukee, WI, or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 125777 (Sub-No. 212F), filed March 17, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lime and limestone products,* in dump vehicles, from points in WI to points in IL and IN. (Hearing site: Chicago, IL.)

No. MC 126276 (Sub-No. 189F), filed March 24, 1978. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Containers and container ends,* from Michigan City, IN, to OK, TX, IL, MO, MN, WI, MI, OH, NY, and NJ, under a continuing contract or contracts with National Can Corp. (Hearing site: Chicago, IL.)

NOTE.—Applicant has motor common carrier authority pending in No. MC 134612 (Sub-No. 2), therefore, dual operations may be involved.

No. MC 126736 (Sub-No. 105F), filed March 6, 1978. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, FL 32201. Applicant's representative: L. H. Blow (address same as above). Authority sought to operate as a *common carrier,* by motor vehicle,

over irregular routes, transporting: (1) *Mineral sand and ore,* in bulk, from the facilities of E. I. DuPont at or near Starke and Lawtey, FL, to points in KY, NC, OH, and VA; (2) *Flue dust,* in bulk, from points in FL to points in AL, FL, GA, NC, SC, and TN; (3) *Sand blasting sand and mineral aggregates,* in bulk, from points in FL to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Jacksonville, FL.)

No. MC 128273 (Sub-No. 294F), filed March 27, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) (a) *Pads, padding, cushioning material and sorbents,* (b) *Wallboard,* (c) *insulation and insulating materials,* (d) *mulch,* (e) *equipment, materials and accessories* used in the installation or application of the commodities named in (a), (b), (c), and (d) above, from Cloquet, MN, to points in the United States (except AK, HI, IL, IA, KS, MN, MO, NE, ND, SD, WI, and the Upper Penninsula of MI); and (2) *machinery, materials, equipment and supplies* (except commodities in bulk in tank vehicles) used in or in connection with the manufacture, distribution, application, or use of the commodities in (1) above, from the destination territory in (1) above, to Cloquet, MN. (Hearing site: Minneapolis, MN, or Washington, DC.)

No. MC 133545 (Sub-No. 5F), filed March 23, 1978. Applicant: DAVID LEMONS, d.b.a. LEMONS HOUSE MOVING, 1250 Houston Road, Idaho Falls, ID 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated modulars in sections, without fixed undercarriages,* from the facilities of Boise Cascade Corp. at or near Pocatello, ID to points in UT. (Hearing site: Boise, ID.)

No. MC 133590 (Sub-No. 16F), filed March 27, 1978. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by *sporting goods stores; sporting goods departments of department stores, discount houses, hardware stores and other establishments;* and *materials, supplies and equipment* used in the manufacture, distribution and sale of such commodities; except in bulk (1) between points in MA, VT, New York, NY, Sparks, NV and ports of entry on the United States-Canada Boundary Line located in VT on the one hand, and, on the other, points in the United States (except AK and HI); and (2) Between Houston, TX, Clearfield, UT and San Francisco, CA on the one hand and, on the other, points in the United States east of MN, IA, MO, AR, and LA (except Chicago, IL, NC, SC, GA, FL and AL), under a continuing contract or contracts with Rossignol Ski Co., Inc. (Hearing site: Montpelier, VT, Concord, NH, or Boston, MA.)

No. MC 133880 (Sub-No. 5-F), filed March 22, 1978. Applicant: ALTER TRUCKING AND TERMINAL CORP., P.O. Box 3122, Davenport, IA 52808. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *Scrap metal;* and (2) *machinery* and *supplies* used in the processing of scrap metal (except liquid commodities in bulk, in tank vehicles), between points in the Unites States (except AK and HI), under continuing contract or contracts with Alter Co. (Hearing site: Chicago, IL or Kansas City, MO.)

NOTE.—Applicant holds common carrier authority under MC 126045 and Subs, therefore, dual operations may be involved.

No. MC 134064 (Sub-No. 10 F), filed March 27, 1978. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Hwy, Gainesville, GA 30501. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Petroleum products, in containers, oil filters, and vehicle body sealers and sound deadener compounds* (except in bulk), from the facilities utilized by Quaker State Oil Refining Corp. at or near St. Marys and Congo, WV, to points in AL, FL, GA, and SC. (Hearing site: Pittsburgh, PA or Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 134068 (Sub No. 39F), filed March 21, 1978. Applicant: KODIAK REFRIGERATED LINES, INC., P.O. Box 1018, Denver, CO 80201. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, CO 80201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from points in AZ and CA, to points in CO, IL, IA, KS, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Purpose of this application (in part) is to remove mixed load restriction in Basic Certificate. Common control may be involved.

MC 134477 (Sub-No. 224F), filed March 27, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. 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: *footwear and materials, supplies and equipment* used in the manufacture and distribution of footwear (except commodities in bulk), from Brockton, MA, to Chippewa, Falls, WI. (Hearing site: Minneapolis, MN.)

No. MC 134477 (Sub-No. 227F), filed March 27, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. 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: such *commodities as are dealt in by retail and wholesale department stores* (except foodstuffs, and commodities in bulk), from Boston, MA to the facilities of Montgomery Ward at or near Chicago, IL. Restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Minneapolis, MN.)

No. MC 134922 (Sub-No. 251F), filed March 16, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes transporting: *Chemicals* (except in bulk), *packing materials and supplies* used in the distribution thereof, (1) From Glasgow, DE to Jonesboro, AR and Monrovia, CA (2) From Jonesboro, AR to Monrovia, CA. Applicant states the purpose of this application is to replace existing interline service it is now providing with its affiliated company. (Hearing site: Washington, DC or Little rock, AR.)

NOTE.—Common control may be involved.

No. MC 134922 (Sub-No. 252F), filed March 24, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mirror supports, caddy stands, clothes racks, clothes driers, hand shopping carts, laundry carts, laundry sorters, ironing tables and bed frames* from Seymour, IN, to points in AZ, CA, NV, UT, ID, OR, and WA. (Hearing site: Columbus, OH, or Little Rock, AR.)

NOTE.—Common control may be involved.

No. MC 135410 (Sub-No. 17F), filed March 27, 1978. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, 700 South Main, Monmouth, IL 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except commodities in bulk), from the facilities of or utilized by Ore-Ida Foods, Inc. or Terminal Ice and Cold Storage Co., located at or near Plover, WI to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC; (2) *returned, refused or rejected merchandise* named in part (1) from CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, to the facilities of or utilized by Ore-Ida Foods, Inc. or Terminal Ice and Cold Storage Co., located at or near Plover, WI, restricted in parts (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing sites: Chicago, IL; Milwaukee, WI.)

No. MC 135797 (Sub-No. 106F), filed March 14, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds* (except liquid in bulk), (1) From points in Humphreys County, MS, to points in AR, LA, OK, and TX; (2) From Muscatine, IA, to points in IL, IN, MI, OH, PA, and WV; (3) From Joplin, MO, to points in AR, KS, OK, and TX; and (4) From Rolla, MO, to points in AR, CT, IL, IN, KY, MI, OH, PA, VA, WV, and WI. (Hearing site: Memphis, TN, or Birmingham, AL.)

NOTE.—Common control may be involved.

No. MC 135874 (Sub-No. 106F), filed March 23, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075). Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Albert Lea, MN, to points in IL, IA, KS, MO, NE and CO. (Hearing site: Minneapolis-St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 136100 (Sub-No. 6F), filed March 24, 1978. Applicant: K. & K. TRANSPORTATION CORP., 4515 North 24th Street, Omaha, NE 68110. Applicant's representative: Marshall D. Becker, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives*, from Kansas City, MO, and Carol Stream, IL, to Omaha, NE; (2) *plywood*, from Chicago, IL, and Gillett, WI, to Omaha, NE; (3) *plastic film*, from Joliet, IL, to Omaha, NE; (4) *printing powder*, from Chicago, IL, and Cincinnati, OH, to Omaha, NE; and (5) *paperboard, plain and coated*, from Milwaukee, WI, Crossett and McGehee, AR, Lewiston, ID, Wabash, IN, Augusta, GA, and Addison, IL, to Omaha, NE, under a continuing contract or contracts with Malnove Inc. (Hearing site: Omaha, NE.)

NOTE.—Applicant holds motor common carrier authority in MC 139835, therefore, dual operations may be involved.

No. MC 136155 (Sub-No. 6F), filed March 21, 1978. Applicant: GAY TRUCKING CO., a corporation, P.O. Box 7179, Savannah, GA 31408. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper products*, between Savannah, GA and Carrollton, GA. (Hearing site: Washington, DC.)

No. MC 136511 (Sub-No. 20F), filed March 27, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts and clocks* from Knoxville and Jefferson City, TN to points in CA, AZ, WA, OR, ID, MT, WY, CO, UT, NV, NM, TX, OK. (Hearing site: Knoxville, TN.)

No. MC 136713 (Sub-No. 11F), filed March 14, 1978. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road NE., Grand Rapids, MI 49505. Applicant's representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2-A, Grand Rapids, MI 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Lima, OH to points in MI. (Hearing site: Lansing or Detroit, MI or Chicago, IL.)

NOTE.—Dual operations may be involved.

No. MC 136828 (Sub-No. 24F), filed March 27, 1978. Applicant: COOK TRANSPORTS, INC., 214 South 10th Street, Birmingham, AL 35233. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrants, valves, castings, fittings, parts and accessories* (except commodities in bulk) from Beaumont, TX to points in the United States (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacturing, processing and distribution of the commodities described in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to Beaumont, TX. (Hearing site: Houston, TX or Dallas, TX.)

No. MC 138157 (Sub-No. 62F), filed March 23, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, Chattanooga, TN. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting* from the facilities of Hollytex Carpet Mills, Inc., at or near City of Industry, CA to points in the United States (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture, production and distribution of carpeting, from points in the United States (except AK and HI), to the facilities of Hollytex Carpet Mills, Inc. at or near City of Industry, CA. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved.

No. MC 138313 (Sub-No. 36F), filed March 24, 1978. Applicant: BUILDERS TRANSPORT, INC., 409-14th Street SW., Great Falls, MT 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, in bulk, from pumice mines located in Wright's Creek Canyon, approximately 22 miles northwest of Malad City, ID, to points in Yellowstone County, MT. (Hearing site: Billings, MT or Salt Lake City, UT.).

No. MC 138469 (Sub/No. 63F), filed March 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gas cylinders*, (A) from the facilities of Chesterfield Cylinder Co., Inc., at or near Enid, OK to points in the United States (except AK, HI and OK); and (B) from Houston, TX to the facilities of Chesterfield Cylinder Co., Inc. at or near Enid, OK, restricted to the transportation of shipments either originating at

or destined to the facilities of Chesterfield Cylinder Co., Inc. at or near Enid, OK; and in part (B) to the transportation of shipments having a prior movement by water; and, (2) *equipment, materials and supplies* (except commodities in bulk), used in the manufacture and distribution of gas cylinders, from points in the United States (except AK, HI and OK), to the facilities of Chesterfield Cylinder Co., Inc., at or near Enid, OK, restricted to the transportation of shipments destined to the named destinations. (Hearing site: Oklahoma City, OK.)

No. MC 138469 (Sub-No. 67F), filed March 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, (except commodities in bulk), from points in OK to points in the United States (except AK, HI and OK), restricted to the transportation of traffic originating at the named origin. (Hearing site: Oklahoma City, OK.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 136375 and sub numbers thereunder, therefore dual operations may be involved.

No. MC 138635 (Sub-No. 52F), filed March 27, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Applicant's representative: Eric Meierhoefer, Suite, 712, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities of Chef Pierre, Inc. located at or near Forest, MS to points in AL, FL, GA, NC, SC, TN, VA, WV, and KY. (Hearing site: Jackson, MS or Memphis, TN.)

NOTE.—Applicant holds contract carrier authority in No. MC 136464 and subnumbers thereunder, therefore dual operations may be involved.

No. MC 138941 (Sub-No. 28F), filed March 27, 1978. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials, supplies and equipment* used in the manufacture of plastic articles, (except in bulk), between the facilities of Mobile Chemical Co., Plastic Division, at Jacksonville and Springfield, IL, on the one hand, and, on the other, points in the United States (except in AK and HI), under a continuing contract or contracts with Mobile Chemical Co., Plastics Division, of Mecedon, NY. (Hearing site: Chicago, IL.)

No. MC 139083 (Sub-No. 1F), filed March 23, 1978. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Court House, OH 43160. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings, knocked down, and fabricated metal products, and equipment, material, and supplies* used in the manufacturing of steel buildings and fabricated metal products (except commodities in bulk), between Washington Court House, OH, on the one hand, and, on the other, points in NC, TN, MD, VA, WV, IN, PA, NY, MI, IL, WI, and KY. (Hearing site: Columbus, OH.)

Docket No. MC 139193 (Sub-No. 72F), filed March 22, 1978. Applicant: ROBERTS & OAKE, INC., 527 East 52nd Street North, Sioux Falls, SD 57101. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings, frozen bakery products, and frozen fish*, otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with frozen onion rings and frozen bakery products, from the facilities of or utilized by Boston Bonnie, Inc., located at or near Boston, MA, to points in the United States (except AK and HI), under a continuing contract or contracts with Boston Bonnie, Inc. (Hearing site: Washington, DC.)

No. MC 139206 (Sub-No. 24F), filed March 24, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Seats* and *parts* and *accessories* therefor; and (2) *materials, equipment* and *supplies* used in the assembly, manufacture, sale, distribution, maintenance, repair, finishing, coating, packing and transportation of commodities in (1) above (except commodities in bulk), between Mansfield, OH on the one hand, and on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with National Seating Co. a subsidiary of Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp., and that National Seating Co. is a subsidiary of said company and that the purpose of this application is to expand the contract carrier services of applicant so as to enable it to serve this subsidiary of Chromalloy American Corp. Applicant further states that it holds authority to allow it to provide similar service for Chromalloy American between thirteen (13) points on the one hand and, on the other, points in the United States (except AK and HI). (2) Applicant, also, states that common control and dual operations may be involved. Dual operations and common control were approved in Docket No. MC-F-12514.

No. MC 139206 (Sub-No. 26F), filed March 24, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk); and (2) *materials, equipment* and *supplies* used in the manufacture, sale, processing, production, blending, packaging and transportation of the commodities in (1) above (except commodities in bulk), between Berwick, LA on the one hand and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly-controlled contract carrier for Chromalloy American Corp. and that the purpose of this application is to allow the shipper to replace its private carriage with the contract carrier services of applicant. Applicant further states that it already holds authority to thirteen (13) other points on the one hand and, on the other, points in the United States (except AK and HI). (2) Applicant further states that common control and dual operations may be involved. Dual operations and common control were approved in Docket No. MC-F-12514.

No. MC 139482 (Sub-No. 51F), filed March 27, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Spaghetti, macaroni and spaghetti and macaroni products*, from Jersey City, NJ, to points in MI. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 139495 (Sub-No. 331F), filed March 21, 1978. Applicant: NATION-

AL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *merchandise, materials, equipment and supplies* as are dealt in by manufacturers and distributors of home products (except commodities in bulk, in tank vehicles), from the facilities of Stanley Home Products, Inc. at or near Easthampton and Westfield, MA to IA, OH, MO, IL, KY, TN, and NC. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 332F), filed March 23, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Materials, supplies and accessories* (except in bulk in tank vehicles) used in the manufacture, assembly, and distribution of trailers, mobile homes, and recreational vehicles, from points in the U.S. in and east of AR, IA, MN, MO, and TX to AL, AR, KS, MS, and TX. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 333F), filed March 23, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, component parts, and accessories* (except in bulk in tank vehicles) used in the manufacture or assembly of recreational vehicles, from Elkhart, IN to points in AL, CA, CO, GA, ID, KS, MN, OK, OR, PA, and TX. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 334F), filed March 23, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Such merchandise* as dealt by wholesale and retail stores, in vehicles equipped with mechanical refrigeration, from the facilities of Dry Storage Corp. at or near Chicago, IL to AL, AR, FL, GA, KS, LA, MS, MO, NC, OK, SC, and TN. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 345F), filed March 17, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk) from Indianapolis, IN, to points in CT, DE, DC, GA, ME, MD, MA, NC, NH, NJ, NY, OH, PA, RI, SC, VT, VA, and WV. (Hearing site: Washington, DC.)

No. MC 139787 (Sub-No. 5F), filed March 23, 1978. Applicant: M & M TRUCKING CO., INC., P.O. Box 1743, Auburn, AL 36830. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump trucks, from Montgomery, Marion and Elmore Counties, AL, to points in GA and those points in FL in and north of Brevard, Orange, Lake, Sumter and Hernando Counties, FL. (Hearing site: Montgomery, AL or Atlanta, GA.)

No. MC 139836 (Sub-No. 4F), filed March 22, 1978. Applicant: LINT TRANSFER, INC., 4549 Delaware Avenue, Des Moines, IA 50313. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between Des Moines, IA on the one hand and, on the other, points in that part of IA located on and west of U.S. Hwy 63, on and south of U.S. Hwy 20, and on and east of U.S. Hwy 71, restricted to shipments having an immediately prior or subsequent movement by rail trailer-on-flatcar service. (Hearing site: Des Moines, IA or Minneapolis, MN.)

No. MC 140024 (Sub-No. 93F), filed March 27, 1978. Applicant: J. B. MONTGOMERY, INC. (a Delaware corporation), 5565 East 52d Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, frozen*, from the facilities of White Castle System, Inc., at or near Cartaret, NJ, to the facilities of White Castle System, Inc., at or near Chicago, IL, Cincinnati and Columbus, OH, Detroit, MI, Indianapolis, IN, Louisville, KY, Minneapolis, MN, and St. Louis, MO, restricted to traffic originating at the named origin and destined to the named destinations. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 140549 (Sub-No. 8F), filed March 24, 1978. Applicant: FRITZ TRUCKING, INC., Clara City, MN 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients*, in bulk or in bags; also in bags when moving in mixed loads with bulk, in or on auger equipped vehicles, from Minneapolis, MN, to points in IA, NE, and SD. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Applicant holds contract carrier authority, therefore dual operations may be involved.

No. MC 140581 (Sub-No. 25F), filed March 27, 1978. Applicant: TOMMY HAGWOOD, d.b.a., HAGWOOD ENTERPRISES, 2472 Pinson Highway, Birmingham, AL 35217. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles, in truckaway service*, between Los Angeles, CA, on the one hand, and, on the other, points in OH. (Hearing site: Los Angeles, CA.)

No. MC 140829 (Sub-No. 87F), filed March 23, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, cooking oils, shortening, and related products*, from the facilities of SCM Durkee Foods at or near Chicago and Joliet, IL, to points in CT, IN, KY, MD, MA, NJ, NY, OH, PA, and TX, restricted to traffic originating at the named origins and destined to the above named destination States. (Hearing site: Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder; therefore dual operations may be involved.

No. MC 141532 (Sub-No. 21F), filed March 24, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98002. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar energy products*, from Weiser, ID, to points in CA, MT, NV, OR, WA, and WY. (Hearing site: Boise, ID.)

No. MC 141652 (Sub-No. 25F), filed March 22, 1978. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, MS 39208. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Power tools and power tool stands, electric motors, and industrial vacuum cleaners*, from Tupelo, MS, and Jackson, TN, to Denver, CO, and Sparks, NV. (Hearing site: Atlanta, GA.)

NOTE.—Applicant holds motor contract carrier authority in MC 138807 and other subs, therefore, dual operations may be involved.

No. MC 141776 (Sub-No. 24F), filed March 24, 1978. Applicant: FOOD-TRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Applicant's representative: Pauline E. Myers, Suite 407, Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, except in bulk, (1) from the plantsite of Ore-Ida Foods, Inc., at Plover, WI, to points in the States of CT, DE, KY, MD, MA, NJ, NY, PA, RI, TN, VA, WV, and DC. and; (2) from the storage facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in CT, DE, KY, MD, MA, NJ, NY, PA, RI, TN, VA, WV, and DC. Returned, refused, and rejected merchandise in the reverse direction. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 141994 (Sub-No. F), filed March 8, 1978. Applicant: EDWARD J. HROBAK, INC., 11280 Center Road, Garrettsville, OH 44231. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Monett, MO, to Cleveland, Columbus, Dayton, and Toledo, OH, under a continuing contract or contracts with L. D. Schreiber Cheese Co., Inc., located at Green Bay, WI. (Hearing site: Milwaukee, WI or Chicago, IL.)

No. MC 142018 (Sub-No. 1F), filed March 27, 1978. Applicant: ROBERT B. CARR, d.b.a., BOB CARR REFRIGERATED TRANSPORTATION, P.O. Box 1205, Orange, CA 92688. Applicant's representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, to transport: *Meat and meat products, cheese, and salad dressing* (except in bulk), in vehicles equipped with mechanical refrigeration, from Los Angeles, CA, to points in OR and WA. (Hearing site: Los Angeles, CA.)

No. MC 142463 (Sub-No. 3F), filed March 23, 1978. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA 51102. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from the facilities of Spencer Foods, Inc., at or near Spencer, IA, to points in ME, MD, MA, NH, NJ, NY, PA, and VA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Omaha, NE.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 135117 and sub numbers thereunder, therefore, dual operations may be involved.

No. MC 142606 (Sub-No. 5F), filed March 24, 1978. Applicant: WESCO TRANSPORTATION, INC., 2222 West Garvey, Suite L, West Covina, CA 91790. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Leitchfield, KY, to points in AZ, CA, CO, CT, IL, IA, LA, MD, MA, MN, NJ, NY, OK, PA, TX, and WI, under a continuing contract or contracts with Hoover Universal, Inc., Hardware Systems Division. (Hearing site: Los Angeles, CA.)

No. MC 143059 (Sub-No. 13F), filed March 24, 1978. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th and Main Streets, P.O. Box 11129, Louisville, KY 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (1) *Water and sewer line gaskets*, from Middlefield, OH, to points in the United States (except AK and HI), and (2) *materials and supplies* (except commodities in bulk), used in the manufacture of the commodities specified in (1) above, from points in the United States (except AK and HI, to Middlefield, OH. (Hearing site: Cleveland, OH or Washington, DC.)

No. MC 143268 (Sub-No. 3F), filed March 13, 1978. Applicant: TROCHU TRUCKING SERVICES, LTD., 915 48th Avenue SE., Calgary, Alberta, Canada T2G 2A7. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Green River, WY, to the ports of entry on the international boundary line between the United States and Canada located in MT, for furtherance into Alberta, Canada. Restriction: Restricted to the transportation services performed under a continuing contract or contracts with Johns-Manville, Ltd. and Fiberglas Canada, Ltd. (Hearing site: Billings, MT.)

NOTE.—Applicant holds Common Carrier Authority in MC 140656, therefore, dual operations may be involved.

No. MC 143645 (Sub-No. 2F), filed March 24, 1978. Applicant: HOMER JONES, d.b.a. HOMER JONES TRUCKING, Route 4, Box 354, Minden, LA 71055. Applicant's representative: John W. Montgomery, P.O. Box 1173, Minden, LA 71055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravel*, from Wilton, AR, to Shreveport and Bossier City, LA, and points in Bienville, Bossier, Caddo, Caldwell, Claiborne, De Soto, East Carroll, Jackson, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Sabine, Union, Webster, West Carroll, and Winn Parishes, LA, under a continuing contract or contracts with Braswell Industries, Inc. of Shreveport, LA. (Hearing site: Shreveport, LA.)

No. MC 143651 (Sub-No. 3F), filed April 10, 1978. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 705, Lake View, IA 51450. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville and Sioux City, IA and Sioux Falls, SD to points in AL, AR, CT, DE, DC, FL, PA, GA, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, RI, SC, TN, VT, VA, and WV. Restriction: Restricted to traffic originating at the facilities of John Morrell & Co., located at the above origins and destined to the named destination states. (Hearing site: Chicago, IL or Kansas City, MO.)

No. MC 144041 (Sub-No. 9F), filed March 20, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Fireplace logs*, from Camilla, GA to points in the United States on and east of U.S. Hwy 85, (2) *charcoal briquettes and fireplace logs*, from Marion, OH to points in the United States on and east of U.S. Hwy 85, and

(3) *carbon and graphite products* (except in bulk), from Morganton, NC to points in the United States on and east of U.S. Hwy 85. (Hearing site: New York NY.)

NOTE.—Applicant holds contract carrier authority in MC 140883 and Subs thereto; therefore, dual operations may be involved.

No. MC 144258 (Sub-No. 1F), filed March 24, 1978. Applicant: PINEWOOD TRANSPORT, INC., P.O. Box 311, Glenwood, AR 71943. Applicant's representative: William G. Wright, P.O. Drawer 968, Fort Smith, AR 72902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Wood chips*, from the plantsites of Georgia-Pacific Corp. at Glenwood, Pike County, AR to the plantsites of International Paper Co. at Atlanta, TX, near Texarkana, TX, under a continuing contract or contracts with Georgia-Pacific Corp. (Hearing site: Hot Springs, Little Rock, or Fort Smith, AR.)

No. MC 144273 (Sub-No. 330) (Correction), filed January 16, 1978, published in the FEDERAL REGISTER issue of March 9, 1978, and partially republished in the FEDERAL REGISTER issue of April 20, 1978, and republished this issue. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Knock down metal buildings and parts* used in the manufacturing thereof from Monticello, IA, to points in IL, IN, OH, MI, WI, PA, MO, NY, VA, WV, and TN. (Hearing site: Washington, DC or Chicago, IL.)

NOTE.—The purpose of this republication is to include the destination point "MICHIGAN" which was omitted from the FEDERAL REGISTER publication of March 9, 1978. Common control may be involved.

No. MC 144279 (Sub-No. 2F), filed March 27, 1978. Applicant: A-W TRANSPORTATION CO., a corporation, Armstrong, IA 50514. 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, transporting: (1) *Agricultural machinery, implements, accessories* and parts, from Armstrong, IA, to points in the United States, (except AK and HI), and equipment, materials and supplies used or useful in the manufacture and distribution of agricultural machinery, implements, accessories, and parts, from points in the United States (except AK and HI), to Armstrong, Iowa, under a continuing contract or contracts with Arts-Way Manufacturing Company, Inc., of Armstrong, IA and (2) *electrical scales, equipment, accessories* and parts, from Fairmont, MN, to points in the United States (except AK and HI), and equipment, materials and supplies used or useful in the manufacture and distribution of electrical scales, equipment, accessories and parts from, points in the United States (except AK and HI), to Fairmont, MN, under a continuing contract or contracts with Weigh-tronex, Inc. of Fairmont, MN. (Hearing site: Minneapolis, MN or Omaha, NE.)

No. MC 144364 (Sub-No. 2F), filed March 23, 1978. Applicant: ART BETZ, P.O. Box 955, South Sioux City, NE 68776. Applicant's representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Authority is sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Suspended hog carcasses*, from the facilities of Sioux Preme Packing Co., located at or near Sioux Center, IA, to points in CA, OR, and WA. (Hearing site: Omaha NE.)

No. MC 144396 F, filed March 7, 1978. Applicant: DENNIS WIERZBICKI & JACK HERMAN, d.b.a. H & W Transport, 907 Kingsbury, Belle Fourche, SD 57717. Applicant's representative: Dennis Wierzbicki, 308 9th Avenue, Belle Fourche, SD 57717. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Coal*, from points in Campbell County, WY, to points in Crook County, WY, under contract with Federal Bentonite Division Aurora Metal Co. (Hearing site: Rapid City or Pierre, SD, or Cheyenne, WY.)

No. MC 144450 (Sub-No. 1F), filed March 21, 1978. Applicant: HARRISON TRANSFER & STORAGE CO., a corporation, P.O. Box 2276, Augusta, GA. 30903. Applicant's representative: R. Frank Allen, 412 Old Evans Road, Martinez, GA 30907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, unaccompanied baggage*, and *personal effects*, crated, as defined by the Commission, between points in Richmond County, GA, on the one hand, and on the other, points in Columbia, Burke, Jefferson, Lincoln, McDuffie, Emanuel, Glascock, Jenkins, Screvan, Taliaferro, Warren, and Wilkes Counties, GA, and Aiken, Edgefield, Allendale, Barnwell, Hampton, and McCormick Counties, SC, under a continuing contract, or contracts, with the contracting officer, Fort Gordon, GA. (Hearing site: Augusta or Atlanta, GA.)

NOTE. —Applicant holds common carrier authority in No. MC 30821 and subnumbers, therefore dual operations may be involved. Common control may be involved.

No. MC 144479 (Sub-No. 1F), filed March 24, 1978. Applicant: JOSEPH T. BORCHERS d.b.a., SAV-A-DAY AIR FREIGHT, Knox County Airport, Mt. Vernon, OH 43050. Applicant's representative: Robert W. Minor, P.O. Box 1008, 52 East Gay Street, Columbus, OH 43216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), restricted to shipments having an immediate prior or subsequent movement by air, between Mt. Vernon and Fredericktown, OH, on the one hand, and, on the other, Columbus (OH) International Airport and Cleveland Hopkins Airport, OH. (Hearing site: Mt. Vernon, OH.)

No. MC 144519F, filed March 27, 1978. Applicant: BOND WAREHOUSING, INC., 235 Cook Avenue, Oconto, WI 54153. Applicant's representative: Edward Solie, Executive Building—Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Bond Pickle Co., Inc. at or near Oconto, WI, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NB, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and Washington, DC, and *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs from points in the destination states named above to the facilities of Bond Pickle Co., Inc. at or near Oconto, WI, limited to a transportation service to be performed under a continuing contract, or contracts, with Bond Pickle Co., Inc., Oconto. (Hearing site: Madison, WI.)

NOTE.—Applicant is a wholly-owned subsidiary of supporting shipper and the authority being sought herein is to substitute applicant's service for shipper's existing proprietary trucking.

No. MC 144528F, filed March 20, 1978. Applicant: ROGERS TRUCKING, INC., Route 4, Box 369, Olympia, WA 98502. Applicant's respresentative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *common carrier* over irregular routes transporting: *Red cedar shakes, shingles* and *trim*, from points in WA on and west of U.S. Hwy 97, to points in CA, NE, ID, UT, CO, and AZ. (Hearing site: Seattle, WA.)

No. MC 144531 F, filed March 21, 1978. Applicant: SULLI-VAN LINES, INC., 43 Cortland, Highland Park, MI 48203. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of (1) *Recycleable scrap rags and recycleable*

scrap plastic, between points in and east of MN, IA, MO, AR, and LA, in non-radial movements only, and (2) *absorbent compounds and disposable paper and plastic products* between Detroit, MI, on the one hand, and, on the other, points in that portion of the United States located in and east of MN, IA, MO, AR, and LA, under contract with O'Brien Textiles Corp. (Hearing Site: Detroit, MI; Chicago, IL.)

No. MC 144540 F, filed March 27, 1978. Applicant: JOHNSON BROTHERS TRUCKING CO., a corporation, 211 Spring Street, Herndon, VA 22070. Applicant's representative: James Anton, 1133 Munsey Building, 1329 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Stone,* from points in Loudoun, Arlington, and Fairfax Counties, Richmond, Winchester, and Fredericksburg, VA to the DC and points in MD. (Hearing site: Washington, DC.)

NOTE.—Dual Operations may be involved.

No. MC 144542 F, filed March 25, 1978. Applicant: CAR TRANSPORTERS CORP., Route 1, Box 220 VW, Five Oaks Industrial Park, Hillsboro, OR 97123. Applicant's representative: John R. Bagileo, 918—16th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Automobiles,* in secondary movements, in truckaway service, (a) between points in OR, WA, ID, MT, and AK and (b) from San Francisco and Los Angeles, CA, Denver, CO, Houston, TX, and Salt Lake City, UT, to points in OR, WA, ID, MT, and AK: and (2) *Vans and van conversions,* in secondary movements, in truckaway service, (a) between points in OR, WA, ID, and MT, and (b) between Emeryville and Signal Hill, CA, on the one hand, and, on the other, points in OR, WA, ID, and MT, under a continuing contract or contracts with Riviera Motors, Inc. of Hillsboro, OR, Porsche Audi Northwest, Inc. of Hillsboro, OR, Volkswagen of America, Inc. of Englewood Cliffs, NJ, and Automotive Services, Inc. of Vancouver, WA. (Hearing site: Portland, OR or Washington, DC.)

By the Commission.

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

[FR Doc. 78-12758 Filed 5-10-78; 8:45 am]

[7035-01]

[Volume No. 89]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

MAY 3, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before June 12, 1978. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 134793 (Sub-No. 2) (M1), (Notice of filing of petition to change contracting shipper and modify territorial description), filed December 19, 1977. Petitioner: EAST-WEST REFRIGERATED FREIGHT LINES, INC., 7900 North Frontage Road, Hinsdale, IL 60521. Petitioner's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Petitioner holds a motor *contract carrier* permit in No. MC 134793 (Sub-No. 2), issued January 21, 1976, authorizing transportation, over irregular routes, as pertinent, of: (1) *Adhesives, adhesive cement, caulking compounds, cleaning and polishing compounds and solutions, emulsions,* used as a mixing material, *latex solutions, mastic material, sealing primer,* and *solvents,* and (2) *equipment, supplies, and tools* necessary for the application of the commodities in (1) above, from the facilities of Chicago Mastic Co. at Chicago and Rosemont, IL, to points in the United States (except AK, HI, AL, FL, GA, NC, and SC), restricted in (1) and (2) above against the transportation of commodities in bulk; and limited to a transportation service to be performed, under a continuing contract, or contracts, with Chicago Mastic Co., of Rosemont, IL. By the instant petition, petitioner seeks to modify the territorial description to read: From the facilities of Durabond Products Co. (a subsidiary of United States Gypsum Co.) at or near Chicago, Des Plaines, Elk Grove Village, and Rosemont, IL, to points in the United States (except AK, HI, AL, FL, GA, NC, and SC); and to change the second portion of the restriction to read: limited to a transportation service to be performed, under a continuing contract, or contracts, with Durabond Products Co., of Rosemont, IL.

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served

on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 381 (Sub-No. 14F), filed March 9, 1978. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Baled textile waste*, for recycling purposes only, from Wellford, SC, to Dover, DE; and (2) paper and paper products, between Landisville, NJ, and Chester, PA on the one hand and, on the other, Rogers, AR. (Hearing site: New York, NY; Philadelphia, PA, or Washington, DC.)

No. MC 381 (Sub-No. 15F), filed March 9, 1978. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Powdered iron* (except in bulk), from Riverton, NJ, to Coral Springs, FL. (Hearing site: Philadelphia, PA or Washington, DC.)

No. MC 720 (Sub-No. 52F), filed March 27, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, WI 53963. Applicant's representative: Wayne W. Wilson 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK and TX and returned, refused and rejected shipments from points in and east of ND, SD, NE, KS, OK and TX, to the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (2) *Frozen foods* (except in bulk), from the facilities of Ore-Ida Foods, Inc. at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX. Restriction: Restricted to traffic originating at the named origin and destined to the named States. (Hearing site: Boise, ID or Stevens Point, WI.)

No. MC 2900 (Sub-No. 326F), filed March 3, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408-R, Jacksonville, FL 32203. Applicant's representative: John Carter, (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy Products* (except in bulk in tank vehicles); and (2) *Foodstuffs* (except in bulk), in mixed loads with Dairy Products, in vehicles equipped with mechanical refrigeration, from facilities utilized by Kraft Foods Division of Kraftco Corp. at points in WI, to Atlanta, GA, restricted to the transportation of shipment originating at named origins and destined to Atlanta, GA. (Hearing site: Chicago, IL or Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 13267 (Sub-No. 1F), filed March 20, 1978. Applicant: MOUNTAINSIDE TRANSPORT, INC., 4828 Hollins Ferry Road, Baltimore, MD 21227. Applicant's representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as dealt in by wholesale, retail, and chain grocery foodbusiness houses; and (2) *equipment, materials, and supplies* used in the conduct of the business described in (1), restricted in (2) above against the transportation of commodities in bulk, for the account of The Great Atlantic & Pacific Tea Co., Inc., between Baltimore, MD on the one hand and, on the other, points in New Castle County, DE; points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, Warren Counties, NJ, and points in Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lehigh, Monroe, Montgomery, Northampton, Philadelphia and Schuylkill Counties, PA, under continuing contract or contracts in (1) and (2) above, with The Great Atlantic & Pacific Tea Co., Inc. (Hearing site: New York, NY, or Newark, NJ.)

NOTE.—Common control may be involved.

No. MC 15558 (Sub-No. 6F), filed March 27, 1978. Applicant: WARWOOD TRANSFER CO., 2233-41 Warwood Avenue, Wheeling, WV 26003. Applicant's representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Authority sought to operate as a *common carrier*, over irregular routes, transporting: Such merchandise as is dealt in by retail discount, department or variety stores, between the facilities of Sears Roebuck and Co. located in Belmont County, OH on the one hand and, on the other, points in Muskingum, Guernsey, Coshocton, Holmes, Tuscarawas, Stark, Columbiana, Jefferson, Harrison, Belmont, Monroe, Washington, Morgan, Noble and Carroll Counties, Ohio; Allegheny, Washington, Greene, Beaver and Fayette Counties, PA; and Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Doddridge, Harrison, Marion, Monongalia and Taylor Counties, WV. (Hearing site: Washington, DC. or Columbus, OH.)

No. MC 20992 (Sub-No. 45F), filed March 27, 1978. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Pumps and pump accessories*, from Barron, WI, to points in the United States (except AK and HI), and (2) *equipment, materials, and supplies* used in the manufacture, production, and distribution of the commodities named in (1) above, from points in the United States (except AK and HI), to Barron, WI. Restriction: Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to traffic originating at or destined to Barron, WI. (Hearing site: Minneapolis, MN.)

NOTE.—Common control may be involved.

No. MC 21436 (Sub-No. 7F), filed March 20, 1978. Applicant: RELIANCE VAN CO., INC., 67 West Kings Hwy, Maple Shade, NJ 08052. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, Suite 1200, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Empty wooden household goods shipping containers*, between points in AZ, CA, CO, ID, KS, MS, MT, NE, NV, NM, OK, OR, SD, TX, UT, WA, WY, LA, MO, and AR, in non-radial movement. (Hearing site: Philadelphia, PA.)

NOTE.—Common control may be involved.

No. MC 22195 (Sub-No. 174F), filed March 27, 1978. Applicant: DAN DUGAN TRANSPORT CO., a corporation, 41st and Grange Avenue, Sioux Falls, SD 57105. Applicant's representative: F. Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the facilities of the Cochin Pipeline Co., located at or near New Hampton, IA, Mankato and Benson, MN, and Carrington, ND, to points in IA, MN, ND, SD, WI, and IL. (Hearing site: Minneapolis, MN or Sioux Falls, SD.)

No. MC 29886 (Sub-No. 341F), filed March 14, 1978. Applicant: DALLAS &

MAVIS FORWARDING CO., INC., 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and bodies, cabs and parts or accessories for such vehicles, from the facilities of Freightliner Corp., at Mount Holly (Gaston County), NC, to points in the United States (including AK, but excluding HI). (Hearing site: Portland, OR or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 30844 (Sub-No. 602F), filed March 27, 1978. Applicant: KROBLIN REFRIGERATED XPRESS INC., P.O. Box 5000, Waterloo, IA 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, cleaning compounds, rubber compounds, soldering flux, coatings, lubricants, and equipment, materials, and supplies* used in the application of the commodities named above, from Cambridge, MA, to points in the United States (except AK and HI), (2) *synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants, and equipment, materials, and supplies* used in the application of the commodities named above, from Woodbury, NJ, and Atlanta, GA, to points in the United States (except AK and HI), (3) *synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants, air entraining agents, cement clinker or grinding compounds, concrete or masonary plasticizer and water reducing compounds, tall oil, lignin liquors, and equipment, materials, and supplies* used in the application of the commodities named above, from Chicago, IL, to points in the United States (except AK and HI), (4) cleaning compounds, chemicals, chemical compounds, and fertilizer compounds from Nashua, NH, to points in the United States (except AK and HI), (5) *synthetic plastics, synthetic latex, battery insulating partitions, and pulpboard*, from Owensboro, KY, to points in the United States (except AK and HI), (6) *synthetic plastics, synthetic latex, battery insulating partitions, and cleaning compounds*, from Acton, MA, to points in the United States (except AK and HI), (7) *Materials, equipment, and supplies* used in the manufacture, production, and distribution of the commodities named in 1 through 6 above, from points in the United States (except AK and HI), to the origins named in 1 through 6 above, and to San Leandro, CA. Restrictions: Restricted against the transportation of commodities in bulk, in tank vehicles, and commodities which by reason of size and weight require the use of special equipment and further restricted to traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Boston, MA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 33520 (Sub-No. 12F), filed February 22, 1978. Applicant: FOLLMER TRUCKING CO., a corporation, Hummels Wharf, PA 17831. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods in use, commodities in bulk, and commodities requiring special equipment), between Beech Creek, PA, and Lock Haven, PA, from Beech Creek over U.S. Hwy 220 to Lock Haven, and return over the same route, serving all intermediate points. (Hearing site: Williamsport or Harrisburg, PA.)

NOTE.—Common control may be involved.

No. MC 35628 (Sub-No. 399F), filed March 22, 1978. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue SW., Grand Rapids, MI 49503. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities utilized by General Electric Co. and Mead Johnson & Co., located at or near Mount Vernon, IN, as an off-route point in connection with applicant's currently authorized operations. (Hearing site: Chicago, IL, or Indianapolis, IN; however applicant requests consolidated hearing with other similar applications.)

No. MC 39411 (Sub-No. 8F), filed March 23, 1978. Applicant: GEORGE E. TREYZ, INC., 186 State Street, Binghamton, NY 13902. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, Suite 1200, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Used household goods* as defined by the Commission, restricted (1) to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and (2) to the performance of pickup and delivery service in connection with packing, crating, or containerization, or unpacking, uncrating, or decontainerization of such shipments between points in Steuben, Chemung, Tioga, Broome, Chenango, Cortland, Tompkins, Schuyler, Yates, Seneca, Delaware, Cayuga, Allegany, Wayne and Ontario Counties, NY, and points in Bradford, Tioga, Potter and Susquehanna Counties, PA. (Hearing site: New York, NY.)

No. MC 50935 (Sub-No. 18F), filed March 22, 1978. Applicant: WOLVERINE TRUCKING CO., a corporation, 1020 Doris Road, Pontiac, MI 48057. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from the facilities of the G. Heileman Brewing Co., Inc., at LaCrosse, WI, Newport, KY, and Evansville, IN, to Detroit, MI, and points within its commercial zone; and (2) *empty malt beverage containers, pallets and rejected shipments of malt beverages*, from Detroit, MI, and points in its commercial zone, to the facilities of the G. Heileman Brewing Co., Inc., at LaCrosse, WI, Newport, KY, and Evansville, IN. (Hearing site: Madison, WI, Chicago, IL or Detroit, MI.)

No. MC 50935 (Sub-No. 20F), filed March 27, 1978. Applicant: WOLVERINE TRUCKING CO., a corporation, 1020 Doris Road, Pontiac, MI 48057. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Malt beverages and related advertising materials* from Louisville, KY, to Drayton Plains, MI; and (2) *empty containers* from Drayton Plains, MI, to Louisville, KY. (Hearing site: Louisville, KY or Chicago, IL.)

No. MC 59150 (Sub-No. 126F), filed March 23, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Roofing and building materials* (except in bulk), from the facilities of Bird & Son, Inc., Charleston, SC, to points in GA and FL (on and east of the Apalachicola River). (Hearing site: Charleston, SC or Jacksonville, FL.)

No. MC 61440 (Sub-No. 163F), filed March 27, 1978. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW 63rd Street, Oklahoma City, OK 73157. Applicant's representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of K-Mart Corp. at or near Shenandoah, Coweta County, GA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Oklahoma City, OK.)

NOTE.—Common Control may be involved.

No. MC 63417 (Sub-No. 144F), filed March 27, 1978. Applicant: BLUE RIDGE TRANSFER CO. INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *New furniture and furniture parts* from Chocowinity, Goldsboro and Sanford, NC and Roanoke, VA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY; and returned shipments of new furniture and furniture parts from above destinations to above origins. (Hearing site: Roanoke, VA.)

No. MC 63417 (Sub-No. 145F), filed March 27, 1978. Applicant: BLUE RIDGE TRANSFER CO. INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Glass containers and container accessories and materials, equipment and supplies* used in the manufacture and distribution of glass containers and container accessories, from the facilities of Brockway Glass Co. located at Lapel, (Madison County) IN, Zanesville, (Muskingham County) OH, Washington County, PA, and Montgomery County, AL, to the NC counties of Rockingham, Stokes, Caswell, Guilford, Alamance, Forsyth and Vance and VA counties of Pittsylvania, Henry and Halifax. (Hearing site: Roanoke, VA.)

No. MC 71652 (Sub-No. 17F), filed March 13, 1978. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway, Medford, OR 97501. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, particleboard and fiberboard*, from points in OR, to points in Clark County, NV. (Hearing site: Portland, OR or San Francisco, CA.)

No. MC 75320 (Sub-No. 195F), filed March 27, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Olin Works-Olin Corp. at or near Olin (Covington), IN as an off-route point. (Hearing site: Indianapolis, IN or Raleigh, NC.)

No. MC 82492 (Sub-No. 191F), filed March 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (except commodities in bulk), from the facilities of or utilized by Ore-Ida Foods, Inc. or Terminal Ice and Cold Storage Co., located at or near Plover, WI, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, TN, points in NY in and west of Broome, Cortland, Onondaga and Oswego Counties, and points in PA on and west of U.S. Hwy 219; and (2) *returned, refused or rejected merchandise* described in part (1) from IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, TN, points in NY in and west of Broome, Cortland, Onondaga and Oswego Counties, and points in PA on and west of U.S. Hwy 219 to the facilities of or utilized by Ore-Ida Foods, Inc. or Terminal Ice and Cold Storage located at or near Plover, WI, restricted in parts (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL or Milwaukee, WI.)

No. MC 82492 (Sub-No. 195F), filed March 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cheese, cheese products, and synthetic cheeses* (except commodities in bulk), from the facilities utilized by the L. D. Schreiber Cheese Co., Inc., in Jasper, Newton, Barry, and Lawrence Counties, MO, to points in IN, MI, and OH. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 95540 (Sub-No. 1010F), filed March 24, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs* in mechanically refrigerated vehicles (except commodities in bulk, in tank vehicles) from the plantsites and warehouse facilities of Standard Brands, Inc., located at or near Chicago and Franklin Park, IL to all points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Chicago, IL, Washington, DC, or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 95540 (Sub-No. 1014F), filed March 27, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration from the facilities of Kraft, Inc., located at or near Champaign, IL to points in FL and GA, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Chicago, IL, Washington, DC, or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 99614 (Sub-No. 3F), filed March 13, 1978. Applicant: MIKE CONROTTO TRUCKING, a corporation, P.O. Box 638, Gilroy, CA 95020. Applicant's representative: William D. Taylor, 100 Pine Street—Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), and (2) *commodities* otherwise exempt from economic regulation under section 203(b) when transported in mixed loads with the commodities in (1) above, (a) between points in the San Francisco Territory, as described below, and the International Boundary Line between the

United States and Mexico, over U.S. Hwy 101; (b) between Sacramento, CA and junction of U.S. Hwy 99 and Interstate Hwy 5, at or near Wheeler Ridge, CA, over U.S. Hwy 99; (c) between Sacramento CA, and junction of U.S. Hwy 99 and Interstate Hwy 5, at or near Wheeler Ridge, CA, over Interstate Hwy 5; (d) between junction U.S. Hwy 99 and Interstate Hwy 5, at or near Wheeler Ridge, CA, and the International Boundary Line between the United States and Mexico, over Interstate Hwy 5; (e) between Los Angeles, CA and the CA-AZ State line, from Los Angeles, over U.S. Hwy 60 to junction Interstate Hwy 10 at or near Beaumont, CA, then over Interstate Hwy 10 to the CA-AZ state line; (f) between San Diego and Holtville, CA, over U.S. Hwy 80; (g) between San Francisco and Sacramento, CA, over Interstate Hwy 80; (h) between Gilroy, CA and junction of CA Hwy 152 and U.S. Hwy 99, over CA Hwy 152; (i) serving all intermediate points on the routes described in (a) through (h) above; (j) serving all points in the San Francisco Territory as off-route points in connection with the above-described routes; and (k) serving points in San Mateo, Alameda, Sacramento, San Joaquin, Stanislaus, Merced, San Francisco, Santa Clara, Fresno, Madera, Kings, Kern, Ventura, Los Angeles, San Diego, Riverside, Imperial, Contra Costa, and Solano Counties, as off-route points in connection with the above-described routes; and (B) The San Francisco Territory includes the area embraced by the following boundary: Beginning at the points the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean, then easterly along said boundary line to a point 1 mile west of U.S. Hwy 101, then southerly along a line 1 mile west of and paralleling U.S. Hwy 101 to its intersection with the corporate boundary of the City of San Jose, then southerly, easterly, and northerly along said corporate boundary to its intersection with CA Hwy 17, then northerly along CA Hwy 17 to Warm Springs, then northerly along unnumbered highway through Mission San Jose and Niles to Hayward, then northerly along Foothill Blvd. to Seminary Ave., then easterly along Seminary Ave. to Mountain Blvd., then northerly along Mountain Blvd. and Moraga Ave., to Estates Dr., then westerly along Estates Dr., Harbor Dr. and Broadway Terrace to College Ave., then northerly along College Ave. to Dwight Way, then easterly along Dwight Way to the Berkeley-Oakland boundary line, then northerly along said boundary line to the campus boundary of the University of California, then northerly and westerly along the campus boundary of the University of California to Euclid Ave., then northerly along Euclid Ave., to Marin Ave., then westerly along Marin Ave. to Arlington Ave., then northerly along Arlington Ave., to U.S. Hwy 40, (San Pablo Ave.), then northerly along U.S. Hwy 40 to and including the City of Richmond, then southwesterly along the hwy. extending from the City of Richmond to the San Francisco Waterfront at the foot of Market St., then westerly along said waterfront and shore line to the Pacific Ocean, then southerly along the shore line of the Pacific Ocean to the point of beginning. (Hearing site: San Francisco, CA.)

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and necessity and is filed in connection with applicant's application in No. MC 99614 (Sub-No. 2), currently pending before the Commission.

No. MC 102616 (Sub-No. 943F), filed March 27, 1978. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, OH 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry fertilizer*, in bulk, from the plantsite of Agrico Chemical Co., Melbourne, KY, to points in IL, IN, KY, MI, OH, VA, and WV. (Hearing site: Washington, DC or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 103498 (Sub-No. 51F), filed February 17, 1978. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, TX 79401. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Charcoal briquettes*, from Dierks, AR, to points in AZ. (Hearing site: Little Rock, AR, or Dallas, TX.)

NOTE.—Common control may be involved.

No. MC 106603 (Sub-No. 167F), filed February 9, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Insulation board*, from Pennsauken, NJ to points in KY, IND, IL, MI, OH, and WV. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 106674 (Sub-No. 306F), filed March 27, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the facilities of A. E. Staley Manufacturing Co. at or near Lafayette and Frankfort, IN, to points in IL, KY, MI, and OH. (Hearing site: Chicago, IL or Indianapolis, IN.)

No. MC 107107 (Sub-No. 462F), filed March 13, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42nd Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Foods* and *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Burlington, WI, to Memphis, TN, and points in NC and FL. (Hearing site: Miami, FL.)

No. MC 107107 (Sub-No. 465F), filed March 27, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42nd Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Such commodities* (except commodities in bulk), as are used by, sold by and dealt in by nurseries or distributors of nursery stock; and (2) *agricultural* and *horticultural commodities* (otherwise exempt from Economic Regulation of Section 203(b)(6) of the Act), when transported in mixed loads with commodities embraced in (1) above, from points in FL to points in the United States in and east of AZ, CO, NE, ND, and SD. (Hearing site: Miami, FL.)

No. MC 107496 (Sub-No. 1138F), filed March 24, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Memphis, TN, to points in TX. (Hearing site: Des Moines, IA or Memphis, TN.)

NOTE.—Common control may be involved.

No. MC 107496 (Sub-No. 1139F), filed March 27, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Phosphate feed grade*, in bulk, from Marseilles, IL, to all points in IN, OH, WI, IL, KY, IA, MO, MN, NE, and

KS. (Hearing site: Des Monies, IA or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 108341 (Sub-No. 94F), filed March 24, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Copper articles* from Pulaski, TN, to points in the United States in and east of ND, SD, NE, CO, OK, and TX; and (2) *scrap copper*, from points in the United States in and east of ND, SD, NE, CO, OK, and TX, to Pulaski, TN. (Hearing site: Nashville, TN or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 108460 (Sub-No. 62F), filed March 20, 1978. Applicant: PETROLEUM CARRIERS CO., a corporation, P.O. Box 762, Sioux Falls, SD 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the Cochin Pipe Line, located at Carrington, ND, Mankato and Benson, MN, and New Hampton, IA, to points in ND, SD, IA, MN, and WI. (Hearing site: Minneapolis, MN or Sioux Falls, SD.)

NOTE.—Common control and dual operations may be involved.

No. MC 109397 (Sub-No. 399F), filed March 13, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractor attachments and parts;* (2) *fabricated steel products; and* (3) *machinery, equipment, parts, and attachments* used in the logging, forestry, and construction industries, from the facilities of Medford Steel Division of C.S.C., Inc., located at or near Medford, OR, to points in the United States (except AK and HI). (Hearing site: Portland, OR or San Francisco, CA.)

NOTE.—Common control may be involved.

No. MC 109397 (Sub-No. 401F), filed March 13, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, pressure vessels, custom fabrications* of stainless steel and high alloys, from the facilities of Alloy Fabricators, Inc., located at or near Trenton, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 110525 (Sub-No. 1229F), filed March 9, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from the plantsite of Agrico Chemical Co. at Melbourne, KY, to points in IL, IN, KY, MI, OH, VA, and WV. Restricted to the transportation of traffic originating at the above mentioned plantsite. (Hearing site: Tulsa, OK.)

No. MC 112223 (Sub-No. 108F), filed March 2, 1978. Applicant: QUICKIE TRANSPORT CO., a corporation, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, from the facilities of Cochin Pipeline Co., located at or near New Hampton, IA, Benson and Mankato, MN, and Carrington, ND, to points in IA, IL, MN, ND, SD, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 113362 (Sub-No. 323F), filed March 22, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides* (except in bulk), from the facilities utilized by Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL, to all points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 113434 (Sub-No. 97F), filed March 27, 1978. Applicant: GRA-BELL TRUCK LINES, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (A) *Glass containers and container accessories*, (1) between the facilities of Brockway Glass Co., Inc. at points in Jefferson, Clearfield and Washington Counties, PA, on the one hand, and points in IL, IN and MI, on the other; and (2) between the facilities of Brockway Glass Co. in Muskingum County, OH, on the one hand, and points in IL, IN, and MI on the other; and (B) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers and accessories from points in IL, IN, and MI to points in Jefferson, Clearfield and Washington Counties, PA and Muskingum County, OH. (Hearing site: Pittsburgh, PA or Washington, DC.)

No. MC 113651 (Sub-No. 267F), filed March 27, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: Daniel C. Sullivan, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Such commodities* as are manufactured or dealt in by manufacturers of (1) *safety razors and razor blades*, (2) *toilet preparations*, (3) *home security equipment*, (4) *cigarette lighters*, (5) *personal care products*, and (6) *stationery products* (except commodities in bulk), (a) from the facilities of the Gillette Co. at Andover, MA to points in OH, IN, lower peninsula of MI, MN, GA, FL, and Arlington, TX; (b) from the facilities of the Gillette Co. at St. Paul, MN, to points in IL, IN, lower peninsula of MI, OH, PA, NJ, MD, Andover, MA, St. Louis, MO, Arlington, TX, and Atlanta, GA; and (c) from the facilities of the Gillette Co. at La Grange Park, IL to St. Louis, MO, Louisville, KY, Indianapolis and Ft. Wayne, IN, and Grand Rapids, MI. (Hearing site: Boston, MA or Chicago, IL.)

No. MC 113678 (Sub-No. 732F), filed March 22, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Meat, meat products, and meat byproducts* (except commodities in bulk in tank vehicles), from Boulder, CO to points in the United States (except AK, CO, and HI). (Hearing site: Denver, CO.)

No. MC 113843 (Sub-No. 251F), filed March 27, 1978. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* (otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act), when transport-

ed in mixed loads with bananas, from Baltimore, MD, New York, City NY, and Albany, NY to points in ME, NH, VT, MA, RI and CT. (Hearing site: New York, NY or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 113855 (Sub-No. 411F), filed March 9, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a corporation, 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Industrial furnaces and industrial furnace parts;* (2) *equipment* used in conjunction with industrial furnaces, and (3) *incinerators and incinerator parts,* from Meadville, PA to points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 113855 (Sub-No. 416F), filed March 27, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Source, special nuclear and byproduct materials, radioactive materials and related reactor experiment equipment, component parts, and associated materials,* from points in Hartford County, CT to points in the United States (including AK, but excluding HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 114273 (Sub-No. 343F), filed February 16, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles) from (1) Des Moines, IA to points in OH and (2) from Toledo, OH to Galesburg, IL. The purpose of this application is to substitute single-line service for existing joint-line service. (Hearing site: Washington, DC or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 114552 (Sub-No. 156F), filed March 23, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Iron and steel articles and materials and supplies* (except commodities in bulk), used in the manufacture of iron and steel articles, between points in Georgetown County, SC, on the one hand, and on the other, points in the United States in and east of WI, IA, MO, AR, and TX. (Hearing site: Columbia, SC, Charlotte, NC, or Georgetown, SC.)

No. MC 114569 (Sub-No. 211F), filed February 23, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Foodstuffs* (except in bulk) moving in mechanically refrigerated equipment, from the facilities of Terminal Ice & Cold Storage at or near Bettendorf, IA, to points in and east of AL, TN, MO, IA, and MN, restricted to traffic originating at the facilities of Terminal Ice & Cold Storage and destined to the named destinations. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 114632 (Sub-No. 151F), filed March 9, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Applicant's representative: Michael L. Carter, P.O. Box 287, Madison, SD 57042. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in by hardware discount and department stores and supermarkets (except commodities in bulk), from the facilities of Action Industries, Inc. at Pittsburgh and Cheswick, PA to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved.

No. MC 114725 (Sub-No. 86F), filed March 27, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer,* in bulk, in tank vehicles, from Blair, NE to points in IA, MN, ND, SD, WI, and IL. (Hearing site: Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 115730 (Sub-No. 48F), filed March 27, 1978. Applicant: THE MICKOW CORP., 531 SW. Sixth Street, P.O. Box 1774, Des Moines, IA 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Iron and steel articles,* from points in IL and MO, to points in Polk County, IA. (Hearing site: Chicage, IL or Des Moines, IA.)

No. MC 115826 (Sub-No. 301F), filed March 20, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore, (Same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* between Laramie, WY, and points in AL, AZ, AR, CO, LA, MN, MO, NM, NV, ND, SD, and TX, in a non-radial movement. (Hearing site: Denver, CO.)

No. MC 116763 (Sub-No. 405F), filed March 13, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen, and commodities in bulk, in tank vehicles), from Coloma, MI, to points in GA, NC, SC, and VA. Restricted to traffic originating at and destined to the named points. (Hearing site: Chicago, IL.)

No. MC 117068 (Sub-No. 93F), filed March 24, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Hwy 63, Rochester, MN 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles, attachments, accessories and parts,* between the facilities of Master Craft Industrial Equipment Corp., in Tift County, GA on the one hand and, on the other, points in the United States (except AK and HI), restricted to commodities that are transported on trailers. (Hearing site: Washington, DC.)

No. MC 117344 (Sub-No. 269F), filed March 13, 1978. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus OH 43212. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corn syrup, sugar and blends thereof,* in bulk, from Cincinnati, OH to points in IL, MI, MS, NC, TN, VA, WV and St. Louis, MO. (Hearing site: Columbus, OH.)

No. MC 117574 (Sub-No. 301F), filed March 22, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076

Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr., (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Air compressors and earth drilling machinery* and *equipment,* between Claremont, NH on the one hand and, on the other, points in the U.S. including AK, but (excluding HI). (Hearing site: Boston, MA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117686 (Sub-No. 210F), filed March 20, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach, (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from the facilities of Chef Pierre, Inc., located at or near Forest, MS, to points in AZ, CA, CO, GA, KS, MN, MO, NE, NV, NM, NC, OK, SC, TN and TX. (Hearing site: Grand Rapids or Detroit, MI.)

NOTE.—Common control may be involved.

No. MC 118130 (Sub-No. 84F), filed March 15, 1978. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Insulating materials* (except in bulk), (1) from Fruita, CO, to points in AZ, CA, KS, NV, NM, OR, TX, WA and WY; and (2) from Ruston, LA, to points in AL, FL, GA, MS, OK, SC and TX. (Hearing site: Dallas, TX or San Francisco, CA.)

No. MC 118142 (Sub-No. 69F), filed March 27, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* between the facilities of Stokely-Van Camp, Inc., at or near Lawrence, KS, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Indianapolis, IN or Chicago, IL.)

No. MC 118831 (Sub-No. 159F), filed March 27, 1978. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Applicant's representative: Earlie O. Jones, P.O. Box 7007, High Point, NC 27264. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Dry plastics* (except expanded) and *dry polyester resins,* in bulk, in tank or hopper-type trailers, from Spartanburg County, SC, to points in CT, DE, GA, MA, MD, NJ, NY, PA, and RI; and (2) *Dry sodium sulphate,* in bulk, in tank or hopper-type vehicles, from Lowland, TN, to points in GA, KY, NC, SC, and VA. (Hearing site: Spartanburg, SC or Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 118989 (Sub-No. 184F), filed March 23, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Containers, container closures, container ends, container accessories, and materials and supplies* used in the manufacture, sale and distribution of the aforementioned commodities, (1) from Mt. Vernon and St. Joseph, MO, to points in WI, IA, IL, IN, MN, OH, TN, KY, MS, TX, AL, and AR; (2) from Mansfield, TX to points in MS, IL, TN, AR, WI, MN, and IA; and (3) from Waupun, Oconomowoc and Menomonee Falls, WI to points in IL, TN, KY, MO, OH, IN, IA, TX, MI, and MN. (Hearing site: Chicago, IL.)

No. MC 119789 (Sub-No. 444F), filed March 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products* from Gilmer TX to points in NM and OK; and (2) *lumber* from points in LA and MS to Gilmer, TX. (Hearing site: Dallas, TX.)

No. MC 119789 (Sub-No. 445F), filed February 16, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts,* between Columbia and Moberly, MO on the one hand and, on the other, points in the United States in and east of TX, AR, MO, IA, and MN, restricted to shipments originating at or destined to facilities of McGraw-Edison Co. (Hearing site: Kansas City or St. Louis, MO.)

No. MC 121060 (Sub-No. 58F), filed March 27, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Applicant's representative: William P. Jackson, Jr., 3426 Norht Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* (a) between Greenville, MS, on the one hand, and, on the other, points in TX, OK, AR, LA, TN, AL, GA, NC, SC, KY, IL, and FL; and (b) between Peoria, IL, on the one hand, and, on the other, points in LA, TX, and AR; and (2) *materials, equipment, and supplies,* used in the manufacture, distribution, and installation of the commodities in (1) above (except in bulk), (a) from the States in (a) above to Greenville, MS; and (b) from points in AL, TN, MO, and MS, to Peoria, IL. (Hearing site: Chicago IL.)

No. MC 123115 (Sub-No. 20F), filed February 28, 1978. Applicant: PACKER TRANSPORTATION CO., a corporation, 465 South Rock Boulevard, Sparks, NV 89431. Applicant's representative: Ben Packer, 465 South Rock Boulevard, Sparks, NV 89431. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lumber and wood products,* from points in WA to points in CA and NV. (Hearing site: Carson City, NV.)

No. MC 123255 (Sub-No. 144F), filed March 20, 1978. Applicant: B&L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Containers, fibreboard or pulpboard,* with or without ends of same material; and *material and supplies* used in the manufacture and distribution thereof (except commodities in bulk), from the facilities of Sonoco Products Co. located at or near Alpha, and Dayton, OH, to points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123407 (Sub-No. 447F), filed March 27, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings, connections, and materials, supplies, and accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles) from Cleveland, OH, Stone Mountain and Social Circle, GA, Sun Valley, Bakersfield, and Santa Ana, CA, Pompano Beach, FL, and Houston, TX, to points in the United States (except HI). (Hearing site: San Francisco, CA.)

NOTE.—Common control may be involved.

No. MC 123407 (Sub-No. 448F), filed March 27, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings and couplings, and materials and supplies* used in the installation of the foregoing commodities, from Bristol, IN, to points in the United States in and west of MT, WY, CO, and NM. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 123407 (Sub-No. 449F), filed March 27, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paneling* (except commodities in bulk); and (2) *materials and supplies* used in the manufacture thereof, (1) From Elkhart, IN, Birmingham, AL, and Tualatin, OR, to points in the United States (except AK and HI); and (2) from points in the United States (except AK and HI), to Elkhart, IN, Birmingham, AL, and Tualatin, OR. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 124117 (Sub-No. 28F), filed March 24, 1978. Applicant: EARL FREEMAN AND MARIE FREEMAN d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, related packing and insulating materials, containers and pallets*, (1) between the facilities of Miller Brewing Co. located at or near South Volney, NY, and points in TN; (2) between Louisville, KY, on the one hand, and, on the other, points in GA and SC; and (3) between Bellville, IL, and points in AL. (Hearing site: Nashville, TN or Birmingham, AL.)

No. MC 124711 (Sub-No. 58F), filed March 27, 1978. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilized solutions*, in bulk, in tank vehicles, from Culbertson, NE, to points in KS and CO. (Hearing site: Kansas City, MO or Oklahoma City, OK.)

NOTE.—Common control may be involved.

No. MC 126118 (Sub-No. 74F), filed March 3, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Louisville, KY, to points in GA. (Hearing site: Atlanta, GA or Washington, D.C.)

NOTE.—Applicant holds contract carrier authority in No. MC 128375 (Sub-No. 1) and other subnumbers thereunder, therefore dual operations may be involved. Common control may also be involved.

No. MC 127584 (Sub-No. 6F), filed March 27, 1978. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Applicant's representative: Martin Werner, 888 Seventh Avenue, New York, NY 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum mill products, and materials, supplies*, and equipment used in connection with the manufacture, production, and distribution of aluminum and aluminum products (except commodities in bulk, in tank vehicles), between town of Wawarsing (Ulster County), NY, on the one hand, and, on the other, all points in the United States (except AK, CT, DE, DC, HI, IL, IN, KY, MD, MA, MI, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, and WV), under continuing contract with V.A.W. of America, Inc., of the town of Wawarsing (Ulster County), NY. (Hearing site: Albany, NY or New York, NY.)

No. MC 127840 (Sub-No. 65F), filed March 13, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., located at or near Sidney, OH, to points in IL, IN, OH, Pa, NY, NJ, MD, and KY. (Hearing site: Columbus, OH.)

No. MC 133097 (Sub-No. 22F), filed March 27, 1978. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of household and electrical appliances, from North Canton and Canton, OH, to points in WA, OR, ID, MT, WY, UT, NM, AZ, NV, CA, and CO, under a continuing contract or contracts with The Hoover Co. (Hearing site: Los Angeles, CA.)

No. MC 133219 (Sub-No. 23F), filed March 27, 1978. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (*1*) *Liquid feed and liquid feed supplements*, in bulk, in tank vehicles, from the facilities of Feed Service Corporation at or near Crete, NE, to points in CA, NV, UT, OR, WA, ID, MT, AR, TN, NC, VA, KY, and IL; and (2) *materials, equipment and supplies* used in the manufacture and production of liquid feed and liquid feed supplements, from points in the destination states named in (1) above, to the facilities of Feed Service Corporation at or near Crete, NE. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Lincoln, NE.)

No. MC 133220 (Sub-No. 12F), filed March 27, 1978. Applicant: RECORD TRUCK LINE, Inc., 31 E. L. Morgan Drive, Jackson, TN. Applicant's Representative: R. Conner Wiggins Jr., 100 North Main Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Pipe, tubing, and conduit;* (*2*) *fittings, pipe, tubing, and conduit;* (*3*) *pipe hangers and pipe supports;* (*4*) *valves and hydrants; and,* (*5*) *articles, materials, tools, equipment, supplies, and accessories* used in the manufacture, construction, installation, maintenance, operations, and repair of commodities in (1), (2), (3), and (4) above, and of sprinkler systems, fire prevention systems, heating systems, cooling systems, piping systems, irrigation systems, plumbing systems, water systems, sewer systems, drainage systems, and refrigeration systems. Between the plantsite and warehouse facilities of ITT—Grinnel Corp. At Indianapolis, IN, on the one hand, and on the other, points in the United States, (excluding AK and HI.) Under continuing contract or contracts with ITT Grinnel Corp. (Hearing site; Little Rock, AR., Memphis, TN., or Washington, DC.)

No. MC 133689 (Sub-No. 176F), filed, March 27, 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, transport-

ing: *Meat, meat products, meat byproducts, dairy products* and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mason City, IA, to points in ND, SD, NE, KA, MN, MO, IL, MI, IN, KY, TN, AL, OH, GA, SC, NC, VA, WV, MD, DE, PA, and NY, NJ, RI, CT, MA, NH, VT, ME, and DC. (Hearing site: St. Paul, MN.)

No. MC 133689 (Sub-No. 177F), filed March 27, 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: (1) *Such merchandise as is dealt in by wholesale and retail department stores* (except foodstuffs and commodities in bulk), and (2) *foodstuffs* (except commodities in bulk) in mixed shipments with the commodities described in (1) above, I. from points in VT, NH, MA, CT, RI, NY, PA, NJ, MD, WV, DE, VA, KY, OH, IN and Chicago, IL and points in its commercial zone and Washington, DC, to the facilities of Dayton-Hudson Corp. and Target Stores, Inc. located in IL, WI, MN, IA, MO, KS, NE, SD and ND, II. from points in NC, SC, GA, AL, and TN, to the facilities of Dayton-Hudson Corp. and Target Stores, Inc. located in WI, IL, MO, IA, KS, and NE, III. return shipments of the commodities described in (1) and (2) above from the described facilities to the above named origins. Restriction. Restricted in I, II, and III above to the transportation of shipments originating at the above named origins and destined to the above named destinations. (Hearing site: St. Paul, MN.)

No. MC 133883 (Sub-No. 6F), filed March 27, 1978. Applicant: GERALD N. EVENSON, INC., 835 1st Street Southwest, P.O. Drawer I, Pelican Rapids, MN 56572. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, in cartons or crates from the facilities of United Cabinet Corp. at or near Jasper, IN, to points in IA, MN, NE, those points in ND and SD on and east of U.S. Hwy 281, and those points in WI on and west of U.S. Hwy 53. Under continuing contract or contracts with A. N. Miller & Associates. (Hearing site: Minneapolis-St. Paul, MN.)

NOTE.—Applicant holds common carrier authority in MC 143939, therefore dual operations may be involved.

No. MC 134300 (Sub-No. 22F), filed March 27, 1978. Applicant: TRIPLE R EXPRESS, INC., 498 First Street Northwest, New Brighton, MN 55112. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier, over irregular routes*, by motor vehicle, transporting: *Windows, screens, doors, building woodwork, and materials and accessories* used in the installation thereof, from the plant site and storage facilities of Andersen Corporation at Bayport, MN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 134645 (Sub-No. 21F), filed March 27, 1978. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, MN 56301. Applicant's representative: Anthony E. Young, 29 S. LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of John Morrell & Co. located at or near St. Paul, MN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC. Restricted to the transportation of traffic originating at the named origins and destined to points in the named destination States. (Hearing site: Chicago IL or St. Paul, MN.)

NOTE.—Applicant holds motor contract carrier authority under MC 124071 therefore dual operations may be involved.

No. MC 134925 (Sub-No. 3F), filed March 13, 1978. Applicant: CUMMINGS TRUCKING COMPANY, INC., P.O. Box 10492, Birmingham, AL 35202. Applicant's representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Roofing paper, building paper, roofing cement, asphaltum, roofing asphalt, prepared roofing, prepared shingles, filter felt, and materials and supplies* used in the installation thereof (except liquid in bulk, in tank vehicles) from points in Tuscaloosa County, AL, to points in GA, FL, SC, NC, KY, TN, AR, LA, and MS; and (2) *materials and supplies* used in the manufacture of items in (1) above (except liquid in bulk, in tank vehicles), from the destination states in (1) above, to points in Tuscaloosa County, AL. (Hearing sites: Birmingham or Tuscaloosa, AL.)

NOTE.—Common control may be involved.

No. MC 135082 (Sub-No. 65F), filed February 28, 1978. Applicant: BURSCH TRUCKING, INC., d.b.a. Roadrunner Trucking, Inc., P.O. Box 26748, 415 Rankin Road N.E., Albuquerque, NM 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing products* and materials, from Camden, AR to points in AZ, CA, CO, ID, MT, NE, NM, OR, WA, WY, and UT. (Hearing site: Albuquerque, NM or Tampa, FL.)

NOTE.—Applicant holds contract carrier authority in No. MC 115524 and sub-numbers thereunder, therefore dual operations may be involved.

No. MC 135410 (Sub-No. 16F), filed March 27, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, 700 South Main, Monmouth, IL 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, container accessories, and materials, equipment and supplies used in the manufacture and distribution of glass containers and container accessories* (except commodities in bulk), between the facilities of Brockway Glass Co., Inc., located at points in Washington County, PA, Muskingum County, OH, and Madison County, IN, on the one hand, and, on the other, points in IL, IA, and MO, restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

No. MC 135539 (Sub-No. 15F), filed March 2, 1978. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, Evansville, IN 47715. Applicant's representative: Robert J. Gill, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-engineered steel buildings and greenhouses*, and (2) *parts, equipment, materials, accessories, and supplies* used in the manufacture and distribution of pre-engineered steel buildings and greenhouses, between the facilities of Superior Equipment Manufacturing Co. located at or near St. Peters, MO, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Superior Equipment Manufacturing Co. (Hearing site: St. Louis, MO, Springfield, IL, or Indianapolis, In.)

No. MC 135797 (Sub-No. 103F), filed March 13, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200,

Lowell, AR 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trash or refuse collection bins, collection boxes for deposit of clothing and other reusable commodities, stoves or fireplaces, chimney assemblies and spark arresters, hearths and other equipment and supplies* used in the installation or use thereof, in containers or on pallets, from Santa Cruz, CA, to points in the United States (except AK and HI), and (2) *machinery, materials, equipment*, and supplies used in or in connection with the manufacture, distribution, application or use of the commodities named in (1) above (except liquids in bulk), between points in the United States (except AK and HI), on the one hand, and, on the other, Santa Cruz, CA. (Hearing site: San Francisco, CA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 136161 (Sub-No. 9F), filed March 27, 1978. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical compounds* (except in bulk), from Lemont, Mapleton, and Morris, IL to points in IN, KY, MI, OH, TN, WV, and WI. (Hearing site: Chicago, IL.)

No. MC 136161 (Sub-No. 10F), filed March 27, 1978. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical compounds* (except in bulk), from Wyoming, IL to points in IN, KY, MI, OH, TN, WV, and WI. (Hearing site: Chicago, IL.)

No. MC 136168 (Sub-No. 25F), filed March 27, 1978. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, MO 65340. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured, or preserved* from the facilities of Wilson Foods Corp. at Clarinda, IA to points in IN, MA, MI, NJ, NY, PA, and OH. Restricted to the transportation of traffic originating at the above named origin and destined to the named destinations, under continuing contract or contracts with Wilson Foods Corp. (Hearing site: Kansas City, MO or Dallas, TX.)

NOTE.—Applicant holds common carrier authority in MC 141641 and other subs, therefore dual operations may be involved. Common control may be involved.

No. MC 136258 (Sub-No. 4F), filed March 23, 1978. Applicant: HARDING TRUCKING, INC., P.O. Box 306, Whiting, IA 51063. Applicant's representative: D. Douglas Titus, Suite 510, Benson Building, Sioux City, IA 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins, and pieces therefrom;* and (2) *materials, supplies, and equipment* used in the conduct of business by hide companies, between points in IA, NE, and MN. Restriction: The operations requested herein are limited to a transportation service to be performed under a continuing contract with Iowa Beef Processors, Inc. (Hearing site: Omaha, NE or Kansas City, MO.)

No. MC 136343 (Sub-No. 130F), filed March 9, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Glass containers*, from the facility of Midland Glass Co., located at or near Warner Robins, GA to Williamsburg, VA. (Hearing site: New York, NY or Washington, DC.)

No. MC 136511 (Sub-No. 17F), filed March 13, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and furniture parts*, (1) from Richmond and Kenbridge, VA, to points in NM, NV, MO, TX, and OK; and, (2) from Waynesville, NC, to points in CO, CA, AZ, UT, OR, WA, WY, ID, NM, NV, MT, TX, and OK. (Hearing site: Richmond, VA or Washington, DC.)

No. MC 136605 (Sub-No. 47F), filed March 27, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MO 59807. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, MO 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Lumber*, from WA, OR, CA, to points in ND, SD, NE, KS, IA, WI, MN, IL, and MO. (Hearing site: Portland, OR or Seattle, WA.)

NOTE.—The purpose of this application is to replace present interline with a single operation under one authority.

No. MC 138018 (Sub-No. 43F), filed March 27, 1978. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, CO 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods* (except commodities in bulk), from the facilities used by Ore-Ida Foods, Inc., located at or near Plover, WI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY. Restricted to traffic originating at and destined to the points named. (Hearing site: Seattle, WA or Portland, OR.)

NOTE.—Common control may be involved.

No. MC 138054 (Sub-No. 25F), filed March 27, 1978. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Tool stands, service carts, benches, seats, cabinets, shelving, room dividers, partitions, sheet metal products, and related parts and accessories*, from Warren, PA, to points in the United States in and west of WI, IL, KY, TN, NC, SC, GA, and FL (except AK and HI); and (2) *materials, supplies, and equipment*, utilized in the manufacture, sales and distribution of commodities named in (1) above, from points in the United States in and west of WI, IL, KY, TN, NC, SC, GA, and FL (except AK and HI) to Warren, PA. Restriction: Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with InterRoyal Corp. of Warren, PA. (Hearing site: Pittsburgh, PA, or Cleveland, OH.)

No. MC 138157 (Sub-No. 65F), filed March 24, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410.. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, carpet padding, and yarn*, from the facilities of TCP, Inc., located at or near Dalton, GA to points in the United States in and east of ND, SD, NE, KS, OK, and TX: and (2) *materials, equipment, and supplies* used in the manufacture, production, and distribution of the commodities named in (1) above, from the destination States named in (1) above, to the facilities of TCP, Inc., located at or near Dalton, GA. Restrictions: Restricted against the transportation of commod-

ities in bulk, in tank vehicles. Further restricted to traffic originating at or destined to the facilities of TCP, Inc. (Hearing site: Atlanta, GA.)

NOTE.—Applicant holds contract carrier authority in MC 134510 Sub 5 and subs thereunder, therefore dual operations may be involved. Common control may be involved.

No. MC 138517 (Sub-No. 67F), filed March 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, cleaning compounds, rubber compounds, soldering flux, coatings, lubricants*, and *materials, equipment and supplies* used in the application of the commodities named above, from Cambridge, MA to points in the United States (except AK and HI); (2) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants*, and *materials, equipment and supplies* used in the application of the commodities named above, from Woodbury, NJ and Atlanta, GA to points in the United States (except AK and HI); (3) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants, air entraining agents, cement clinker or grinding compounds, concrete or masonary plasticizer and water reducing compounds, tall oil, lignin liquors* and *materials, equipment and supplies* in the application of the commodities named above, from Chicago, IL to points in the United States (except AK and HI); (4) *Cleaning compounds, chemicals, chemical compounds*, and *fertilizer compounds*, from Nashua, NH to points in the United States (except AK and HI); (5) *Synthetic plastics, synthetic latex, battery insulating partitions, and pulpboard*, from Owensboro, KY to points in the United States (except AK and HI); (6) *Synthetic plastics, synthetic latex, battery insulating partitions, and cleaning compounds*, from Acton, MA to points in the United States (except AK and HI); and (7) *Materials, equipment and supplies* used in the manufacture, production and distribution of the commodities named in (1) through (6) above, from points in the United States (except AK and HI) to the origins named in (1) through (6) above, and to San Leandro, CA. Restrictions: Restricted against the transportation of commodities in bulk, in tank vehicles, and commodities which by reason of size and weight require the use of special equipment and further restricted to traffic originating at or destined to the facilities of W. R. Grace & Co. (Hearing site: Boston, MA; or Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved.

No. MC 138469 (Sub-No. 66F), filed March 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Frozen foods* (except commodities in bulk), from the facilities of or utilized by Ore-Ida Foods, Inc., or Terminal Ice and Cold Storage Co., located at or near Plover, WI to points in AZ, AR, CA, KS, LA, MO, NE, NM, OK, and TX; and (2) *returned, refused or rejected merchandise* described in part (1) from AZ, AR, CA, KS, LA, MO, NE, NM, OK, and TX to the facilities of or utilized by Ore-Ida Foods, Inc., or Terminal Ice and Cold Storage Co., at or near Plover, WI. (Hearing sites: Chicago, IL or Milwaukee, WI.)

No. MC 138469 (Sub-No. 68F), filed March 27, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX. (Hearing site: Chicago, IL or Detroit, MI.)

NOTE.—Applicant holds contract carrier authority in MC 136375 and dual operations may be involved.

No. MC 138635 (Sub-No. 50F), filed March 3, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Applicant's representative: Erick Meierhoefer, Suite 712, 1511 K Street NW., Washington, DC 20005. 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), which are at the time moving on bills of lading issued to nonprofit shipper associations, from points in CA, to points in AL, AR, FL, GA, LA, KY, MS, NC, SC, VA, and TN. (Hearing site: Los Angeles, CA.)

NOTE.—Applicant holds contract carrier authority in No. MC 136464 (Sub 2) and other subnumbers thereunder, therefore dual operations may be involved.

No. MC 138635 (Sub-No. 51F), filed March 20, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC, 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* (except commodities in bulk), (a) from the facilities of Terminal Ice & Cold Storage Co., and Ore-Ida Foods, In. located at or near Plover, WI, to points in AL, CT, DE, GA, FL, MD, MA, MS, NJ, NY, NC, PA, RI, SC, VA, WV, and DC; and (b) *returned, refused and rejected merchandise*, from points in AL, CT, DE, GA, FL, MD, MA, MS, NJ, NY, NC, PA, RI, SC, VA, WV, and DC, to the facilities of Terminal Ice & Cold Storage Co. and Ore-Ida Foods, Inc. located at or near Plover, WI. (Hearing site: applicant does not specify a location)

NOTE.—Applicant holds contract carrier authority in No. MC-136464 (Sub-2), and subnumbers thereunder, therefore dual operations may be involved.

No. MC 138875 (Sub-No. 84F), filed March 20, 1978. Applicant: SHOEMAKER TRUCKING, a corporation, 11900 Franklin Road, Boise, IA 83705. Applicant's representative: F. L. Sigloh, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trusses, constructed of wood and steel combined and laminated wooden beams*, from the facilities of Trus Joist Corp. located at near Phoenix, AZ, to points in CA, NV, UT, NM, TX; (2) *steel tubing and steel components*, from points in CA to the facilities of Trus Joist Corp. located at or near Phoenix, AZ; and (3) *lumber and laminated wood products* from OR and WA, to the facilities of Trus Joist Corp. located at or near Phoenix, AZ. Restriction: Restricted to traffic originating at or destined to the above-named destination points. (Hearing site: Phoenix, AZ.)

No. MC 138882 (Sub-No. 49F), filed March 13, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, TROY, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Malt Beverages and related advertising materials*, from the facilities of Pabst Brewing Co., located at or near Pabst (Houston County) GA., to points in IL, IN, OH, and MI. (Hearing site: Atlanta, GA, or Birmingham, AL).

No. MC 139495 (Sub-No. 324F), filed March 14, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladders*, from Newbern, TN to points in AZ, CA, FL, IL, IN, MI, NJ, NY, NC, OH, OR, PA, SC, and TX. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 325F), filed March 15, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum, aluminum products, and magnesium products*, from Shelbina, MO to points in AR, CT, FL, KY, MA, NJ, NY, OH, TX, and WI. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 355F), filed March 22, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk in tank vehicles) from points in FL, IL, IN, KY, LA, MO, MI, NJ, NY, PA, TN, TX, OH and WI to points in KS and Kansas City, MO. (Hearing site: Kansas City, MO.)

No. MC 139973 (Sub-No. 42F), filed March 27, 1978. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Applicant's representative: Larry D. Knox, 600 Hubbill Building, Des Moines IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), between the facilities of Terminal Ice & Cold Storage, Inc. and Ore-Ida Foods, Inc. at or near Plover, WI, on the one hand, and, on the other, points in DC, OH, MA, PA, MD, DE, NY, NJ, CT, and RI, restricted to traffic originating at or destined to the named origin point. (Hearing site: Milwaukee, WI or Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in MC-138375 and sub numbers thereunder, therefore, dual operations may be involved.

No. MC 140033 (Sub-No. 43F), filed March 22, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Applicant's representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the installation of floor coverings, from Trenton and Salem, NJ, Norwood, MA, Vailsgate, NY, and Whitehall, Lehigh, Lancaster, Marietta and Marcus Hook, PA, to points in TX, Denver, CO, and Kansas City, KS and Kansas City, MO. (Hearing site: Dallas, TX or Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC-142296, therefore dual operations may be involved.

No. MC 140241 (Sub-No. 9F), filed March 27, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tank trailers*, between Moundridge, KS, on the one hand, and, on the other, points in the United States (except HI and AK); and (2) *materials and supplies used in the manufacture of (1) above*, from points in the United States (except HI and AK) to Moundridge, KS. Restriction: Parts (1) and (2) restricted to traffic originating at points of origin and destined to points of destination. (Hearing site: Kansas City, MO.)

No. MC 140581 (Sub-No. 24F), filed March 23, 1978. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, 2472 Pinson Hwy, Birmingham, AL 35217. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in truckaway service, from New York, NY, to points in AZ, CA, CO, NV, and UT. (Hearing site: Washington, DC.)

No. MC 140581 (Sub-No. 26F), filed March 27, 1978. Applicant: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, 2472 Pinson Hwy, Birmingham, AL 35217. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers weighing over 15,000 pounds), in secondary movements, in truckaway service, from points in MI, IL, KY, and OH, to points in TX. (Hearing site: Houston, TX.)

No. MC 140645 (Sub-No. 6F), filed March 24, 1978. Applicant: UNITED TRUCKING, INC., 100 Stoffel Drive, Tallapoosa, GA 30176. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and metal container ends;* and (2) *machinery, materials and supplies* used in the manufacture and distribution of metal containers, (A) between Tallapoosa, GA, on the one hand, and on the other, points in AZ, CA, CO, ID, ME, MT, NV, NM, NH, ND, OR, RI, SD, UT, VT, WA, and WY; and (B) between points in Montgomery County, PA, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, and WY, under a continuing contract or contracts with Southern Can Co., at Tallapoosa, GA. (Hearing site: Atlanta, GA.)

No. MC 140762 (Sub-No. 1F), filed February 15, 1978. Applicant: TRINITY INDUSTRIES TRANSPORTATION, INC., 4001 Irving Boulevard, P.O. Box 10587, Dallas, TX 75207. Applicant's representative: James W. Hightower, 136 Wynnewood, Professional Building, Dallas, TX 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cylinders, and commodities*, the transportation of which, because of size or weight, require the use of special equipment, between Oklahoma City, OK, Jackson, GA, Houston, TX, New Orleans, and Madisonville, LA, on the one hand, and, on the other, points in the United States, including AK, but excluding HI. Restricted to operations performed under continuing contract with (1) Trinity Industries, Inc., (2) Delta Tank, Inc., (3) Texas Metal Fabricating Co., and (4) Equitable Shipyards, Inc. (Hearing site: Dallas, TX.)

No. MC 141534 (Sub-No. 5F), filed March 27, 1978. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw apple juice*, in bulk, in tank vehicles, from Ranson, WV, to Asheville, Charlotte, Hendersonville and Lincolnton, NC, under a continuing contract, or contracts, with Ranson Fruit Company, Inc. (Hearing site: Charlotte, NC or Washington, DC.)

No. MC 141804 (Sub-No. 103F), filed March 3, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman

(same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Electrical appliances and garbage disposals,* from the facilities of Thermador/Waste King, located at points in Los Angeles County, CA to points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Nashville, TN or Los Angeles, CA.)

NOTE.—Common control may be involved.

No. MC 142018 (Sub-No. 2F), filed March 27, 1978. Applicant: ROBERT B. CARR, d.b.a., BOB CARR REFRIGERATED TRANSPORTATION, P.O. Box 1205, Orange, CA 92688. Applicant's representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such products* as are ordinarily dealt in by wholesalers and distributors of health foods (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Calistoga, Los Angeles, Oakland, Paradise, San Diego, and San Francisco, CA, to Kent and Redmond, WA. (Hearing site: Los Angeles, CA.)

No. MC 142152 (Sub-No. 2F), Filed March 24, 1978. Applicant: N.A.T. TRANSPORTATION, INC., 229 North Main Street, Bradner, OH 43406. Applicant's representative: Robert J. Gill, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and apparatus* used in the analysis, movement, and treatment of gases, liquids, and solids, and (2) *parts, materials, equipment, accessories, and supplies* (except commodities in bulk) used in the manufacture, operation, and installation of the commodities in (1) above, between the facilities of Application Engineering Corp. located at or near Elk Grove Village, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Application Engineering Corp. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 142258 (Sub-No. 5F), filed March 13, 1978. Applicant: DALE BLAND TRUCKING, INC., Rural Route No. 1, Switz City, IN 47465. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* from points in IN on and south of U.S. Hwy 50, to points in KY, on and north of a line beginning at the IL-KY State line, then south and east on Interstate Hwy 24, to its intersection with U.S. Hwy 60; then on U.S. Hwy 60 to U.S. Hwy 62; then northeast on U.S. Hwy 62 to U.S. Hwy 31E; then north on U.S. Hwy 31E to the KY-IN State line. (Hearing site: Indianapolis, IN, or Louisville, KY.)

No. MC 142310 (Sub-No. 3F), filed March 27, 1978. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except in bulk), from the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX and returned, refused and rejected shipments, from points in and east of ND, SD, NE, KS, OK, and TX, to the facilities of Terminal Ice & Cold Storage Co. at or near Plover, WI. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (2) *Frozen foods* (except in bulk) from the facilities of Ore-Ida Foods, Inc. at or near Plover, WI, to points in and east of ND, SD, NE, KS, OK, and TX. Restriction: Restricted to traffic originating at the named origin and destined to the named States. (Hearing site: Boise, ID or Stevens Point, WI.)

No. MC 142341 (Sub-No. 2F), filed March 27, 1978. Applicant: THE WEST BROS. CORP., P.O. Box 645, Melbourne, IA 50162. 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: *Frozen foods* (except in bulk), between the facilities of Terminal Ice & Cold Storage, Inc. and Ore-Ida Foods, Inc. at or near Plover, WI, on the one hand, and, on the other, points in IL, IN, IA, KS, MO, and OH, restricted to traffic originating at or destined to the named points. (Hearing site: Milwaukee, WI or Chicago, IL.)

No. MC 142559 (Sub-No. 7F), filed March 27, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hot tops and materials and supplies* used in the manufacture and installation of hot tops from Conneaut, OH, to Marshall, TX. (Hearing site: Columbus, OH.)

NOTE.—Applicant holds common carrier authority in MC-12919, therefore, dual operations may be involved. Common control may also be involved.

No. MC 142559 (Sub-No. 8F), filed March 27, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household appliances and parts, materials and supplies* used in the manufacture, packaging, sale and distribution of such commodities, from Louisville, KY to points in CT, DE, ME, MA, MI, NH, NJ, NY, PA, RI, VT, DC, and Arlington County, VA. (Hearing site: Louisville, KY or Columbus, OH.)

NOTE.—Applicant holds contract carrier authority in No. MC-139254 and subs thereunder therefore dual operations may be involved. Common control may also be involved.

No. MC 142559 (Sub-No. 9F), filed March 27, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Valves, insulators, clamps, arresters, couplers, wheels, switches, poles and harps, and fittings, fixtures, shields, compounds, bolts, nuts and parts* used in the manufacture, assembling and installation of such commodities, (1) from Mansfield and Barberton, OH to points in and east of the states of MN, IA, MO, AR, and LA (except OH), and (2) from Newell, WV to points in and east of the states of MN, IA, MO, AR, and LA (except WV). (Hearing site: Columbus, OH.)

NOTE.—Applicant holds contract carrier authority in No. MC-129254 and subs thereunder therefore dual operations may be involved. Common control may also be involved.

No. MC 142559 (Sub-No. 10F), filed March 27, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Furniture parts and materials and supplies* used in the manufacture and assembling of furniture parts, (1) from Ennis, TX to Atlanta, GA; and (2) from Simpsonville, KY, to Ennis, TX. (Hearing site: Dallas, TX.)

NOTE.—Applicant holds contract carrier authority in MC-139254 and other subs, therefore dual operations may be involved. Common control may be involved.

No. MC 143277 (Sub-No. 1F), filed March 23, 1978. Applicant: PRINT-

ERS EXPRESS, INC., One Hackensack Avenue, South Kearny, NJ 07032. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: I. (1) *Printed matter, advertising materials, business forms, envelopes*, and (2) *materials and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between East Rutherford, NJ, on the one hand, and, on the other, New York City, NY; Nassau and Suffolk Counties, NY; Philadelphia, PA; Concord, NH and West Haven, CT. (1) *Printed matter, advertising materials, business forms, envelopes* and (2) *commodities* the transportation of which is partially exempt from the economic regulation of the Commission under Section 203(b)(7) of the Interstate Commerce Act when shipped in mixed loads or shipments with the commodities named in (1) above, from East Rutherford, Clifton, Kearny, Fairview, Fairfield, Pennsauken, Hillside, Jersey City, Carlstadt, Fairlawn, NJ; Philadelphia, PA; Concord, NH; West Haven, CT; New York City, NY; and points in Nassau and Suffolk Counties, NY, to points in CA, CO, GA, IL, IA, KS, MI, MN, MO, NC, OH, WA, PA, TX, UT, FL, IN, MA, NY, KY, WV, SC, TN, MD, LA, AZ, WI, AL, CT, OK, RI, VA, and DC under a continuing contract or contracts with Meehan-Tooker, Division of John Blair & Co. (Hearing site: Newark, NJ.)

No. MC 144041 (Sub-No. 11F), filed March 27, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: K. Edward Wolcott, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials and supplies and equipment* used in the manufacture of plastic articles (except in bulk), between the facilities of Mobil Chemical Co., Plastics Division at Jacksonville, and Springfield, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL.)

NOTE.—Applicant holds contract carrier authority in MC 140883 and Sub Numbers thereunder; therefore dual operations may be involved.

No. MC 144077 (Sub-No. 2F), filed March 9, 1978. Applicant: MINI TRUCK LINES, INC., Route 3, Lawrenceburg, TN 38464. Applicant's representative: Jane Jennings (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mini cars, replicas, (toys)*, from Phoenix, AZ, to points in the United States (except AK and HI), under a continuing contract or contracts with Mid Town Motors. (Hearing site: Phoenix, AZ or Lawrenceburg, TN.)

No. MC 144180 (Sub-No. 2F), filed March 23, 1978. Applicant: LOUIS HOFFMAN, d.b.a. LOUIS HOFFMAN TRUCKING, P.O. Box 86, Westfield, IA 51062. Applicant's representative: D. Douglas Titus, Suite 510 Benson Building, Sioux City, IA 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, skins and pieces therefrom;* and (2) *materials, supplies and equipment* used in the conduct of business by hide companies, between points in IA, NE, and MN, in non-radial movement. Restriction: The operations requested herein are limited to a transportation service to be performed under a continuing contract or contracts, with Iowa Beef Processors, Inc. (Hearing site: Omaha, NE or Kansas City, MO.)

No. MC 144315 (Sub-No. 1F), filed March 3, 1978. Applicant: JOHN M. PFEIFER, d.b.a. PORT CITY LEASING, 602 20th Street North, Lewiston, ID 83501. Applicant's representative: Boyd Hartman, 10655 Northeast Fourth, Suite 210, Bellevue, WA 98004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, particle board and millwork*, from points in Idaho, Clearwater, Lewis, Nez Perce, Latah, Kootenia, Benewah, Bonner, and Boundary Counties, ID, and Asotin County, WA, to points in UT and CO. (Hearing site: Salt Lake City, UT or Boise, ID.)

No. MC 144327 (Sub-No. 1F), filed February 27, 1978. Applicant: JOHN S. NIHILL, d.b.a. NIHILL TRUCKING, Box 233, Ypsilanti, ND 58497. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Lumber and wood products*, from points located at or near Arlington, Centralia, and Stanwood, WA, and Eugene, OR, to Valley City, ND, under a continuing contract or contracts with Arkota Industries, Inc. (Hearing site: Fargo, Valley City, ND or Minneapolis-St. Paul, MN.)

No. MC 144401 F, filed March 3, 1978. Applicant: GENERAL OILFIELD TRUCKING, INC., P.O. Box 943, Morgan City, LA 70380. Agent: J. N. Thomas, P.O. Box 947, Morgan City, LA 70380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidential to, or used in the construction and maintenance of facilities for the discovery, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas, petroleum and sulphur, and oil and gasoline, between points in LA on the one hand, and, on the other, points in Cameron, Willacy, Kenedy, Hidalgo, Kleberg, Nueces, San Patricio, Aransas, Refugio, Calhoun, Matagorda, Brazoria, Chambers, Jefferson, Orange, Liberty, Harris, Montgomery, Victoria, Lavaca, Wharton, Austin, Midland, Ector, Martin, Howard, Wichita, Clay, Jackson, Bee, McLennan, Taylor, Uvalde, Medina, Reeves, Ward, and Lubbock Counties, TX. (Hearing site: Baton Rouge or New Orleans, LA.)

No. MC 144470 F, filed March 15, 1978. Applicant: COBB TRUCKING SERVICE, Route 3, Box 177, Bryan, TX 77801. Applicant's representative: Lawrence A. Winkle, Winkle and Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer and fertilizer material*, in bags and in bulk (except in tank vehicles), from the facilities of NIPAK, Inc., located at or near Kerens, Gainesville, Littlefield, Terrell, and Pittsburg, TX, to points in AR, CO, KS, LA, MO, NM, and OK. (Hearing site: Dallas, TX.)

No. MC 144518 F, filed March 27, 1978. Applicant: LEE'S READY MIX & TRUCKING, INC., 130 North State, North Vernon, IN 47265. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forgings, castings, and steel*, from the plantsite of North Vernon Forge, Inc., in North Vernon, IN, to points in MI, KY, and OH, under a contract or continuing contracts with North Vernon Forge, Inc., of North Vernon, IN. (Hearing site: Indianapolis, IN or Chicago, IL.)

No. MC 144578 F, filed March 27, 1978. Applicant: LIME, INC., 10111 Mercier Avenue, Dearborn, MI 48120. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Detroit, MI to points in IL, IN, IA, KY, MO, NY, OH, PA, WV, WI, MD, VA, DC, DE, and NJ. (Hearing site: Chicago, IL.)

NOTE.—Dual operations may be involved. Common control may be involved.

PASSENGERS

No. MC 2661 (Sub-No. 16F), filed April 11, 1978. Applicant: INDIAN TRAILS, INC., 109 East Comstock Street, Owosso, MI 48867. Applicant's representative: Charles A. Webb, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, in executive coach service, beginning and ending at points in MI and extending to points in the United States, (including AK and excluding HI). (Hearing site: Detroit, MI.)

NOTE.—Applicant is filing concurrently a petition for a declaratory order defining executive coach service in MC-C-10095.

No. MC 2890 (Sub-No. 54F), filed March 27, 1978. Applicant: AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, CA 90021. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Indio, CA and Calexico, CA, from Indio, CA over CA Hwy 111 to Calexico, CA, serving all intermediate points, and return over the same route. (Hearing site: El Centro, CA.)

No. MC 61016 (Sub-No. 48F), filed April 11, 1978. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Applicant's representative: Charles A. Webb, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, with passengers, in charter and special operations, in executive coach service, (1) between points in ME, NH, VT, MA, RI, CT, and NY; and (2) beginning and ending at the points named in (1) above, and extending to points in the United States (including AK but excluding HI). (Hearing site: Boston, MA.)

NOTE.—Applicant is filing concurrently a petition for a declaratory order defining executive coach service in MC-C-10095.

No. MC 100327 (Sub-No. 8F), filed March 27, 1978. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Passengers and their baggage*, in special operations, between points in Hampden County, MA and Hartford County, CT, on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport located in New York, NY and Newark Airport at Newark, NJ. (Hearing site: Hartford, CT or Boston, MA.)

No. MC 108531 (Sub-No. 21F), filed April 11, 1978. Applicant: BLUE BIRD COACH LINES, INC., 502-04 Barry Street, Olean, NY 14760. Applicant's representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, in executive coach service, (1) between points in OH, PA, and NY; and (2) beginning and ending at the points named in (1) above, and extending to points in the United States including AK but excluding HI. (Hearing site: Buffalo, NY.)

NOTE.—Applicant is filing concurrently a petition for a declatory order defining executive coach service in MC-C-10095. Common control may be involved.

No. MC 109173 (Sub-No. 4F), filed March 27, 1978. Applicant: DELTA BUS CO., a corporation, 12154 North Saginaw, Clio, MI 48420. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip and one way sightseeing and pleasure tours, in charter or special operations, between Emmet, Charlevoix, Leelanau, Antrim, Benzie, Grand Traverse, Kalkaska, Manistee, Wexford, Missaukee, Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Montcalm, and Gratiot Counties, MI, on the one hand, and, on the other hand, points in the United States (except HI). Restriction: The one-way operations are restricted to transportation of passengers and their baggage having a prior or subsequent movement from or to one of the above-named counties in MI and further restricted to passengers who are residents of one of the above-named counties in MI. (Hearing site: Lansing, MI.)

NOTE.—Common control may be involved.

No. MC 109736 (Sub-No. 39F), filed March 27, 1978. Applicant: CAPITOL BUS CO., a corporation, 1061 South Cameron Street, Harrisburg, PA 17104. Applicant's representative: S. Berne Smith, P.O. Box 1166, (100 Pine Street), Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Baltimore, MD, and Washington, DC, serving Baltimore, MD for purposes of joinder only, and serving no intermediate points except the junction of MD Hwy 46 and the Baltimore-Washington Parkway for purposes of joinder only, from Baltimore, MD over MD Hwy 3 and Baltimore-Washington Parkway to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington, DC and return over the same route; (2) between the junction of MD Hwy 46 and the Baltimore-Washington Parkway and Baltimore-Washington International Airport, serving no intermediate points, and restricted to traffic moving to or from points north of Baltimore, MD, and serving the junction of MD Hwy 46 and the Baltimore-Washington Parkway for purposes of joinder only, from the junction of MD Hwy 46 and the Baltimore-Washington Parkway over MD Hwy 46 to the Baltimore-Washington International Airport, and return over the same route. (Hearing site: Harrisburg, PA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 109780 (Sub-No. 76F), filed March 27, 1978. Applicant: TRAILWAYS, INC., 1500 Jackson Street, Dallas, TX 75201. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Bakersfield and Barstow, CA; from Bakersfield, CA over CA Hwy 58 to Barstow, CA, serving all intermediate points, and return over the same route. (Hearing site: Fresno, CA.)

No. MC 109802 (Sub-No. 36F), filed March 23, 1978. Applicant: LAKELAND BUS LINES, INC., 425 East Blackwell Street, Rockaway Township, NJ 07866. Applicant's representative: William Ryan, 345 Parsippany Boulevard, Parsippany, NJ 07054. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Over regular routes: (1) *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers between Bernards Township, NJ and the Borough of Manhattan, New York, NY over the following route: Commencing at the entrance to the U.S. Veterans Hospital on Valley Road (NJ Hwy 512) then proceeding easterly over Valley Road through Passaic Township to the Township of Berkeley Heights, NJ, then continuing

on NJ Hwy 512, also herein known as Springfield Avenue, through Berkeley Heights to the Borough of New Providence, NJ, then continuing on NJ Hwy 512 (Springfield Avenue) through New Providence to Summit, NJ to the junction of Springfield Avenue and Morris Avenue, Summit, NJ, then proceeding easterly through Summit, NJ over Morris Avenue and Broad Street to the junction composed of NJ Hwy 24, Morris and Essex Turnpike, Springfield Avenue and Millburn Avenue all in and at the area where Summit, Millburn, and Springfield Township meet, and hereby described as confluent junction (SSM), then from said junction easterly over NJ Hwy 24 to its junction with Interstate Hwy 78, then over Interstate Hwy 78 to its junction with the NJ Turnpike to Secaucus, NJ to the Lincoln Tunnel connecting artery at the vicinity of Exit 16-E of the NJ Turnpike, then over said connecting hwy to and through the Lincoln Tunnel to the Port Authority of NY and NJ at 41st Street and 8th Avenue, New York, NY, also return over said routes from said Port Authority Bus Terminal to point of beginning in Bernards Township, NJ, serving all intermediate points in both directions, except those east of Vaux Hall Road and Liberty Street, Union, NJ. (2) Between the confluent junction described in paragraph one as (SSM) and using the traffic pattern described thereat, and Borough of Manhattan, New York, NY as follows: Commencing from said junction, including Essex and Main Streets, proceeding easterly over Millburn Avenue through Millburn Township to junction with Vaux Hall Road in the Vaux Hall section of Union Township, then easterly on Vaux Hall Road to Liberty Street, Union, NJ, to junction NJ Hwy 24 and Interstate Hwy 78, then as described in paragraph one easterly to the Port Authority Bus Terminal, 41st Street and 8th Avenue, New York, NY, over Interstate Hwy 78, the NJ Turnpike to connecting hwy in Secaucus for the Lincoln Tunnel over said hwy and tunnel to said termini, and return therefrom, serving all intermediate points in both directions between the junction (SSM) at point of beginning and points on and west of Liberty Street and Vaux Hall Road, Union, NJ. (3) Between Morris Township, NJ and the Borough of Manhattan, NY, as follows: Commencing at the intersection of Normandy Road and Madison Avenue, Morris Township, NJ, from said intersection easterly on Madison Avenue (NJ Hwy 24) through Madison to its junction with Main Street, Madison, and then continuing easterly on Main Street through the remainder of Madison to the Borough of Chatham, NJ, then from there continuing on Main Street, Chatham, through Chatham to junction with NJ Hwy 24 just east of Passaic River and at NJ Hwy 24 and River Road, Summit, NJ (also a junction for several hwys known locally as the Short Hills Mall (Millburn Township) then easterly on NJ Hwy 24, using both express and service roads on and along NJ Hwy 24 through Millburn Township and Summit (the road in part divides the municipalities) to the confluent junction (SSM) on NJ Hwy 24, then continuing on to the Port Authority Bus Terminal, New York, NY as described in paragraph one (1), namely over Interstate Hwy 78 to the NJ Turnpike and then northerly to the Lincoln Tunnel exit of the NJ Turnpike, then easterly over the Lincoln Tunnel access hwy through the Lincoln Tunnel to the Port Authority Bus Terminal, with return from said termini over same said routes to the point of beginning at the Morris Township intersection of Normandy Road and Madison Avenue, serving all intermediate points in both directions on and west of the junction of Liberty Street and Vaux Hall Road with Interstate Hwy 78, Union, NJ (NJ Hwy 24 to exit 50-B westbound, and Liberty Street to NJ Hwy 24, eastbound). (4) Authority is also sought to regularly operate an alternate segment of this route by operating over River Road, Summit, from its junction with NJ Hwy 24 to its intersection with Morris Avenue, Summit, and then over Morris Avenue, Summit, where it intersects Springfield Avenue, Summit, described in paragraph one (1), from which point service will continue eastward to New York, NY as described in paragraph one (1), namely, over Broad Street, Summit, to the (SSM) junction, then over NJ Hwy 24 to its junction with Interstate Hwy 78, then over Interstate Hwy 78 to its junction with the NJ Turnpike, Lincoln Tunnel access road, and through the Lincoln Tunnel to the Port Authority Bus Terminal, and also as described in paragraph two (2), namely, over the route over Millburn Avenue, Millburn. Return from New York, NY will be over said routes, serving all points on this segment to Summit, both inbound to, and outbound from New York, NY. Tacking is intended where segments join in paragraphs (1), (2), (3) and (4). (B) Over irregular routes: *Passengers and their baggage* in charter and special operations between points in Somerset, Morris, Union, and Essex Counties, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Suburban Hotel, Summit, NJ.)

NOTE.—Common control may be involved.

No MC 140554 (Sub-No. 1F), filed March 13, 1978. Applicant: HEY, INC., Box 366, Jasper, MN 56144. Applicant's representative: Grant J. Merritt, 415 Peavey Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers and in separate vehicles, in round-trip charter operations and in special operations in round-trip sightseeing and pleasure tours beginning and ending at points in, (1) Cottonwood and Murray Counties, MN, and (2) Willmar, MN, and extending to points in the United States (including AK but excluding HI). (Hearing site: Minneapolis, MN.

No. MC 141922 (Sub-No. 2F), filed March 22, 1978. Applicant: A. B. MINI BUS TOURS, INC., 37 29 31st Street, Long Island City, NY 11101. Applicant's representative: Bruce J. Robbins, 118 21 Queens Boulevard, Forest Hills, NY 11374. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, of: *Passengers and their baggage*, in special and charter operations, limited to the transportation of not more than 14 passengers in any one vehicle, not including the driver and not including children under 10 years of age who do not occupy a seat or seats, (1) between the airport facilities at Newark, NJ, and hotels in New York County, NY, and (2) between Atlantic City, NJ, on the one hand, and, on the other, the airport facilities at Newark, NJ, and New York, NY, and hotels in New York County, NY. (Hearing site: New York, NY.)

No. MC 142710 (Sub-No. 1F), filed March 27, 1978. Applicant: NOMADIC ENTERPRISES, INC., d.b.a., AMERIKAMP OVERLAND ADVENTURE TOURS, 40 Highland Avenue, Easthampton, MA 01027. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Passengers and their baggage and camping equipment*, in special operations, in camping tours, between Portland ME, Portsmouth, NH, New Haven, Hartford, Storrs, Fairfield, New London, and Bradley International Airport, Windsor Locks, CT, Providence, RI, Los Angeles, Berkeley, and San Francisco International Airport, San Francisco, CA, Syracuse, Albany, Buffalo, Hamilton, Plattsburg, Rochester, and New York, NY, Logan International Airport, located at Boston, MA, and points in Worcester, Hampden, Hampshire, Franklin and Berkshire Counties, MA, Red Bank and Asbury, NJ, Washington, DC, Atlanta, GA, Miami, Orlando, Tampa, and Daytona, FL, New Orleans, LA, Houston, Austin, and Dallas, TX, Phoenix and Tuscon, AZ, Ann Arbor, Kalamazoo, and Detroit, MI, Denver, Durango, and Boulder, CO, Seattle, Tacoma, and Bellingham, WA, St. Paul, MN,

Portland and Eugene, OR, Anchorage, AK, and Alburquerque, NM, on the one hand, and, on the other, all points in the United States (excluding HI) but including AK and all ports of entry on the International Boundary Line between the United States and Canada and Mexico). Restriction: The service authorized herein to be performed at Logan International Airport, Boston, MA, shall be restricted to the transportation of passengers having a prior or subsequent movement by air in foreign commerce. (Hearing site: Washington, DC.)

No. MC 143296 (Sub-No. 2F), filed March 27, 1978. Applicant: PEACH STATE BUS LINES, INC., 151 Mills Street NW., Atlanta, GA 30313. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes in the transportation of: *Passengers and their baggage* in round-trip charter operations beginning and ending at points in Fulton and DeKalb Counties, GA, and extending to points in AL, CA, DC, FL, IL, IN, LA, MI, MS, MO, NE, NV, NJ, NM, NY, NC, OH, PA, SC, TN, TX, and VA. (Hearing site: Atlanta, GA.)

No. MC 144324 (Sub-No. 1F), filed March 15, 1978. Applicant: AUTOBUS LATERRIERE INC., 4543 Boulevard Talbot, Chicoutimi (PQ) G7H 5a9. Applicant's representative: Guy Poliquuin, 580 Grande Allee east, Quebec (PQ) G1R 2K3. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Passengers and their baggage,* from the ports of entry on the international boudnary line between the United States and Canada, located in ME, NH, VT, NY, and MI, to points in the United States (except AK and HI), restricted to the transportation of passengers beginning and ending at Vallayfield, PQ, Canada. (Hearing site: Montpelier, VT.)

No. MC 144464F, filed March 16, 1978. Applicant: U.S. STUDENT TRAVEL SERVICE, INC., d.b.a., TRAVELON TOURS, 801 Second Avenue, Room 1500, New York, NY. 10017. Applicant's representative: Herbert A. Rosenthal, 1747 Pennsylvania Avenue NW., Suite 300, Washington, DC 20006. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Passengers and their baggage,* in all-expense paid special tours, in vehicles with a capacity greater than 35 pasengers, beginning and ending New York, NY, and San Francisco, CA, and extending to points in the United States (except HI, and AK). (Hearing site: New York, NY, or Washington, DC.)

No. MC 144469 F, filed March 22, 1978. Applicant: OLE SOUTH DIXIELAND TOURS, LTD., 212 South Pearl Street, Natchez, MS 39120. Applicant's representative: Joseph S. Zuccaro, P.O. Box 1047, Natchez, MS 39120. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle from Adams County, MS (Natchez) to points in TX, LA, AR, TN, AL, and FL as well as to other points in MS. (Hearing site: Natchez or Jackson, MS.)

No. MC 144534-F, filed March 23, 1978. Applicant: HURON BAY TRANSIT, INC., Route 2, Box 39, L'Anse, MI 49946. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomsfield Hills, MI 48013. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in round-trip and one-way sightseeing and pleasure tours in special and charter operations between points in Alger, Baraga, Delta, and Marquette Counties in the Upper Peninsula and MI, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). Restriction: The one-way operations authorized immediately above are restricted to the transportation of passengers and their baggage having a prior or subsequent movement from or to one of the above-named points in MI and are further restricted to the transportation of residents of one of the above-named counties in MI. (Hearing site: Marquette, MI, Green Bay, or Milwaukee, WI.)

Brokers

No. MC 130486 F, filed March 27, 1978. Applicant: DURKEE TRAVEL BUREAU, INC., P.O. Box 3599, Reno, NV 89505. Applicant's representative: Richard G. Campbell, One East First Street, Suite 900, Reno, NV 89501. Authority sought to engage in operation, in interstate commerce, as a *broker* at Reno, NV, to sell or offer to sell the transportation of: *Passengers and their baggage,* in special and charter operations, in sightseeing and pleasure tours by motor bus transportation, between points in CA and NV, on the one hand, and, on the other, points in CA, NV, WA, OR, AZ, UT, CO, WY, MT, and ID. (Hearing site: Reno, NV or Carson City, NV.)

No. MC 130490F, filed April 11, 1978. Applicant: OMNI TRAVELS, INC., 48 Salem Street, Thomasville, NC 27360. Applicant's representative: James F. Morgan, Law Building, 212 East Green Street, High Point, NC 27260. Authority sought to engage in operation in interstate or foreign commerce, as *a broker* at Thomasville, NC, to sell or offer to sell the transportation of Passengers and their baggage in the same vehicle, in special and charter operations in round trip sightseeing, pleasure and eudcational tours by *motor carrier,* beginning and ending at points in Alamance, Chatham, Davidson, Forsyth, Guilford, Lee, Montgomery, Moore, Orange, Randolph and Stanley Counties, NC and extending to points in the United States, including AK and HI. (Hearing site: Greensboro, Charlotte, or any city in NC.)

No. MC 130492 F, filed April 6, 1978. Applicant: DONALD J. FIEKER AND CHARLOTTE FIEKER, a Partnership, d.b.a. D. and C. TOURS, 332 East First South Street, Carlinville, IL 62626. Applicant's representative: William Hebron, North Side Square, Carlinville, IL 62626. Authority sought to engage in operation, in interstate or foreign commerce, as *a broker,* at Carlinville, IL, to sell or offer to sell the transportation of Passengers and their baggage, in round-trip sight seeing and pleasure tours by *motor common carrier,* beginning and ending at points in Macoupin, Sangamon, Jersey, Morgan, Greene and Montgomery Counties, IL and extending to points in the United States (except AK and HI). (Hearing site: Springfield, IL.)

No. MC 130493F, filed April 12, 1978. Applicant: J. I. O'DELL, d.b.a. TOPEKA TRAVEL CENTER, 120 West 6th Street, Topeka, KS 66603. Applicant's representative: Michael J. Unrein, P.O. Box 4385, Topeka, KS 66604. Authority sought to engage in operations, in interstate or foreign commerce as *a broker* at Topeka, KS, to sell or offer to sell the transportation of Passengers and their baggage in special and charter operations, by *motor,* beginning and ending at Topeka, KS and extending to points in the United States, including AK and HI. (Hearing site: Kansas City, KS.)

Finance Application

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before June 12, 1978. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13187 (second supplemental notice). In the original notice pub-

lished April 21, 1977, Kroblin Refrigerated Xpress, Inc. controlled by Allen E. Kroblin sought authority to permanently control A.C.E. Freight, Inc. through the purchase of the capital stock of A.C.E.'s parent Fleetwood Investment Co. The transaction was amended and direct acquisition through control and merger was approved in an order served October 12, 1977. The first supplemental FEDERAL REGISTER notice of that amendment was published October 27, 1977. The parties have now filed a petition for further modification of the transaction. It has been proposed that Kroblin Transportation Systems, Inc., an affiliate of Kroblin Refrigerated Xpress, Inc., be substituted as vendee in the 210a(b) and the section 5 applications. Kroblin Transportation Systems, Inc. is a *general* and *specific commodities* carrier operating over regular and irregular routes primarily in midwestern States. Substitution of this carrier as temporary lessee has already been approved in the 210a(b) matter in an order served April 21, 1978.

No. MC-F-13572. Authority sought for purchase by PUTNAM TRANSFER & STORAGE CO., 1502 Woodlawn Avenue, Zanesville, OH, 43701, of a portion of the operating rights of Automotive Merchandisers of Texas, Inc. and Ohio Merchandising Corp., 1880 Moler Avenue, Columbus, OH, 43207, and for acquisition by Ralph E. Hennessey, 1502 Woodlawn Avenue, Zanesville, OH, 43701, of control of such rights through the purchase. Applicant's attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH, 43215. Operating rights sought to be purchased: *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, over regular routes, between Chillicothe, OH and Huntington, WV over U.S. Hwys 23 and 52, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in OH. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-57311 (Sub-No. 12)F is a directly related matter.

No. MC-F-13575. Authority sought for purchase by SEWELL MOTOR EXPRESS, INC., 149 South Mulberry Street, Wilmington, OH 45177, of a portion of the operating rights of Automotive Merchandisers of Texas, Inc. and Ohio Merchandising Corp., 1800 Moler Street, Columbus, OH 43207, and for acquisition by Howard Sewell, 684 Timberlane, Wilmington, OH 45177, of control of such rights through purchase. Applicant's attorneys: Joe F. Asher, 88 East Broad Street, Columbus, OH 43215 and John Fessenden, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Operating rights sought to be transferred: *General commodities*, with exceptions, over regular routes, between Charleston, WV and Beckley, WV over U.S. Hwy 119 and WV Hwy 3; from Ashland, KY to Oceana, WV and Williamson, WV, over U.S. Hwy 60 and WV Hwy 10, and U.S. Hwy 119; between Huntington, WV and Williamson, WV over U.S. Hwy 52; between Huntington, WV and Logan, WV over WV Hwy 10; between Racine, WV and Logan, WV over U.S. Hwy 119; between Huntington, WV and Welch, WV over U.S. Hwy 52, WV Hwy 80, WV Hwy 83, WV Hwy 16, WV Hwy 10 and U.S. Hwy 119; between Bluefield, WV and Honaker, VA over U.S. Hwy 19 and U.S. Hwy 80; between Claypool Hill, VA and the VA-KY line over U.S. Hwy 460; from Bluefield, WV to Bristol, TN over U.S. Hwy 21 and U.S. Hwy 11; from Bluefield, WV to Appalachia, VA over U.S. Hwy 19, VA Hwy 71, Alt. U.S. Hwy 58 and U.S. Hwy 23; from Bluefield, WV to Rich Creek, VA over U.S. Hwy 21 and U.S. Hwy 219; malt beverages and empty malt beverage containers between Columbus, OH and Montgomery, WV and between Newark, OH and Lancaster, OH; auxiliary truck-rail service between Beckley, WV and Mabscott, WV, Raleigh, WV, Skelton, WV and Cranberry, WV over WV Hwy 16, WV Hwy 3 and U.S. Hwys 19 and 21, including certain intermediate and off-route points as more fully described in Certificate MC-32562 and certain subs thereunder. Sewell Motor Express, Inc. is authorized to operate in OH under Certificates of Registration, as a *common carrier*, in MC-57992 and subs numbers thereunder. Approval of proposed transaction will result in split of Transferors' authority. Application has not been filed for temporary authority under Section 210a(b). (Hearing site: Columbus, OH.)

No. MC-F-13577. Authority sought for purchase by MISTLETOE EXPRESS SERVICE, d.b.a. Mistletoe Express, 111 N. Harrison, P.O. Box 25125, Oklahoma City, OK 73125, of a portion of the operating rights of McLean Trucking Co., P.O. Box 21B, Winston-Salem, NC 27102, and for acquisition by The Oklahoma Publishing Co., 500 North Broadway, OK 73102, of control of such right through the transaction. Applicant's attorneys: Max G. Morgan, 223 Ciudad Building, Oklahoma City, OK 73112 and David F. Eshelman, Box 213, Winston-Salem, NC 27102. Operating rights sought to be transferred: *General commodities* (with exceptions), as a *common carrier* over regular routes, between Memphis, TN and Little Rock, AR, serving the intermediate points of Lonoke, AR; from Memphis, TN to Little Rock, AR over U.S. Hwy 70, and return over the same route. Transferee is authorized to operate as a *common carrier* in AR, KS, MO, OK, and TX. Application has not been filed for temporary authority under Section 210a(b).

No.MC-F-13581. Authority sought for purchase by ST. JOHNSBURY TRUCKING CO., INC., 87 Jeffrey Avenue, Holliston, MA 01746, of a portion of the operating rights of Old Colony Transportation Co., Inc., 676 Dartmouth Street, South Dartmouth, MA 01746 and for acquisition by S.J.T., Inc., 87 Jeffrey Avenue, Holliston, MA 01746 of control of such rights through the purchase. Applicants' Attorneys: Francis P. Barrett, P.O. Box 238, Milton, MA 02187 and Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier*, over regular routes between Albany, NY and Champlain, NY. From Albany over U.S. Hwy 9, serving all intermediate points and points in Clinton, Essex, Rensselaer, Saratoga, Warren and Washington Counties, NY as off-route points in connection with carrier's regular route operation; between Malone, NY and Rouses Point, NY serving all intermediate points and the off-route point of Burke, NY. From Malone over U.S. Hwy 11 to Rouses Point and return over the same route; between Malone, NY and Lake Placid, NY, serving all intermediate points and the off-route points of Bloomingdale, Vermontville, and Gabriels, NY. From Malone over NY Hwy 30 to jct NY Hwy 86, then over NY Hwy 86 to Lake Placid, and return over the same route; between Malone, NY and Piercefield, NY serving all intermediate points and the off-route point of Conifer, NY from Malone over NY Hwy 30 to jct NY Hwy 3, then over NY Hwy 3 to Piercefield and return over the same route; between Malone, NY and St. Regis Falls, NY, serving all intermediate points and the off-route point of S. Bangor, NY. From Malone over U.S. Hwy 11 to jct NY Hwy 95 to jct unnumbered Hwy then unnumbered Hwy via Dickincon and Dickinson Center to St. Regis Falls and return over the same route. Between Malone, NY and Plattsburgh, NY serving all intermediate points. From Malone over U.S. Hwy 11 to jct unnumbered Hwy, then over unnumbered Hwy via Bellmont Center to jct NY Hwy 374, then over NY Hwy 374 to jct NY Hwy 3, then over NY Hwy 3 to Plattsburgh and return over the same route; between Piercefield and Goucerneur, NY serving all intermediate points and the off-route point of Newton Falls, NY. From Piercefield over NY Hwy 3 to jct NY Hwy 58, then over NY Hwy 58 to Gouverneur and return over the same route; between Malone, NY and Hogansburg, NY. From Malone over U.S. Hwy 11 to Moira, NY, then over NY

Hwy 95 to Hogansburg and return over the same route; from Malone over NY Hwy 37 to Hogansburg and return over the same route; between Malone, NY and Dickinson Center, NY. From Malone over NY Hwy 30 to jct NY Hwy 99, then over NY Hwy 99 to jct NY Hwy 95, then over NY Hwy 95 to Dickinson Center, and return over the same route; between Malone, NY and Fine, NY. From Malone over NY Hwy 30 to jct NY Hwy 3, then over NY Hwy 3 to jct NY Hwy 58 at or near Fine and return over the same route. Irregular routes *General commodities*, with exceptions, from Malone, NY to points in Franklin and St. Lawrence Counties, NY with no transportation for compensation on return except as otherwise authorized. Transferee operates as a *common carrier* over regular and irregular routes in the States of CT, DE, ME, MA, NH, NJ, NY, PA, RI, VT, DC. S.J.T. holds no authority from the Commission. Application has been filed for temporary authority under Section 210a(b). (Hearing site: Boston, MA.)

No. MC-F-13582. Authority sought for control through stock purchase by ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Boulevard, Winnipeg, Manitoba, Co., R2J 3K4, of S. S. Baird & Sons, Ltd., 1000 Hanwell Road, Fredericton, New Brunswick, CO and for acquisition by F. E. Arnold and G. R. Arnold for control of such rights and property through the purchase. Applicant's attorney: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be controlled are: *lumber* and *fuel blocks*, as a *common carrier*, over irregulr routes, from Ports of Entry on the U.S.-Canada Boundary Line at or near Calais, Houlton, and Vanceboro, ME, to points in ME, NH, VT, MA, RI, CT, NY and NJ as more fully described in Certificate No. MC-125628 (Sub-No. 1). Vendee is authorized to operate as a *common carrier* of numerous *specified commodities*, including lumber, over irregular routes, between Ports of Entry on the U.S.-Canada Boundary Line west of ME and the Continental U.S. as more specifically described in Certificate No. MC-118806 and Subs thereto. Approval of the transaction will complement, rather than duplicate, applicant's existing lumber and lumber products authorities, moving from the Ports of Entry on the U.S.-Canada Boundary Line in the Midwest and West. No dual operations are involved. Applicant has not concurrently filed for temporary authority under Section 210a(b).

No. MC-F-13583. Authority sought for purchase by UNIVERSAL CARTAGE, INC., 640 West Ireland Road, South Bend, IN, of a portion of the operating rights of Monkem Co., P.O., Box 1196, Joplin, MO, and for acquisition by Ronald D. Whiteford and Florence S. Whiteford, 640 West Ireland Road, South Bend, IN, of control of such rights through the purchase. Applicants' attorneys: Donald W. Smith, P.O. Box 40659, Indianapolis, IN, 46240, and Harry Ross, 58 South Main, Winchester, KY. Operating rights sought to be transferred: *Coated iron and steel articles*, as a *common carrier*, from the plantsite of Roll Coater, Inc., at or near Kingsbury, IN to points in IN, IL, IA, MI, OH, MO, WI, those in that part of NY, on and west of U.S. Hwy 62, those in that part of PA, on and west of U.S. Hwy 219, and those points in that part of WV, on and north of U.S. Hwy 40, with no transportation for compensation on return except as otherwise authorized. Vendee has pending *common carrier* authority in Docket No. MC 136635 and is under common control by Ronald W. Whiteford and Florence S. Whiteford. Ronald W. Whiteford and Florence S. Whiteford also control Whiteford Transport, Inc., who under MC 109682 and subs thereunder is authorized to operate as a *common carrier* in all points in the United States and C & C Cartage, Inc., who under MC 138479 and subs thereunder is authorized to operate as a contract carrier in IN, AL, AK, DE, FL, GA, IL, IA, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. Dual operations may be involved. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13585. Authority sought for purchase by FREILER TRUCK LINES, INC., P.O. Box 636, Amite, LA 70422, of the operating rights of Mid-Way Transportation, Inc., 8800 Oakdale Drive, Waco, TX 76710, and for acquisition by Freiler Truck Lines, Inc., P.O. Box 636, Amite, LA 70422, of control of such rights through the purchase. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Operating rights sought to be transferred: *Brick and tile*, as a *common carrier*, over irregular routes, from points in that part of TX on and east of a line beginning at the TX-OK State line and proceeding along U.S. Hwy 283 to junction U.S. Hwy 67 at or near Coleman, TX, then along U.S. Hwy 277 to the United States-Mexico boundary line at or near Del Rio, TX (except points in Dallas and Tarrant Counties, TX), to points in LA, MS, AL, and FL. Freiler Truck Lines, Inc. is authorized to operate as a *common carrier* in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13586. authority sought for control by SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383, of Warsaw Trucking Co., Inc., P.O. Box 1017, Warsaw, IN 46580, and for control by Robert W. Sawyer, South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's attorney: H. E. Miller, Jr., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Operating rights sought to be controlled: *Specific commodities*, such as animal feed, building materials, clay, cloth, coal, foodstuffs, insulating materials, iron and steel articles, metal articles, paper and paper products, as well as other specified commodities, as a *common carrier*, over regular and irregular routes, from and to points in the United States in and east of ND, SD, WY, CO, NM, AZ, and NV, with certain restrictions, as more specifically described in Docket No. MC 123294 and sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full the entirety thereof. A complete description of the operating rights of the carrier to be controlled may be obtained from the applicant's representative upon request. Sawyer Transport, Inc., is authorized to operate as a *common carrier*, over irregular routes, throughout the United States, as more specifically described in Docket No. MC 123407. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13587. Authority sought for purchases by SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501, of a portion of the operating rights of Contract Steel Carriers, Inc., 2641 Sheffield Avenue, Hammond, IN 46320, and for acquisition by Harold C. Smith, Russell J. Hilken, William G. Smith, P.O. Box 404, Fort Dodge, IA 50501, and Robert E. Miller, 709 Coachlight Drive, St. Louis, MO, of control of such rights through the transaction. Applicant's attorneys: Arlyn L. Westergren; Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106, and Richard A. Kerwin, Suite 3520, 180 North LaSalle Street, Chicago, IL 60601. Operating rights sought to be transferred: *Steel articles and such materials* as are used or useful on highway construction projects (except cement, rock, sand, and gravel), as a *common carrier*, over irregular routes, from Chicago, IL, to points in IA, and *iron and steel articles*, as a *common carrier*, over irregular routes from Portage, IN to points in IA. Vendee is authorized to operate as a *common carrier* in ND, SD, NE, KS, MN, MO, MI, WI, IL, IN, LA, AR, KY, OH, OK, TN, and PA. Application has been

filed for temporary authority under section 210a(b).

No. MC-F-13583. Authority sought for control by M B TRANSPORT SERVICES, INC. (non-carrier), 3841 North Columbia Boulevard, Portland, OR 97217, of Con-Ag Transport, Inc. (non-carrier), 2645 East 51st Avenue, Denver, CO 80216, and for acquisition by Malcolm B. Stephenson, 3841 North Columbia Boulevard, Portland, OR 97217, of control of con-Ag Transport, Inc., through the acquisition by M B Transport Services, Inc. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Operating rights sought to be controlled: Con-Ag Transport, Inc., a non-carrier is a holding company which controls and owns all of the outstanding stock of Lester Smith Trucking, Inc. and Boyer Truck Line, Inc. Lester Smith Trucking, Inc., is authorized to operate under MC 57697, over irregular routes, as a *common carrier*, Transporting: *Agricultural commodities*, other than in containers, between points in Logan County, CO, between points in Sedgewick, Phillips, Logan, and Morgan Counties, CO, that part of Weld County, CO, east of a line drawn north and south through Briggsdale, CO, and that part of Washington County, CO, north of a line drawn east and west through Rago, CO, on the one hand, and on the other, points in WY, NE, IA, MO, and KS; *building and fencing materials, farm machinery, used farm equipment, feed, seed, hides, wool, and irrigation supplies*, between points in Sedgewick, Phillips, Logan, and Morgan Counties, CO, that part of Weld County, CO, east of a line drawn north and south through Briggsdale, CO, and that part of Washington County, CO, north of a line drawn east and west through Rago, CO, on the one hand, and on the other, points in WY, NE, IA, MO, and KS; *household goods*, as defined by the Commission, between ponts in Sedgewick, Phillips, and Logan Counties, CO, and that part of Washington County, CO, on and north of CO Hwy 38, on the one hand, and on the other, points in that part of WY, KS, and NE within 250 miles of Sterling, CO; *livestock*, between Denver, CO, on the one hand, and on the other, points in KS, MO, and IA, those in NE 25 miles or more Chappell, NE, and those in Campbell, Crook, Weston, Converse, Niobrara, Albany, Platt, Goshen, and Laramie Counties, WY, between points in Logan County, CO, between points in Sedgewick, Phillips, Logan, and Morgan Counties, CO, that part of Weld County, CO, east of a line drawn north and south through Briggsdale, CO, and that part of Washington County, CO, north of a line drawn east and west through Rago, CO, on the one hand, and on the other, points in WY, NE, IA, MO, and KS, between points in WY, NE, IA, MO, and KS; *machines*, other than farm, maximum 5,000 pounds each, between points in Sedgewick, Phillips, and Logan Counties, CO, and that part of Washington, County, CO, on and north of CO Hwy 38 on the one hand, and on the other, points in WY, KS, NE, IA, and MO; *Oil well casing, pipe, and supplies*, between Sterling, CO, and points within 25 miles of Sterling, on the one hand, and on the other, points in WY, with restrictions. By an order served in MC-F-12827 on July 12, 1976, Lester Smith Trucking, Inc. was granted temporary authority of a portion of the operating rights of Archer Freight Lines, Inc. and by order served February 6, 1978, was authorized to purchase this same authority which was set forth in Docket MC-F-12827, published in FEDERAL REGISTER May 6, 1976. Lester Smith Trucking, Inc. pending authority as follows: MC 47697 (Sub-No. 2), published in the FEDERAL REGISTER June 10, 1976, MC 57697 (Sub-No. 4), published in the FEDERAL REGISTER November 18, 1976, MC 57697 (Sub-No. 6), published February 24, 1977, MC 59697 (Sub-No. 7), published September 1, 1977, MC 57697 (Sub-No. 8), published September 1, 1977, MC 57697 (Sub-No. 9), published September 15, 1977, MC 57697 (Sub-No. 10), published September 22, 1977, MC 57697 (Sub-No. 11), published October 20, 1977, MC 57697 (Sub. No. 12), published December 1, 1977, MC 57697 (Sub-No. 13), published December 30, 1977, MC 57697 (Sub-No. 14), published March 9, 1978, MC 57697 (Sub-No. 15), published March 9, 1978

BOYER TRUCK LINE, INC. is authorized to operate under MC 93674, as a *common carrier*, over regular routes transporting: *Livestock*, between DeWitt, IA, and Chicago, IL, serving the intermediate and off-route points within 15 miles of DeWitt; from DeWitt over U.S. Hwy 30 to junction IL Hwy 65, then over IL Hwy 65 to junction U.S. Hwy 34, and then over U.S. Hwy 34 to Chicago, and return over the same route; *feed, chip-board, boxes, paper, fibre-board, pulp-board, binder twine, and farm machinery*, from Chicago, IL to DeWitt, IA serving the off-route point of Forest Park, IL for pick up of feed only. From Chicago over the above specified route to DeWitt, and return over the same route; *Binder twine and farm machinery*, from Sandwich, Rockford, Moline, East Moline, and Rock Island, IL to DeWitt, IA; *livestock*, from Low Moor and DeWitt, IA, to points in Carroll, Whiteside, Rock Island, and Henry Counties, IL. From Geneseo, IL to points in Scott and Clinton Counties, IA. From Maquoketa, IA, and points within 35 miles thereof, to Chicago, IL and points in that part of IL north of U.S. Hwy 34 and west of a line beginning at Princeton, IL, and extending along IL Hwy 26 to Dixon, IL, then along U.S. Hwy 52 to Polo, IL, and then along IL Hwy 26 to the IL-WI State line, including points on the indicated portion of the highways specified. *General commodities*, with exceptions from Chicago, IL to Maquoketa, IA; and *empty malt beverage containers*, from Maquoketa, IA, to Chicago, IL. *Coal*, from points in rock Island, Henry, and Mercer Counties, IL, to Maquoketa, IA, and points within 35 miles thereof. *Agricultural implements*, from Rock Falls, Rockford, Moline, and Canton, IL, to Maquoketa, IA, and points within 35 miles thereof. *Feed and livestock*, from Chicago, IL to Maquoketa, IA, and points within 35 miles thereof. Boyer Truck Line, Inc. pending authority is as follows: MC 93674 (Sub-No. ——) *building and construction materials, equipment and supplies, telephone and power line materials, mining materials, equipment and supplies, farm and agricultural equipment, machinery and implements and iron and steel articles*, except in bulk, between points in CO, on the one hand, and, on the other, points in WY and MT. MB Transport Services, Inc. a noncarrier is a holding company which controls and owns all of the outstanding stock of Mitchell Bros. Truck Lines which is authorized to operate as a *common carrier* in all of the continental States except AK. An application has been filed for temporary authority under section 210a(b).

No. MC-F-13592. Authority sought for purchase by PHILIPP TRANSIT LINES, INC., 1808 East 5th Street, Washington, MO 63090 of the operating rights of Pic-Walsh Freight Co., 731 Campbell Avenue, St. Louis, MO 63147, and for acquisition by Paul F. Philipp and Eva Bernice Philipp, of control of such rights through the purchase. Applicant's representative: Tom B. Kretsinger, Esquire, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Operating rights sought to be transferred are contained in certificate No. MC 45657 as follows: (a) *General commodities* (usual exceptions) between Hannibal, MO and Bowling Green, MO, (b) *Livestock*, from Vandalia, MO to National Stock Yards, IL and from Vandalia, MO to Bowling Green, MO, and return, (c) *General commodities* (usual exceptions) between Vandalia, MO and St. Louis, MO, (d) *General commodities* (usual exceptions) between Louisiana, MO and East St. Louis, IL, (d) *Livestock*, between Old Monroe, MO and National City, IL, (e) *Brick* from Vandalia, MO to points in IL, (f) *Feed, hay and molasses*, from East St. Louis, IL to Old Monroe, MO, (g) *Hides and live poultry*, from Old

Monroe, MO to East St. Louis, IL, and (g) *General commodities* (usual exceptions) between Bowling Green, Clarksville, Elsberry, Foley, Louisiana, Old Monroe, St. Charles, Troy, Vandalia, and Winfield, MO and Quincy, IL. Vendee is authorized to operate as a common carrier in KS, MO, and IL. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before June 12, 1978. Such protest shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 FR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 57311 (Sub-No. 12F), filed April 11, 1978. Applicant: PUTNAM TRANSFER & STORAGE CO., a corporation, 1502 Woodlawn Avenue, Zanesville, OH 43701. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes, A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Zanesville and Cincinnati, OH on the one hand, and, on the other, points in OH, (2) between Malta and Malta Township, Morgan County, OH on the one hand, and, on the other, points in OH, (3) between Union Township, Muskingum County, OH on the one hand, and, on the other, points in OH, (4) between Ravenna, OH and points within five miles thereof on the one hand, and, on the other, points in OH, (5) between points in OH, and (6) between points in OH on the one hand, and, on the other, Huntington, WV. (Hearing site: Columbus, OH.)

NOTE.—This application is directly related to MC-F-13572, Putnam Transfer & Storage Co.—Purchase (Portion)—Automotive Merchandisers of Texas and Ohio Merchandising Corp., and seeks to convert existing certificate of registration to certificate of public convenience and necessity, and to eliminate the gateways of Zanesville, OH and the intersection of OH Hwy 797 and Interstate Hwy 70 in (5) above; and Zanesville, OH, Chillicothe, OH and the intersection of OH Hwy 797 and Interstate Hwy 70 in (6) above, resulting from said purchase. (Hearing site: Columbus, OH.)

No. MC 144587F, filed March 27, 1978. Applicant: J. D. CARTON & SON, INC., 41 Watchung Avenue, Chatham, NJ 07928. Applicant's representative: Thomas F. X. Foley, Colts Neck Professional Plaza, State Hwy 34, Colts Neck, NJ 07722. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in FL, GA, IL, IN, NC, OH, and SC, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC (Gateway eliminated—points in Essex, Bergen, Hudson, and Passaic Counties, NJ, within the New York, NY Commercial Zone); and (2) between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC, on the one hand, and, on the other, New York, NY, and points in Nassau and Suffolk Counties, NY (Gateway eliminated—points in Essex, Bergen, Hudson, and Passaic Counties, NJ, within the New York, NY Commercial Zone). (Hearing site: Not specified.)

NOTE.—Common control may be involved. This application is directly related to MC-FC-77596. The purpose of this application is to eliminate the gateways as specified in (1) and (2) above.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter—notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 12, 1978.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 110325 (Deviation No. 24), TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245, filed March 27, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, TX, over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Harrisburg, PA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, TX, over U.S. Hwy 77 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction U.S. Hwy 160, then over U.S. Hwy 160 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction U.S. Hwy 166, then over U.S. Hwy 166 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction U.S. Hwy 66, then over U.S. Hwy 66 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction U.S. Hwy 42, then over U.S. Hwy 42 to junction U.S. Hwy 224, then over U.S. Hwy 224 to junction U.S. Hwy 21, then over U.S. Hwy 21 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Harrisburg, PA, and return over the same route. ge b11ma3.228

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 12, 1978.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 735), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed March 21, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Texarkana, TX, over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 Memphis, TN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Texarkana, TX, over U.S. Hwy 67 to

junction U.S. Hwy 82, then over U.S. Hwy 82 to junction unnumbered highway (formerly portion of U.S. Hwy 82) west of Waldo, AR, then over unnumbered highway to Waldo, then over AR Hwy 98 to McNeil, then over U.S. Hwy 79 to Beech Grove, then over U.S. Hwy 79B via Fordyce to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 79B west of Altheimer, then over U.S. Hwy 79B via Altheimer to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 79C, then over U.S. Hwy 79C to junction AR Hwy 11, then over AR Hwy 11 via Stuttgart to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction AR Hwy 17 east of Clarendon, then over AR Hwy 17 to junction U.S. Hwy 70 at Brinkley then over U.S. Hwy 70 to Memphis, TN, and return over the same route.

No. MC 45626 (Deviation No. 38), VERMONT TRANSIT CO., INC., Burlington, VT 05401, filed March 28, 1978. Carrier proposes to operate as a *common carrier,* by motor vehicle, of: *Passengers and their baggage,* and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From White River Junction, VT, over Interstate Hwy 89 to junction Interstate Hwy 93 at Concord, NH, then over Interstate Hwy 93 to junction U.S. Hwys 4 and 202 at Concord, NH, then over U.S. Hwys 4 and 202 to Northwood, NH, then over U.S. Hwy 202 to junction NH Hwy 11 at Rochester, NH, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From White River Junction, VT, over U.S. Hwy 4 to Danbury, NH, then over NH Hwy 104 to Bristol, NH, then over NH Hwy 3A to Franklin, NH, then over U.S. Hwy 3 to junction NH Hwy 11, then over NH Hwy 11 to Rochester, NH, and return over the same route.

No. MC 45626 (Deviation No. 39), VERMONT TRANSIT CO., INC., Burlington, VT 05401, filed April 3, 1978. Carrier proposes to operate as a *common carier,* by motor vehicle, of: *Passengers and their baggage,* and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From White River Junction, VT, over Interstate Hwy 89 to junction Interstate Hwy 93 at Concord, NH, then over Interstate Hwy 93 to junction U.S. Hwy 4 at Concord, NH, then over U.S. Hwy 4 to Portsmouth, NH, then over Interstate 95 to junction ME Hwy 111 near Biddeford, ME, and return over the same route for operating convenience only. The notice indicated that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From White River Junction, VT, over U.S. Hwy 4 to Danbury, NH, then over NH Hwy 104 to Bristol, NH, then over NH Hwy 3A to Franklin, NH, then over U.S. Hwy 3 to junction NH Hwy 11, then over NH Hwy 11 to Rochester, NH, then over U.S. Hwy 202 to Alfred, ME, then over ME Hwy 111 to junction Interstate Hwy 95, and return over the same route.

By the Commission.

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

[FR Doc. 78-12783 Filed 5-10-78; 8:45 am]

[7035-01]

[Volume No. 87]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

April 28, 1978.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before June 12, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 113678 (Sub-No. 661) (republication), filed March 7, 1977, published in the Federal Register issue of April 28, 1977, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. An Order of the Commission, by the initial decision, served March 3, 1978, effective April 13, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpeting, carpet padding, and such commodities* as are used in the installation of carpeting and carpet padding, from the facilities of General Felt Industries, Inc., located at or near Philadelphia, PA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, restricted to traffic originating at the named origins and destined to the named destination States, and restricted against the transportation of the described commodities in bulk; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity description; delete IA, KS, MN, and NE as destination States, and add a restriction.

No. MC 129615 (Sub-No. 26) (republication), filed February 4, 1977, published in the Federal Register issue of August 11, 1977, and republished this issue. Applicant: AMERICAN INTERNATIONAL DRIVEAWAY, a corporation, P.O. Box 545, 123 North First Street, Decatur, ID 46733. Applicant's representative: E. Drayson Helmer (same address as applicant). An order of the Commission, Review Board No. 1, decided April 12, 1978, and served April 18, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Passenger automobiles,* in driveaway service, in secondary movements, from the facilities of Travco, Inc., at Brown City, MI, to points in the United States, (including AK, but excluding HI and MI); (2) *motor homes,* in driveaway service, from the facilities of Travco, Inc., at Mt. Clemens, MI, to points in the United States, (including AK, but excluding HI and MI); (3) *passenger automobiles,* in driveaway service, in secondary movements, between points in HI, restricted to the transportation of traffic originating at the origin named in (1) above; (4) *motor homes,* in driveaway service, between points in HI, restricted to the transportation of traffic originating at the origin named in (2) above; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity and territorial description.

No. MC 133689 (Sub-No. 124) (republication), filed May 3, 1977, published in the Federal Register issue of June 9, 1977, and republished this issue. Ap-

plicant: 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. An Order of the Commission, by the initial decision, served February 24, 1978, effective March 28, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, fabric softener, starch, bleach and ammonia* (except commodities in bulk), from Toledo, OH, to points in MN, WI, IA, ND, SD, NE, and Kansas City, KS, restricted to traffic originating at the plantsite and storage facilities of the Sinclair Manufacturing Co., located at or near Toledo, OH, and destined to the named destination states; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity description.

No. MC 134531 (Sub-No. 9) (republication), filed August 3, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished this issue. Applicant: AGGREGATE HAULERS, INC., Route 2, Box 559-A.W., Columbia, SC 29169. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, DC 20005. An Order of the Commission, Review Board No. 2, decided March 29, 1978, and served April 17, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilized materials* (except in bulk, in tank or hopper-type vehicles), (a) between points in Wayne, Iredell, New Hanover, and Columbus Counties, NC, on the one hand, and, on the other, points in SC; and (b) from Columbia, SC, to Augusta, GA, and Charlotte, NC; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to indicate the broadening of the commodity description; and the addition of New Hanover county, SC, in lieu of Brunswick County, SC, in (a) above.

No. MC 136343 (Sub-No. 111) (republication), filed June 23, 1977, published in the FEDERAL REGISTER issue of August 11, 1977, and republished this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. An Order of the Commission, by the initial decision, served February 23, 1978, effective April 13, 1978, finds that the present and future public convenience and necessity require operation, by apllicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Highway marking strip glass, ballotini, materials, equipment and supplies* used in the manufacture and sale of the foregoing commodities (except commodities in bulk, in tank vehicles), (1) between the facilities of Potters Industries, Inc., at Cleveland, OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MD, MI, MN, MO, NJ, NY, NC, PA, TN, TX, VA, WV, and WI; and (2) between the facilities of Potters Industries, Inc., at Carlstadt, NJ, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and WV; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to indicate the addition of NJ, NY, NC, PA, and TN as destination states in part (1) above.

No. MC 139495 (Sub-No. 238) (republication), filed May 31, 1977, published in the FEDERAL REGISTER issue of July 21, 1977, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. An Order of the Commission, by the initial decision, served February 8, 1978, effective March 28, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanut butter*, from Livonia, MI, to Atlanta, GA, and points in AR, DE, MD, NJ, NY, NC, OK, PA (except Pittsburgh and points in the Pittsburgh Commercial Zone), SC, VA, WV and DC; (2) *peanut butter*, and in mixed loads with peanut butter, *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation pursuant to Section 203 (b)(6) of the Interstate Commerce Act, from Onsted, MI, to Atlanta, GA, and points in AR, DE, MD, NJ, NY, NC, OK, PA (except Pittsburgh and points in the Pittsburgh Commercial Zone), SC, VA, WV, and DC, restricted in (1) and (2) above, to traffic originating at the facilities of Walker and Sons Apiaries, at Livonia and Onsted, MI, and destined to the above-named points, that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the commodity and territorial description.

No. MC 141033 (Sub-No. 17) (republication), filed October 22, 1976, published in the FEDERAL REGISTER issue of November 18, 1976, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, NE 68501. An Order of the Commission, Division 1, Acting as an Appellate Division, decided April 4, 1978, and served April 13, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn tools, garden tools, striking tools and snow tools*, from Parkersburg, WV to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to broaden the territorial description.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before June 12, 1978. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the require-

ments of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality fo the human environment resulting from approval of its application.

No. MC 989 (Sub-No. 28F), filed March 20, 1978. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, Norton, KS 67654. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Rubber products and materials and supplies* used in the manufacture of rubber products, between the facilities of Electric Hose and Rubber Co. at McCook, NE, and the facilities of Electric Hose and Rubber Co. at Olney, TX. Restricted to traffic originating at and destined to above-named points. (Hearing site: Kansas City, MO.

No. MC 1459 (Sub-No. 8F), filed March 20, 1978. Applicant: ROYAL MOTOR EXPRESS, INC., 240 Harmon Avenue, Lebanon, OH 45036. 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: *Cellulose insulation and materials, equipment and supplies* used in the manufacture, sale, distribution and application of cellulose insulation, between Lebanon, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Air Maintenance, Inc. (Hearing site: Columbus, OH.)

No. MC 2202 (Sub-No. 559F), filed March 20, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron OH 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue. Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of National Presto Industries located at or near Canton, MS as an off-route point in connection with applicant's regular routes. (Hearing site: Madison WI or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 2228 (Sub-No. 69F), filed March 21, 1978. Applicant: MERCHANTS FAST MOTOR LINES, INC., East Hwy 80 (P.O. Box 591), Abilene, TX 79604. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767 and Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between El Paso, TX and Phoenix, AZ, serving all intermediate points, and serving points in the respective commercial zones of El Paso and Phoenix, from El Paso over IH 10 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Phoenix, and return over the same route; (2) between Seminole, TX and El Paso, TX serving no intermediate points: from Seminole over U.S. Hwy 62/180 to El Paso and return over the same route. (Hearing site: Dallas, TX; El Paso, TX; Phoenix, AZ.)

No. MC 2900 (Sub-No. 328F), filed March 6, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Mining equipment and parts,* from the facilities of Joy Manufacturing Co. at Franklin, PA to points in AL, CO, IL, KY, OH, UT, VA, WV, and WY, and used or rejected mining equipment on return; and (2) *materials and supplies* used in the manufacture of mining equipment, from AL, IN, IL, and OH to the facilities of Joy Manufacturing Co. at Franklin, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

NOTE:—Common control may be involved.

No. MC 19157 (Sub-No. 49F), filed March 20, 1978. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Bos 4, Campbell Road, Schenectady, NY 12306. Applicant's representative: Paul Montarello (same address as Applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by wholesale and retail tire stores (except commodities in bulk and those which because of size or weight require the use of special equipment) between Muncie and Shelbyville, IN, on the one hand, and, on the other, points in and east of AL, TN, KY, IN, and MI. (Hearing site: San Francisco, CA or Washington. DC.)

NOTE.—Common control may be involved.

No. MC 44302 (Sub-No. 7), filed December 14, 1977. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Applicant's representative: Thomas R. Melvin, 1028 Springbrook Avenue, Moosic, PA 18507. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Paper mill products and supplies, materials and equipment, and machinery* used in paper mills, between the facilities of Proctor and Gamble Co. and its subsidiaries in the Township of Washington (Wyoming County) PA, and the counties of Luzerne and Lackawanna, PA on the one hand, and, on the other, Trenton, NJ, Beacon and Newburg, NY, and that portion of the Easton, PA commerical zone in NJ and that portion of the Philadelphia, PA commercial zone in DE and NJ.

NOTE.—The applicant presently holds operating authority at Docket No. MC 44302 issued August 10, 1971 and Docket No. MC 44302 Sub. 4 to perform the service requested by tacking at a point within 25 miles of New York, NY. No new service is sought.

(b) *Paper and paper products,* between Scranton, PA, on the one hand, and on the other, Trenton, NJ, Beacon and Newburg, NY and that portion of the Easton, PA commercial zone in NJ and that portion of the Philadelphia, PA commercial zone in DE and NJ, and Ansonia, South Norwalk, New Haven, and Hartford, CT.

NOTE.—The applicant presently holds authority at Docket No. MC 44302 issued on August 10, 1971 to perform the service sought here by tacking at a point in NJ within the commercial zone of New York, NY.

(Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved.

No. MC 69397 (Sub-No. 36-F), filed March 22, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666

11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, treated lumber, ties, poles, piles, fence posts,* and *wooden pallets,* from the facilities of Potomac Supply Corp. at Kinsale, VA, to points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Washington, DC, or Richmond, VA.)

NOTE.—Common control may be involved.

No. MC 71043 (Sub-No. 10F), filed March 20, 1978. Applicant: LAPORTE TRANSIT CO., INC., P.O. Box 578, Hwy 2, Laporte, IN 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between LaPorte, IN and Muskegon, MI: From LaPorte, IN, over IN Hwy 39 to the IN-MI State line, then over unnumbered Hwy to New Buffalo, MI, then over unnumbered Hwy generally known as Red Arrow Hwy to junction U.S. Hwy 33, then north over U.S. Hwy 33 to Benton Harbor, MI, then north over U.S. Hwy 33 to junction U.S. Hwy 31, then north over U.S. Hwy 31 to Muskegon, MI and return ove the same route, serving all intermediate points; (2) Between Muskegon, MI and Middlebury, IN: From Muskegon, MI over Interstate Hwy 96 to U.S. Hwy 131, then south over U.S. Hwy 131 to the MI-IN State line, then south over IN Hwy 13 to Middlebury, IN and return over the same route, serving all intermediate points; (3) Between South Bend, IN and Battle Creek, MI: From South Bend, IN north over U.S. Hwy 31 to Interstate Hwy 94, then east over Interstate Hwy 94 to Battle Creek, MI and return over the same route, serving all intermediate points; (4) Between Battle Creek, MI and Howe, IN: From Battle Creek, MI, west over Interstate Hwy 94 to MI Hwy 66, then south over MI Hwy 66 to the MI-IN State line, then south over IN Hwy 9 to Howe, IN and return over the same route, serving all intermediate points; (5) Between South Bend, IN and Holland, MI: From South Bend, IN north over U.S. Hwy 31 to MI Hwy 140, then north over U.S. Hwy 140 to U.S. Hwy 31, then north over U.S. Hwy 31 to Holland, MI and return over the same route, serving all intermediate points; (6) Between Holland, MI and Bristol, IN: From Holland, MI southeast over MI Hwy 40 to U.S. Hwy 12, then east over U.S. Hwy 12 to MI Hwy 103, then south over MI Hwy 103 to the MI-IN State line, then south over IN Hwy 15 to Bristol, In and return over the same route, serving all intermediate points; (7) Between New Buffalo, MI and Sturgis, MI: From New Buffalo, MI over U.S. Hwy 12 to Sturges, MI and return over the same route, serving all intermediate points, (8) Between Holland, MI and Grand Rapids, MI: From Holland, MI over MI Hwy 21 to Grand Rapids, MI and return over the same route, serving all intermediate points; (9) Between Allegan, MI and Battle Creek, MI: From Allegan, MI over MI Hwy 89 to Battle Creek, MI and return over the same route, serving all intermediate points; (10) Between South Bend, IN and Paw Paw, MI: From South Bend, IN north over U.S. Hwy 31 to MI Hwy 51 then north over MI Hwy 51 to Interstate Hwy 94, then east over Interstate Hwy 94 to MI Hwy 40, then north over MI Hwy 40 to Paw Paw, MI and return over the same route, serving all intermediate points; (11) Between South Bend, IN and Leonidas, MI: From South Bend, IN over IN Hwy 23 to the IN-MI State line, then north over MI Hwy 62 to MI Hwy 60, then east over MI Hwy 60 to Leonidas, MI and return over the same route, serving all intermediate points; (12) Between Niles, MI and Cassopolis, MI: From Niles, MI over MI Hwy 60 to Cassopolis, MI and return over the same route, serving all intermediate points; (13) Between Elkhart, IN and Union, MI: From Elkhart, IN over IN Hwy 19 to the IN-MI State Line, then north over MI Hwy 205 to U.S. Hwy 12, then east over U.S. Hwy 12 to Union, MI and return over the same route, serving all intermediate points; (14) Serving Brook and Foresman, IN as off-route points in conjuction with carrier's authorized regular route operations; (15) Serving Boubonnais, Bradley, Kankakee, Manteno and St. Anne, IL as off-route points in conjunction with carriers authorized regular route operations; and (16) Serving Kenosha, WI as an off-route point in conjunction with carrier's authorized regular route operations. (Hearing site: Chicago, IL.)

No. MC 83539 (Sub-No. 486F), filed March 10, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Applicant's representative: Thomas E. James (same address as applicant. Authority sought to operate a *common carrier,* by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles,* from Howell County, MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO or Dallas, TX.)

NOTE.—Common control may be involved.

No. MC 85934 (Sub-No. 78F), filed March 20, 1978. Applicant: MICHIGAN TRANSPORTATION CO. 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48180. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* in bulk, from Cairo, OH to points in MI and IN. (Hearing site: Washington, DC or Chicago, IL.)

No. MC 95540 (Sub-No. 1004F), filed March 20, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen Foods* (except in bulk), from (1) The facilities utilized by Terminal Ice and Cold Storage Co., located at or near Portland, OR; and (2) The facilities utilized by Ore-ida Foods, Inc., located at or near Plover, WI to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX; and (3) Returned, refused and rejected merchandise from the destination states named in (1) and (2) above to the origin points named in (1) and (2) above. (Hearing site: San Francisco, CA, Washington, DC or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 95876 (Sub-No. 232F), filed March 20, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bl., Minneapolis, MN 55402. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular* routes, transporting: *Iron and steel articles,* from St. Louis, MO, to points in IA, MN, MT, NE, ND, SD, WI, and WY. (Hearing site: St. Louis, MO.)

NOTE.—Common control may be involved.

Docket No. MC 96328 (Sub-No. 5F), filed March 16, 1978. Applicant: Illinois Short Line, Inc., 3525 South Leavitt Street, Chicago, IL 60609. Applicant's representative: Robert J. Gill, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: (1) *General comodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk and commodities requiring special equipment) (a) between points in Cook and DuPage Counties, IL; and (b) between points in Cook and DuPage Counties, IL, on the one hand, and, on the other, points in Lake, McHenry, Kane, DeKalb, Will, Kendall, Grundy, and Kankakee Counties, IL; (2) *Parts, equipment, materials, ac-*

cessories and supplies used in the manufacture, distribution, maintenance and repair of agricultural equipment, heavy machinery, fork lift trucks and internal combustion engines, restricted to shipments in automobiles as defined by the Commission in 117 MCC 403, between points in IL, IN, MI, OH, and WI, on the one hand, and, on the other, Aurora, Batavia, Carol Stream, Deerfield, Harvey, Matteson, and Springfield, IL, LaPorte, IN, Appleton, Milwaukee, Port Washington, and West Allis, WI. (Hearing site: Chicago, IL or Washington, DC.)

Note.—Applicant states that only part (1) of this application is a conversion request.

Docket No. MC 105016 (Sub-No. 10F), filed March 23, 1978. Applicant: PELLISSIER TRUCKING, INC., P.O. Box 192, The Dalles, OR 97058. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Manufactured livestock and pet feed,* from Spokane, WA to points in Sherman and Wasco Counties, OR. (Hearing site: Dalles or Portland, OR.) 000

No. MC 106674 (Sub-No. 298F), filed March 20, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123 Remington, IN 47977. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Construction and building materials* (except in bulk), from the facilities of the Celotex Corp. at Pennsauken, NJ to points in and east of MT, WY, CO, and NM. Restriction: Restricted to the transportation of shipments originating at the named origin point and destined to the named destination points. (Hearing site: Chicago, IL or Indianaplois, IN.)

No. MC 106674 (Sub-No. 304), filed March 20, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Construction and building materials* (except in bulk), from the facilities of the Celotex Corp. at Lagro, IN to points in the United States (except AK and HI). (Hearing site: Chicago, IL or Indianapolis, IN.)

No. MC 107064 (Sub-No. 122F), filed March 20, 1978. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, TX 75201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products and chemicals,* between the facilities utilized by Drew Chemical Co. in Houston, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

No. MC 107295 (Sub-No. 875F), filed March 17, 1978. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Lumber and lumber products,* from points in AZ, CO, NM, and UT, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Albuquerque, NM or Phoenix, AZ.)

No. MC 106674 (Sub-No. 305F), filed March 20, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Iron and steel articles,* from the facilities of the Republic Steel Corp. at Canton, Cleveland, Massillon, Niles, Warren and Youngstown, OH to points in IN and KY. Restriction: Restricted to the transportation of traffic originating at the above named origins. (Hearing site: Chicago, IL or Indianapolis, IN.)

No. MC 107403 (Sub-No. 1065F), filed March 13, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* over irregular routes, transporting: *Methanol, in bulk, in tank vehicles,* from New Haven, CT to points, in RI; MA; Me and NH. (Hearing site: Washington, DC.)

No. MC 107403 (Sub-No. 1073F), filed March 20, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* over irregular routes, transporting: *Liquid chemicals, in bulk, in tank vehicles,* from: Chicopee, MA to points in ME; NH; VT and RI. (Hearing site: Washington, DC.)

No. MC 107818 (Sub-No. 88F), filed March 14, 1978. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in vehicles equipped with mechanical temperature controls, from the facilities of Standard Brands Confectionary, a Division of Standard Brands, Inc., located within the Chicago Commercial Zone, to points in FL, GA, NC, and SC. (Hearing site: Chicago, IL.)

No. MC 108460 (Sub-No. 61F), filed March 20, 1978. Applicant: PETROLEUM CARRIERS CO., a corporation, P.O. Box 762, Sioux Falls, SD 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Feed,* in bag and bulk, from Minnehaha County, SD, to points in ND, MN, IA, NE, and SD. (Hearing site: Sioux Falls, SD or Kansas City, MO.)

Note.—Common control may be involved.

No. MC 109397 (Sub-No. 403F), filed March 20, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Commodities,* which because of their size or weight, require the use of special equipment or handling, and *parts* thereof, or *accessories* thereto when transported with such commodities; (2) *Self-propelled articles,* each weighing 15,000 pounds or more, and related *machinery, tools, parts,* and *supplies* moving in connection therewith—restricted to commodities which are transported on trailers; between points in TN, MS, AL, GA, SC, and FL, on the one hand, and, on the other, points in RI, CT, MA, NY, NJ, PA, MD, and DE. (Hearing site: Washington, DC or Birmingham, AL.)

Note.—The purpose of this application is to substitute single-line service for existing joint-line service. Common control may be involved.

No. MC 110098 (Sub-No. 163F), filed March 20, 1978. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, and the facilities of Terminal Ice and Cold Storage Co., at or near Plover, WI, to points in AR, KS, LA, MO, NM, OK, and TX, and refused, returned, or rejected shipments of frozen foods from the named destinations to the named origins. Restriction: Restricted to traffic originating at and destined to the points named. (Hearing site: San Antonio, TX or Chicago, IL.)

No. MC 111401 (Sub-No. 515F), filed March 13, 1978. Applicant: GROEN-

DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton, 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Kansas City, KS to points in NC, VA, LA, TN, IN, AL and Ga. (Hearing site: Tulsa, OK or Oklahoma City, OK.)

No. MC 111812 (Sub-No. 559F), filed March 20, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible food products* (except in bulk), in vehicles equipped with mechanical regrigeration, from the facilities of Terminal Ice & Cold Storage Co., at or near Bettendorf, IA, to points in FL, GA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN and WI; restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Des Moines, IA.)

NOTE.—Common control may be involved.

No. MC 112184 (Sub-No. 59F), filed March 20, 1978. Applicant: MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Road, Newbury, OH 44065. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Cargill, Inc. at or near Sidney, OH, to points in IL, IN, KY, NC, GA, NY, PA, NJ, TN, OH, VA, MD, and MA. Restriction: Said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Cargill, Inc. of Sidney, OH. (Hearing site: Columbus, OH or Washington, DC.)

NOTE.—Applicant holds common carrier authority in No. 128302 and subs thereunder, therefore, dual operations may be involved.

No. MC 112520 (Sub-No. 352F), filed March 13, 1978. McKenzie Tank Lines, Inc., P.O. Box 1200, Tallahassee, FL 32302. Applicant's representative: Thomas F. Panebianco, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil and pulp mill liquid*, in bulk, in tank vehicles, from Georgetown, SC to Panama City, FL. (Hearing site: Atlanta, GA or Washington DC.)

NOTE.—Common control may be involved.

No. MC 112617 (Sub-No. 384F), filed March 13, 1978. LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and soybean oil*, in bulk, in tank vehicles; from the facilities of Cargill, Inc., at or near Sidney, OH, to (1) on *soybean meal* to the States of CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, TN, VT, VA, WV, and WI, (2) on *soybean oil*, to the States of GA, IL, IN, KY, MD, MA, NJ, NY, NC, OH, PA, TN and VA. (Hearing site: Louisville, KY or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 113362 (Sub-No. 321F), filed March 22, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods*, (except commodities in bulk), from the facilities utilized in Ore-Ida Foods, Inc. and Terminal Ice & Cold Storage Co., located at or near Plover, WI, to points in AR, CT, DE, IL, IN, IA, KY, LA, MD, OK, MA, MN, MS, MO, NE, NJ, NY, ND, OH, PA, RI, SD, TN, TX, VA, WV, and DC. Restriction: Restricted to traffic originating at the above named origin points and destined to the above named destination states. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 113362 (Sub-No. 324F), filed March 20, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages (except commodities in bulk), from New Kensington, PA, to points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OK, SD, TN, TX, and WI. (Hearing site: Pittsburgh, PA or Washington, DC.)

No. MC 113362 (Sub-No. 326F), filed March 20, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paper and paper products and woodpulp*, from the plantsite and facilities of Bowater Southern Paper Corp., at or near Calhoun, TN, to points in IL, IA, IN, MI, MN, MO, OH, WV, PA, and WI. (Hearing site: Washington, DC or Atlanta, GA.)

No. MC 113434 (Sub-No. 93F), filed March 22, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Plover, WI, to OH, IL, IN, and MI, restricted to the movement of traffic originating at the named origin point and destined to the destination states named. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 113434 (Sub-No. 95F), filed March 23, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery and food business houses*, in mechanically refrigerated equipment (except in bulk, in tank vehicles), from the facilities of Kraft, Inc. at Taylor, MI to points in IN, KY, OH, WV and PA on the west of U.S. 15, restricted to traffic originating at named facilities and destined to named destinations. (Hearing site: Chicage, IL or Detroit, MI.)

No. MC 113459 (Sub-No. 120F), filed March 20, 1978. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Prefabricated wood buildings and components of wood buildings*, from Ravalli County, MT, to points in CO, IL, IA and WI, restricted to traffic originating at the plantsites of Rocky Mountain Log Homes. (Hearing site: Missoula, MT, or Dallas, TX.)

No. MC 113651 (Sub-No. 270F), filed March 27, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552; Riggin Road, Muncie, IN 47305. Applicant's representative: H. Barney Firestone, 10 South LaSalle Street, Suite No. 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Bananas and agricultural commodities, otherwise exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, restricted to the transportation of traffic having immediately prior movement by water, from Charleston, SC, to points in WV, OH, IN, KY, TN, MI, WI, IL, MO, KS, IA, MN, SD, ND, and NE. Restriction: Restricted to the transportation of traffic having an immediately prior movement by water. (Hearing site: Charleston, SC or Chicago, IL.)

No. MC 113678 (Sub-No. 725F), filed March 3, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Mid-Continent Underground Storage, Division of Southeastern Public Service Co., located at or near Bonner Springs, KS to points in OK and TX, restricted to traffic originating at and destined to the named points. (Hearing site: Kansas City, MO.)

No. MC 113678 (Sub-No. 734F), filed March 22, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), while at the same time moving on bills of lading issued by freight forwarders as defined under Part IV of the Interstate Commerce Act; from Los Angeles, CA. to Denver, CO, restricted to traffic orignating at and destined to the facilities of Coast Carloading Co. located at the named points. (Hearing site: Los Angeles, CA.)

No. MC 113678 (Sub-No. 735F), filed March 22, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk and tank vehicles), from the facilities of Miami Margarine Co., located at or near Albert Lea, MN to points in the United States (except AK, HI, and MN). Restricted to traffic originating at the above-named facilities and destined to the above-named destinations. (Hearing site: Cincinnati or Columbus, OH.)

No. MC 113855 (Sub-No. 412F), filed March 20, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment* including, but not limited to, forklifts and industrial trucks, (2) *attachments and parts* for (1) above, from Chenango County, NY, to points in the United States, including AK (excluding HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 113855 (Sub-No. 418F), filed March 27, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a corporation, 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, interstate or foreign commerce, transporting: *Air compressors and earth-drilling machinery and equipment,* between Claremont, NH, on the one hand, and, on the other, points in the United States, including AK but (excluding HI). (Hearing site: Washington, DC.)

NOTED—Common control may be involved.

No. MC 114045 (Sub-No. 496F), filed March 27, 1978. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/fw Airport, TX 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hair care toiletries and hair care equipment* (except in bulk), from Camarillo and LaMirada, CA, to Dallas, TX; Stamford, CT; Atlanta, GA; Bedford Park and Chicago, IL. (Hearing site: Washington, DC or New York, NY.)

NOTE.—Common control may be involved.

No. MC 114211 (Sub-No. 350F), filed March 20, 1978, Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: *Such commodities* as are dealt in or used by agricultural machinery and equipment manufacturers and dealers, between Keokuk County, IA on the one hand, and on the other points in the United States, including AK but excluding HI, and, including all ports of entry on the international boundary line between the United States and Canada for furtherance into Canada. (Hearing site: Chicago, IL or Des Moines, IA.)

No. MC 114273 (Sub-No. 354F), filed March 6, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel shot* (1) from Adrian, MI and Butler, PA, to Keokuk, IA; Kansas City, KS and points in IL on and north of U.S. Hwy 36 (except points in the Chicago commercial zone) and (2) from Butler, PA, to points in LA, MI, OK, TN, TX and WI. Restriction: Restricted to traffic originating at Butler, PA and the facilities of Alloy Metal Abrasives at or near Adrian, MI and destined to the named points. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115931 (Sub-No. 56F), filed March 17, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3897, Missoula, MT 58901. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* from points in ID, MT, OR, and WA to points in IL, IA, MN, NE, SD, and WI. (Hearing site: Spokane, WA or Portland, OR)

No. MC 115931 (Sub-No. 60-F), filed: March 22, 1978. BEE LINE TRANSPORTATION, INC., P.O. Box 3897, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Semitrailers, dump trailers and dump trailer bodies* (except those designed to be drawn by passenger automobiles), from the facilities of Ravens Metal Products, Inc., at or near Dover, OH, and Elizabeth, WV, to points in the U.S. in and west of WI, IL, MO, OK, and TX (except AK and HI). (Hearing site: Charleston, WV.)

No. MC 116763 (Sub-No. 410F), filed: March 21, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's Representative: H. M. Richters, North West Street, Versailles, OH. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* (except frozen, and in bulk, in tank vehicles), from the facilities of Campbell Soup Co., at or near Chicago, IL, to points in AL, FL, GA, NC, SC, and TN, restricted to traffic originating at and destined to the named points. (hearing site: Chicago, Ill.)

No. MC 117119 (Sub-No. 680F), filed March 21, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: M. M.

Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen meat*, from Philadelphia, PA to the facilities of the Campbell Soup Co. at Napoleon, OH; Chicago, IL; and Omaha, NE. Restricted to the transportation of traffic originating at and destined to the named points. (Hearing site: Philadelphia, PA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 295F), filed March 20, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminious fiber pipe and conduit*, and *accessories*, from West Bend, WI to points in TX. (Hearing site: (Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 296F), filed: March 20, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17108. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boiler systems, filtering machines, boiler accessories and parts and attachments*, from Greenville, MS to points in the United States, including AK (but excluding HI); (2) *materials, equipment and supplies*, used in the manufacture and distribution of the commodities described in (1) above, from points in the United States, including AK (but excluding HI) to Greenville, MS. (Hearing site: Washington, D.C.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 297F), filed March 20, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), from the facilities of Butler Manufacturing Co. at or near Annville, Lebanon County, PA, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TX, UT, WA, WI, and WY. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117686 (Sub-No. 209F), filed March 20, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products*, and (2) *polyurethane bags* in mixed shipments with paper and paper products, from Hodge, LA, to: Rock Island, IL, and points in IA, KS, MN, MO, NE, ND, SD, and WI. Restriction: Restricted to traffic originating at the named origin and destined to the named destinations. (Hearing site: Omaha, NE or Des Moines, IA.)

No. MC 117940 (Sub-No. 264F), filed March 22, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allen L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Frozen foods (except commodities in bulk), from Chicago, IL to points in IN, KY, MI, and OH, restricted to transportation of traffic originating at the facilities of Continental Freezers of Illinois at named origin and destined to points in the named destination States. (Hearing site: Chicago, IL).

No. MC 118159 (Sub-No. 256F), filed March 20, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic plumbing fixtures and equipment, materials, and supplies* used in the manufacture or distribution thereof (except commodities in bulk), from Walden, GA to points in AR, CT, DE, KS, LA, ME, MA, MD, MI, NE, NH, NJ, NY, ND, OK, PA, RI, SD, TX, VT, WV, WI, and the District of Columbia. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 118739 (Sub-No. 14F), filed March 3, 1978. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Arlington and Ortonville, MN, to points in MT, ND, SD, and WI, and from points in WI to points in AZ, CA, CO, MT, MN, ND, SD, UT, and to Arlington and Ortonville, MN, under a continuing contract with Big Stone, Inc. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Applicant also holds common carrier authority MC 140549 and subs thereunder, therefore dual operations may be involved.

No. MC 118838 (Sub-No. 21F), filed: March 20, 1978. Applicant: GABOR TRUCKING, INC., Rural Route 4, Box 124B, Detroit Lakes, MN 56501. Applicant's representative: Richard P. Anderson, 502 First National Bank Building., Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from the international boundary line between the United States and Canada located at Noyes, MN, and Pembina, ND, to points in ND, SD, IA, MN, WI and IL. Restricted to traffic moving from the facilities utilized by Manitoba Forestry Resources, Ltd., located in the province of Manitoba, Canada. (Hearing site: Minneapolis/St. Paul, MN.)

No. MC 119789 (Sub-No. 440F), filed March 24, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, moulding, plywood and plywood paneling.* (1) from Galveston, TX and New Orleans, LA to points in AR, KS, LA, MO, OK, and TX. (2) from Houston, TX to points in LA, MS, TN, and TX. (3) from Gulfport, MS to points in MO and TX. (Hearing site: Dallas, TX.)

No. MC 121420 (Sub-No. 9F), filed March 3, 1978. Applicant: DART TRUCKING CO., INC., P.O. Box 158, 61 Railroad Street, Canfield, OH 44406. Applicant's representative: Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone, in dump vehicles*, from the plantsite and facilities of Basic, Inc. located at or near Maple Grove, OH to points Chautauqua and Allegany Counties, NY; points in PA on and west of U.S. Hwy 15; and those points in WV which are on and north of U.S. Hwy 60 and on and west of U.S. Hwy 219. (Hearing site: Columbus, OH.)

No. MC 123255 (Sub-No. 159F), filed March 30, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 430455. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH 43055. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *Paper and paper products,* (a) from the plantsites of International Paper Co. located at or near Bastrop and Springhill, LA, to points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NM, ND, OH, OK, SD, TN, TX and WI; and (b) from the plantsite of International Paper Co. located at or near Pine Bluff, AR, to points in AL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NM, OK, TN, TX, and WI; and (2) *materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk, in tank vehicles), (a) from points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, NM, ND, OH, OK, SD, TN, TX and WI, to plantsites of International Paper Co. located at or near Bastrop and Springhill, LA; and (b) from points in AL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NM, OK, TN, TX and WI, to the plantsite of International Paper Co. located at or near Pine Bluff, AR. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 123997 (Sub-No. 3F), filed March 20, 1978. Applicant: COMET FAST FREIGHT INC., 101 Wellham Avenue NE., Glen Burnie, MD 21061. Applicant's representative: Ralph L. Smith (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass Containers, closures* therefor and *fibreboard boxes, and equipment, materials and supplies* used or useful in the manufacture and shipment of glass containers (except commodities in bulk), between the plantsite and shipping facilities of Chattanooga Glass Co. at or near Keyser, WV, on the one hand, and, on the other, points in CT, DE, DC, GA, IL, IN, KY, MD, MI, MS, OH, NJ, NY, NC, PA, SC, TN, VA, WV, and WI. Applicant intends to tack the requested authority with its authority held in MC 123997 to provide a thru service to points in MD and WV. (Hearing site: Washington, DC or Cumberland, MD.)

No. MC 124692 (Sub-No. 200F), filed March 21, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Applicant's representative: J. David Douglas, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork,* (1) from points in MT to points in IN, MO, and the Lower Peninsula of MI; (2) from points in MT lying east of the Continental Divide to points in IL, IA, and WI; (3) from points in ID to points in MO. (Hearing site: Billings, MT or Boise, ID).

No. MC 124947 (Sub-No. 105F), filed March 20, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Castings, parts and accessories* for combines (except in bulk), between Independence, MO, on the one hand, and, on the other, Topeka, KS. Restricted to shipments originating at or destined to the facilities of Allis-Chalmers Corp. located at or near the named points. (Hearing: Chicago, IL.

NOTE.—Common control may be involved.

No. MC 126118 (Sub-No. 70F), filed March 22, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and equipment, materials and supplies* used in the manufacture of motor vehicle parts, (1) between Columbus, NE; Marianna, AR, Cleveland, MS; Detroit, MI; Red Oak, IA; Carrollton, Adel, Atlanta, Columbus, and Newnan, GA, on the one hand, and, on the other, points in DE. (2) between Columbus, NE; Marianna, AR; Cleveland, MS; Detroit, MI; Red Oak, IA; Carrollton, Adel, Atlanta, Columbus, and Newnan, GA; and Phenix City, AL, on the one hand, and, on the other, points in SC. (3) between Milan, TN, on the one hand, and, on the other, points in the United States. (4) between Phenix City, AL, on the one hand, and, on the other, points in TN. Restricted to traffic originating at or destined to the facilities utilized by Douglas & Lomason Co. (Hearing site: Lincoln, NE or Detroit, MI.)

NOTE.—Common control may be involved.

No. MC 127042 (Sub-No. 210F) (correction), filed February 27, 1978 published in the FEDERAL REGISTER issue of April 6, 1978 and republished this issue. Applicant: HAGEN, INC., P.O. Box 98-Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tessar, Director of Traffic, Hagen, Inc., P.O. Box 98-Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation materials,* from Kenosha, WS, to points in MN, ND, SD; and (2) *fertilizer and fertilizer ingredients* (except in bulk), from Kenosha and Union Grove, WI, to points in IL, IN, IA, MN, MO, ND, and SD. (Hearing site: Milwaukee or Madison, WI.)

NOTE.—The purpose of this republication is to coordinate the listed commodities with their proper destination points.

No. MC 127303 (Sub-No. 35F), filed March 13, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers and container accessories,* from Plainfield, IL, to points in IA, MN, MO, NE, SD, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 127303 (Sub-No. 37) (correction), filed November 11, 1977, published in the FEDERAL REGISTER issue of December 29, 1978 and republished this issue: Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 63126. Applicant's representative: Dwight L. Koerber, Jr., 805 Mc Lachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Milwaukee, WI to points in NE and MO.

NOTE.—The purpose of this republication is to show change in sub-no., i.e. 37 instead of 24, and to include the hearing information. The above proceeding is assigned for hearing on May 4, 1978 (2 days) at 9:30 a.m. local time at Omaha, NE. Location of hearing room will be set by subsequent notice.

No. MC 127840 (Sub-No. 67F), filed March 23, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foundry core compounds,* in bulk, in tank vehicles, from Chicago, IL, to points in TX, OK, OH, PA, WI, IN, and MI. (Hearing site: Chicago, IL.)

No. MC 128205 (Sub-No. 49F), filed March 20, 1978. Applicant: BULKMATIC TRANSPORT CO., 12000 South Doty Avenue, Chicago, IL 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products,* from the plantsite of Marblehead Lime Co. in Centre County, PA to IL, IN, KY, MI, OH, WV, VA, DE, WA, DC, NJ, NY, CT, RI, MS, VT, NH, ME, and MD. (Hearing site: Chicago, IL.)

No. MC 128235 (Sub-No. 20F), filed March 22, 1978. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minne-

apolis, MN 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Malt beverages*, in containers, (1) from St. Louis, MO to Hibbing, MN, Grand Rapids, MN and Madison, SD, and (2) from Minneapolis and St. Paul, MN, to Menomonie, WI. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 128270 (Sub-No. 28F), filed March 15, 1978. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, IN 46405. Applicant's representative: Richard A. Kerwin, 180 North La Salle, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Sterling, IL on the one hand, and, on the other hand, points in IA, WI, MN, ND, SD, MT, WY, NE, CO, KS, MO, NM, TX, OK, AR, TN, KY, IN, and MI. (Hearing site: Chicago, IL.)

No. MC 128698 (Sub-No. 17F), filed March 21, 1978. Applicant: ERDNER BROS., INC., Davidson Road, Swedesboro, NJ 08085. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the facilties utilized by Campbell Soup Co. located at points in DE, MD and those in PA located on and east of U.S. Hwy 15, to points in DE, MD, NJ, NY, OH, PA, VA, WV, MI, and DC. (Hearing site: Washington, DC.)

No. MC 133095 (Sub-No. 183F), filed March 21, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. 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* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp., at Cherokee and Des Moines, IA to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. (Hearing site: Kansas City, MO or Dallas, TX.)

No. MC 133655 (Sub-No. 109F), filed March 20, 1978. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, TX 79105. Applicant's representative: Jim Steffel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter* from North Kansas City, MO to points in TX, NM, AZ, NC, VT, NH, ME, MA, RI, CT, and points in GA north of U.S. Hwy 280. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 134150 (Sub-No. 15F), filed March 20, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a., SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nutritional supplements*, from Fremont, MI; and Elgin and Greenville, IL to Bensenville, IL; Kenner, LA; East Brunswick, NJ; Dallas, TX; Tukwila, WA; and Miami, FL. Restrictions: Restricted (1) against the transportation of commodities in bulk; (2) to traffic destined to the facilities of Cutter Laboratories, Inc.; and (3) further restricted to a transportation service to be performed under a continuing contract or contracts with Cutter Laboratories, Inc. (Hearing site: Chicago, IL or Los Angeles, CA.)

NOTE.—Applicant holds common carrier authority in MC 138157 and subs thereunder, therefore dual operations may be involved.

No. MC 134645 (Sub-No. 22F), filed March 27, 1978. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, MN 56301. 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: (1) *Malt beverages and related advertising materials and supplies and malt beverage dispensing equipment* when shipped therewith, from Milwaukee, WI to St. Cloud, MN (2) rejected shipments and empty malt beverage containers, from St. Cloud, MN to Milwaukee, WI. (Hearing site: St. Paul, MN.)

NOTE.—Applicant holds contract carrier authority in MC 124071 and other subs, therefore dual operations may be involved.

No. MC 134755 (Sub-No. 139F), filed March 20, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, 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: *Petroleum, petroleum products, vehicle body sealers, deadner compounds* (except in bulk) *oil filters, and air filters*, from Houston, TX, to points in AL, LA, AR, FL, GA, MO, KS, OK, CO, MS, ND, and SD. (Hearing site: Pittsburgh, PA or Kansas City, MO.)

NOTE.—Applicant holds motor contract carrier authority in MC 138398 and sub numbers thereunder, therefore, dual operations may be involved. Common control may also be involved.

No. MC 135352 (Sub-No. 12F), filed March 20, 1978. Applicant: LITTLE DUTCH LINES, INC., 1111 North Prairie, 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, transporting: *Meat, meat products, meat byproducts* and articles distributed by meat packinghouses, as described in Appendix I, Sections A and C to report 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, MD, SD, FL, and WI, under continuing contract or contracts with Rawhide Ranch Bavarian Meats Corp. (Hearing site: Chicago, IL, Kansas City, MO, or Omaha, NE.)

No. MC 136318 (Sub-No. 51F), filed March 23, 1978. Applicant: COYOTE TRUCK LINE, INC., 5367 West 86th Street, Indianapolis, IN 46268. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, Shelby, Statesville and Troutman, NC, to points in ID, MT, UT, and WY. Restrictions: (1) Traffic to originate at the facilities of Bernhardt Furniture Co. (2) Restricted to a transportation of commodities under a continuing contract or contracts with Bernhardt Furniture Co. (Hearing site: Denver, CO.)

No. MC 136464 (Sub-No. 36F), filed March 20, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, and materials and supplies* used in the manufacture and sale thereof, from High Point and Kernersville, NC to points in CA under a continuing contract or contracts with Adams-Millis Corp. (Hearing site: Charlotte, NC.)

NOTE.—Applicant holds motor common carrier authority in No. MC 138635 (Sub-No. 16) and other subs, therefore dual operations may be involved.

No. MC 136786 (Sub-No. 135F), filed March 24, 1978. Applicant: ROBCO

TRANSPORTATION, INC., 433 Park Avenue, Des Moines, IA 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, MN 55344. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and carpet padding*, from Shelbyville, TN, to points in CO, IL, IN, IA, KS, MN, MO, NE, ND, OK, SD, and WI. (Hearing site: Minneapolis, MN.)

No. MC 136919 (Sub-No. 3F), filed March 14, 1978. Applicant: B. A. MILLER & SONS TRUCKING, INC., State Route 109, Liberty Center, OH 43532. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and foodstuffs, and equipment, materials and supplies* used in the production of food products (except commodities in bulk, in tank vehicles), between Napoleon, OH on the one hand, and, on the other, Camden, NJ and points in KY, PA, NY, and WV; under a continuing contract or contracts with Campbell Soup Co. of Camden, NJ. (Hearing site: Columbus, OH.)

No. MC 138018 (Sub-No. 41F), filed March 20, 1978. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Applicants representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and related products* (except in bulk), from points in WA, to points in AZ, CA, CO, KS, MN, MT, NE, NV, ND, OK, SD, TX, UT. (Hearing site: Seattle, WA.)

NOTE.—Common control may be involved.

No. MC 138018 (Sub-No. 42F), filed March 20, 1978. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Applicants representative: Joseph W. Harvey, P.O. Box 1018, Denver, CO 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, as described in section A of the report in Descriptions In Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from ports of entry in the State of WA located on the International Boundary Line between the United States and Canada to points in CA, OR and WA. Restriction: Restricted to traffic originating in British Columbia, Canada. (Hearing site: Seattle, WA.)

NOTE.—Common control may be involved.

No. MC 138157 (Sub-No. 63F), filed March 20, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, in packages*, from Bradford, Rouseville, Reno, Karns City and Petrolia, PA to points in AL, GA, KY and TN. (Hearing site: Pittsburgh, PA; Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore, dual operations may be involved. Common control may also in involved.

No. MC 138253 (Sub-No. 8) (correction), filed January 26, 1978, published in the FEDERAL REGISTER issue of March 9, 1978 and partially republished in the FEDERAL REGISTER issue of April 20, 1978 and republished this issue. Applicant: MONFORT TRANSPORTATION CO., a corporation, P.O. Box G, Greeley, CO 80631. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contrqct 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, and *such other commodities as are usually dealt in, or used by restaurants and restaurant supply houses*. From ports of entry located in AL, AZ, CA, DE, FL, GA, LA, MD, MA, MS, NJ, NM, NY, NC, OR, PA, SC, TX, VA, and WA, to points in the United States (except AK and HI). Restrictions: (1) Restricted to shipments moving in foreign commerce, (2) Restricted to shipments moving under a continuing contract or contracts with Monfort of Colorado, Inc. (Hearing site: Denver, CO.)

NOTE.—The purpose of this republication is to show the State of Washington as a destination point and not Washington, DC as incorrectly published the FEDERAL REGISTER.

Docket No. MC 138328 (Sub-No. 61F), filed March 13, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Hwy 50, P.O. Box 37308, Omaha, NE 68137. Applicant's representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, knocked down or in sections, and *materials, equipment and supplies* used in the installation and sale of metal buildings; *steel studs; tracks and channels; metal roof trim and guttering;* and *lathing*, from the facilities of The Ceco Corp. located at or near Broadview, IL, to points in CO, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, PA, SD, WI and WY, restricted against traffic destined to facilities used by Edward Hines Lumber Co., of Chicago, IL. (Hearing site: Chicago, IL or Omaha, NE.

No. MC 139206 (Sub-No. 23F), filed March 20, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk); and (2) *materials, equipment* and *supplies* used in the manufacture, sale, processing, production, blending, packaging and transportation of the commodities in (1) above (except commodities in bulk), between Midwest City and Shattuck, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corporation. (Hearing Site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and that the purpose of this application is to allow the shipper to replace its private carriage with the contract carrier services of applicant. Applicant further states that it already holds authority to thirteen (13) other points, on the one hand, and, on the other, points in the United States (except AK and HI). (2) Applicant further states that common control and dual operations may be involved. Dual operations and common control were approved in Docket No. MC-F-12514.

No. MC 139206 (Sub-No. 25-F), filed March 22, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Spreaders, balers, oilers, grain dryers, shredders, applicators, choppers, farm equipment, machinery, materials*, and *supplies, feed lot cleaners*, and *parts*, and *accessories* therefor; and (2) *materials, equipment*, and *supplies* used in the manufacture, production, assembly, sale, distribution, finishing, repair and transportation of the commodities in (1) above (except in bulk), between Vinton, IA and Baxter Springs, KS, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a

continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and that the purpose of this application is to allow the shipper to replace its private carriage with the contract carrier services of applicant. Applicant further states that it already holds authority to perform similar service for this shipper between thirteen (13) other points, on the one hand, and, on the other points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Dual operations and common control have been approved in MC-F-12514.

No. MC 139482 (Sub-No. 35F) (correction), filed February 13, 1978 published in the FEDERAL REGISTER issue of March 30, 1978 and republished this issue. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, MN 56073. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, IA, to points in CT, DE, DC, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and WI, and (2) *returned, rejected and refused foodstuffs* (except commodities in bulk), from points in the destination States named above to the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, IA. (Hearing site: Chicago, IL.

NOTE.—The purpose of this republication is to amend applicants destination points.

No. MC 139495 (Sub-No. 335F), filed March 22, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpeting, hard surface floor covering, wallboard, wall panels, floor screens, ceiling panels, insulation material and materials accessories, and supplies* used in the installation of the foregoing commodities, from Lancaster County and Beaver Falls, PA to points in AL, AR, KS, LA, MS, MO, OK, TN, and TX. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 338F), filed March 24, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Textiles, rugs, carpets, carpeting and materials and supplies used in the installation thereof,* from the facilities of Armstrong Cork Co. at or near Dalton, and Ringgold, GA and Winchester, TN to AZ, CA, CO, ID, MT, NM, NV, OK, OR, TN, UT, WA, and WY. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 339F), filed March 20, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, cosmetics, shampoo, and washing compounds* (except in bulk, in tank vehicles), from Cockeysville and Essex, MD, to AL, FL, GA, NC, SC, and TX. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 344F), filed March 24, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Doughnut mix, flour, sugar, shortening, yeast fruit filling, juices and materials and supplies* used in the operation of a doughnut shop, in vehicles equipped with mechanical refrigeration, from the facilities of Winchell Donut House at La Mirada, CA, to Arlington, TX; Blooming, MN; Itasca, IL; Denver, CO; Kansas City, MO; and Portland, Or. (Hearing site: Washington, DC.)

No. MC 139850 (Sub-No. 16F), filed March 28, 1978. Applicant: FOUR STAR TRANSPORTATION, INC., P.O. Box 66, Underwood, IA 51576. Applicant's representative: Leonard D. Wilkins (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co., located at or near Grand Island and Omaha, NE; Des Moines, Glenwood, Marshalltown, and Sioux City, IA; to points in AL, FL, GA, NC, SC, TN. Hearing: May 11, 1978 (2 days) at 9:30 a.m., local time, in room 616, Union Pacific Bldg., 110 North 14th St. and Dodge, Omaha, NE.

No. MC 139973 (Sub-No. 40F), filed March 13, 1978. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. 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: *Iron and steel articles* (except commodities the transportation of which because of size or weight requires the use of special equipment), (1) from the facilities of Keystone Consolidated Industries, Inc. at or near Peoria, IL, to Greenville, MS, and (2) from the facilities of Keystone Consolidated Industries, Inc., at or near Greenville, MS, to points in AR, TN, TX, LA, and OK. (Hearing site: Kansas City, MO, or Chicago, IL.)

NOTE.—Applicant holds contract carrier authority in MC 138375 and other subs therefore dual operations may be involved.

No. MC 140530 (Sub-No. 2F), filed March 24, 1978. Applicant: FREEWAY TRANSPORT, INC., 635 Southeast 11th Avenue, Portland, OR 97214. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: *Canned goods,* in vehicles equipped with mechanical refrigeration, from points in OR to points in AZ, CA, and NV; under contract with North Pacific Canners & Packers, Inc. (Hearing site: Portland, OR.)

NOTE.—Applicant holds common carrier authority in MC 134498 and subs thereunder, therefore dual operations may be involved.

No. MC 141167 (Sub-No. 3F), filed March 20, 1978. Applicant: LANGDON TRANSPORTATION, INC., 14625 Carmenita, Norwalk, CA 90650. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Molded plastic parts and hardware* used in the manufacture of seat belts, and *seat belt parts,* from Los Angeles and Fresno, CA, to the facilities of American Safety Equipment Corp., located at or near Palmyra, MO; (2) *molded plastic parts, hardware and webbing* used in the manufacture of seat belts, and *seat belt parts,* from Hindsdale and Rockford, IL, Grand Rapids, Sterling Heights, Midland, Romulus, Madison Heights, and Millington, MI, and Greenville, SC, to the facilities of American Safety Equipment Corp., located at Pacoima and Fresno, CA, and Palmyra, MO; (3) *coil steel,* in vehicles equipped with mechanical refrigeration, from Indianapolis, IN and Lousiville, OH, to the facilities of American Safety Equipment

Corp., located at Pacoima, CA; and (4) return shipments of the commodities named in (1) to (3) above, to their respective origin points, under a continuing contract or contracts, in (1) to (4) above, with American Safety Equipment Corp., of Encino, CA. (Hearing site: Los Angeles, CA.)

No. MC 141599 (Sub-No. 5F), filed March 17, 1978. Applicant: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., 241 Schoolhouse Road, Coquitlan, BC, Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes in the transportation of *talc*, from Three Forks, MT, to ports of entry on the international boundary line between the U.S. and Canada, located at or near Eastport or Porthill, ID, restricted to traffic moving in foreign commerce, for further movements to the province of BC, Canada. (Hearing site: Seattle, WA.)

No. MC 141804 (Sub-No. 104F), filed March 13, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and display materials* from Secaucus, NJ, to New Orleans, LA, Houston, Dallas and Arlington, TX, and Los Angles and San Francisco, CA. Restricted to traffic originating at the facilities of Petrie Stores Corp. and destined to the named destination points. (Hearing site: New York, NY, or Nashville, TN.)

NOTE.—Common control may be involved.

No. MC 142672 (Sub-No. 13F), filed March 20, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrson, attorney at law, 324 North Second, Rogers AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and children's vehicles*, from Columbus, OH, Girard, PA and Wheeling, VW. to points in AR, FL, GA, LA, MS, OK, and TX. (Hearing site: is Stanford, CT, or Little Rock , AR

NOTE.—Applicant holds common carrier authority in MC 142065 and subs thereunder, therefore dual operations may be involved.

No. MC 142672 (Sub-No. 14F), filed March 20, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrison, attorney at law, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except in bulk)*, in vehicles equipped with mechanical refrigeration, from Suffolk, VA, to Buena Park and Modesto, CA; and Portland, OR. (Hearing site: New York, NY, or Little Rock, AR.)

NOTE.—Applicant holds common carrier authority in MC 141065 and subs thereunder, therefore dual operations may be involved.

No. MC 142948 (Sub-No. 8F), filed March 20, 1978. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, TN 37211. Applicant's representative: Edward C. Blank, II, Middle Tennessee Bank Building, P.O. Box 1004, Columbia, TN 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rovings, glass fiber, fabric woven, glass fiber cloth, synthetic fiber*, from Irwindale and Huntington Beach, CA, to points in AR, CO, FL, IL, IN, KS, LA, MN, NY, PA, TN, TX, VA, WA, OR, MO, and ID. (Hearing site: Nashville, TN, or Irwindale, CA.)

NOTE.—Dual operations may be involved.

No. MC 142955 (Sub-No. 1F), filed March 20, 1978. Applicant: J & G SWARTZ, INC., 3755 Fenwick Drive, Spring Valley, CA 92077. Applicant's representative: Patricia M. Schnegg, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Metal slides*, from Jamestown, NY, to points in California. (Hearing site: Spring Valley, CA.)

No. MC 143053 (Sub-No. 1F), filed March 20, 1978. Applicant: B & B TRANSPORT, INC., P.O. Box 580, Sultant, WA 98294. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Procelain-steel enamelware, vitreous china earthenware, toilet seats, garbage disposals, plastic lavatories and tubs, glass lined water heaters, shower doors, metal bifold doors, and plastic tubing*, from Atlanta and Conyers, GA, Aurora, IL, Lapeer, MI, Perrysville, OH, Somerset, PA, Union City, TN, and Racine and Sheboygan Falls, WI, to the facilities of Son Sales, Ltd., at Portland, OR, and the facilities of Pacific Western Pipe & Supply at Tigard, Portland and Eugene, OR, and to ports of entry on the U.S.-Canadian border at or near Oroville, WA, Sweetgrass, MT, and Eastport, ID, under a continuing contract or contracts with Son Sales, Ltd., of Portland, OR. (Hearing site: Portland, OR, or Seattle, WA.)

No. MC 143246 (Sub-No. 2F), filed March 17, 1978. Applicant: LAND TRANSPORT CORP., 24 Sabrina Road, Wellesley, MA 02181. Applicant's representative: James E. Mahoney, 84 State Street, Boston, MA 02109. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *such commodities as are sold in drug, chain, discount and department stores* (except commodities in bulk, in tank vehicles), between the distribution centers and warehouses of American Warehousing Corp., located in MA, on the one hand, and, on the other, points in ME, NH, VT, RI, CN, MA, NY, NJ, PA, IL MD, NC, SC, OH, IN, VA, and DE, under a continuing contract with American Warehousing Corp., Boston, MA. (Hearing site: Boston, MA or Providence, RI.)

No. MC 143696 (Sub-No. 1F), filed March 20, 1978. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1193, Henderson, TX 75652. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Power equipment* and *parts* thereof, between points in TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract with C. Jim Stewart and Stevenson, Inc. (Hearing site: Dallas, TX.)

No. MC 143761 (Sub-No. 2F), filed March 24, 1978. Applicant: JOHN W. SMOOT, Post Office Box 445, Mt. Jackson, VA 22842. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials and supplies* used in the manufacture and distribution thereof, between Winchester, VA on the one hand, and, on the other, points in LA and TX, under a continuing contract or contracts with Rubbermaid Commercial Products, Inc. (Hearing site: Washington DC.)

NOTE.—Applicant holds motor common carrier authority in No. MC 134875 and Subs thereunder. Therefore, dual operations may be involved.

No. MC 143924 (Sub-No. 2F), filed March 20, 1978. Applicant: GENE C. FUGATE, dba Fugate Trucking, 1080 Old River Side Drive, Danville, VA 24541. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, corrugated cartons and*

bottle carriers, from the facilities of Brockway Glass Co., Inc., Pittsylvania County, VA to the facilities of Miller Brewing Co., Rockingham County, NC. (Hearing site: Roanoke, VA or Washington DC.)

No. MC 144023 (Sub-No. 1F), filed March 13, 1978. Applicant: TAYLOR TRANSPORT, INC., Route 9, Poplen Road, Monroe, NC 28110. Applicant's Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *contrat carrier,* by motor vehicle, over irregular routes, transporting: *copper, brass, items made totally or partially of copper and brass, and scrap,* between the facilities of Mueller Brass Co., located at or near Fulton, MS, on the one hand, and, on the other, points in the United States (except AK, HI, point in OH, Memphis, TN, Louisville, KY, Melrose Park, IL, and points in their respective commercial zones). Under continuing contract or contracts with Mueller Brass Co. (Hearing site: Washington DC.)

No. MC 144041 (Sub-No. 10F), filed March 17, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 39301. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers, container accessories and sprayer,* from Homerville, GA, to points in the U.S. (except AK, and HI) (2) *Materials, equipment and supplies* (except commodities in bulk), from points in the U.S. (except AK and HI), to Homerville, GA. (Hearing site: Atlanta GA.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 140883 (Sub-No. 2), therefore dual operations may be involved.

No. MC 144068F, filed March 13, 1978. Applicant: E. W. FEDDERLY, 4999 Perimeter Street, Seattle, WA 98174. Applicant's representative: William Davidson 2455 E. 27th Street, Vernon, CA 90058. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sash, doors, window and wall sections, and related parts, fittings and hardware,* from the facilities of Fentron Industries, Inc. at Seattle, WA and Woodinville, WA, on the one hand on the other, points and places in the States of NV, OR, CO, UT, WY, ID, AZ, CA, NM, and MT; and (2) *the return movement of raw aluminum, aluminum extrusion, steel, paint, glass and chemicals,* from VE, OR, CO, UT, WY, ID, AZ, CA, NM, and MT, on the one hand the facilities of Fentron Industries, Inc. at Seattle, WA and Woodinville, WA, under continuing contract or contracts with Fenton Industries Inc. (Hearing site: Seattle, WA or San Francisco, or Los Angeles, CA.)

No. MC 144112 (Sub-No. 2F), filed March 17, 1978. Applicant: PHILP, INC., 10550 Canyon Road, Omaha, NE 68112. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City IA 51104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Iowa Beef Processores, Inc., located at or near Dension, IA, Ft. Dodge, IA, Luverne, MN, Dakota City, NE, West Point, NE, to: Points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. Restriction: Restricted to the transportation of shipments originating at the named facilities at or near the named origins and destined to the named destination states, except when moving in foreign commerce. (Hearing site: Omaha, NE.)

No. MC 144117 (Sub-No. 5F), filed March 20, 1978. Applicant: TLC LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper, paper products, plastic bags, plastic liners, plastic film, and foil,* from the facilities of the St. Regis Paper Co. at Troy, OH and Louisville, KY to points in TX, CA, OR, WA, WY, MT, CO, NM, AZ, UT, ID, and NV. Restriction: Restricted to traffic originating at above named origins and destined to the above named destinations. (Hearing site: Chicago, IL or St. Louis, MO.)

No. MC 144165 (Sub-No. 1F), filed March 13, 1978. Applicant: ALAGA WHITFIELD LINES, INC., 1101 North Court Street, Montgomery, AL 36104. Applicant's representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pickles, olives, table syrups, cherries, peppers, onions, sauerkraut, fruit drinks, vegetable drinks, and similar food items and food products* (except in bulk, in tank vehicles), from the facilities of Alaga Whitfield Foods, Inc., at or near Montgomery, AL to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI; and (2) *Material, equipment, and supplies* used in the manufacture of (1), above (except in bulk, in tank vehicles), from points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, to the facilities of Alaga Whitfield Foods, Inc., at or near Montgomery, AL, in (1) and (2) above under a continuint contract or contracts with Alaga Whitfield Foods, Inc. of Montgomery, AL. (Hearing site: Montgomery or Birmingham, AL.)

No. MC 144174 (Sub-No. 1F), filed March 6, 1978. Applicant: K T LINES, INC., 125 South Main, Buhler, KS 67522. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contractor carrier,* by motor vehicle, over irregular routes, transporting: (1)(a) *Flour, baking mix, corn meal and wheat milling by-products,* (except in bulk), from the facilities of Buhler Mills, Inc., at Buhler and Inman, KS; and Memphis and Nashville, TN, to points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MS, MO, NE, NJ, NC, NY, OK, PA, TN, TX, VA, and WV, under a continuing contract or contracts with Buhler Mills, Inc.; (b) *materials and supplies* used in the production of (1) above (except in bulk), from points in AL, AR, GA, IL, IA, KS, KY, MS, MO, MI, NE, OH, and TN to the facilities of Buhler Mills, Inc., at Buhler and Inman, KS, and Memphis and Nashville, TN, under a continuing contract or contracts with Buhler Mills, Inc. (2) *Materials and supplies used in the manufacture of textile bags* (except in bulk), from points in SC, GA, AL, TN, LA, and TX to the facilities of Hutchinson Bag Corp at Hutchinson, KS, under a continuing contract or contracts with Hutchinson Bag Corp. (3) *Calcium carbonate* (except in bulk), from Sylacauga, AL, to points in IA, IL, KS, NE, OK, and points in TX on and north of Interstate Hwy 10 and on and east of U.S. Hwy 281, under a continuing contract or contracts with J. P. Bailey, Inc. (4) *Crushed decorative stone* (except in bulk), from Sylacauga, AL; and Tate, Whitestone, and Rockmart, GA, to points in AR, IA, KS, MO, NE, and OK, under a continuing contract or contracts with Crown Stone Co. (5)(a) *Empty cans and canning materials and supplies,* from Elwood, IN; Cincinnati, OH; and Atlanta, GA, to the facilities of Southern Style Foods, Inc., at Nashville, TN, under a continuing contract or contracts with Southern Style Foods, Inc., of Nashville, TN; (b) *canned foodstuffs,* from the facilities of Southern Style Foods, Inc., at Nashville TN, to Washington, DC; Clarksburg, VA; Lexington and Louisville, KY; and Sikeston, MO, under a continuing contract or contracts with Southern Style

Foods, Inc., of Nashville, TN. (Hearing site: Kansas City, MO.)

NOTE.—The purpose of this portion of the application is to allow K T Lines, Inc., the wholly-owned subsidiary of Buhler Mills, Inc., to replace the present private carriage operated by Buhler Mills, Inc.

No. MC 144212 (Sub-No. 2F), filed March 20, 1978. Applicant: SLACK TRANSPORT LTD., a corporation, Box 579, Caledonia, Ontario, Canada N0A 1A0. Applicant's representative: William J. Hirsh, Suite 1125, 43 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum Products and roofing materials*, from ports of entry on the International Boundary line between the United States and Canada at Detroit and Port Huron, MI, and points in NY, to points in IL, IN, MI, NY, OH, and PA, and (2) *Returned shipments, pallets, and materials, and supplies* used in the manufacture of gypsum products and roofing materials, from points in LI, IN, MI, NY, OH, and PA, to ports of entry on the International Boundary line between the United States and Canada at Detroit and Port Huron, MI, and points in NY. Under a continuing contract or contracts with Domtar Construction Materials Group of Domtar Inc., of Montreal, Quebec, Canada. (Hearing site: Buffalo, NY.)

NOTE.—All traffic either originates at or is destined to Brantford or Caledonia, Ontario, Canada.

No. MC 144213 (Sub-No. 2F), filed March 20, 1978. Applicant: CHANDLER & CLARK, INC., Knobs Road, Union, WV 24983. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and ground limestone, in bulk, in dump vehicles*, from points in Greenbrier County, WV, to points in Allegheny, Bath, Craig, Giles and Highland Counties, VA, under a continuing contract or contracts with Acme Limestone Co., located at Fort Spring, WV. (Hearing site: Charleston, WV or Roanoke, VA.)

No. MC 144244 (Sub-No. 2F), filed March 17, 1978. Applicant: CRESTON TRANSPORTATION, INC., East Highway 34, Creston, IA 50801. Applicant's representative: Frank W. Davis, Jr., 2600 Ruan Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Omaha, NE; Milwaukee, WI; and Peoria, IL; to Creston, IA, under a continuing contract with Southwest Distributing Co., Inc., Creston, IA. (Hearing site: Des Moines, IA.)

No. MC 144265 (Sub-No. 1F), filed March 6, 1978. Applicant: AID, INC., P.O. Box 53154, Baton Rouge, LA 70805. Applicant's representative: Lynn Lyons (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *General commodities* (except commodities moving in bulk or tank trucks), between points in the following LA Parishes: Lafayette, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, WA, St. Tammany, Livingston, East Baton Rouge, West Baton Rouge, Iberville, St. Martin, Iberia, Ascension, St. James, St. John the Baptist, St. Charles, Assumption, Lafourche, Terrebonne and St. Mary; and points in TX, AR and MS. (Hearing site: New Orleans, LA, or Baton Rouge, LA.)

No. MC 144343F, filed February 21, 1978. Applicant: FLORIDA CAR TRANSPORT, INC., 5800 Corporate Way, West Palm Beach, FL 33407. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* and *personal effects* of owner when moving at same time in secondary movements in truckaway service, between points in Dade, Broward, Palm Beach, Pinellas and Sarasota Counties, FL, on the one hand, and, on the other, points in NY, NJ, CT, MA, RI, PA, IL, and MO. (Hearing site: Miami, FL or New York, N.Y.

No. MC 144400F, filed March 6, 1978. Applicant: BI-RITE AUTO TRANSPORT, INC., 1902 West Grand Avenue, Porterville, CA 93257. Applicant's representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements between points in AZ, CA, CO, ID, NV and UT. (Hearing site: Los Angeles or San Francisco, CA.)

No. MC 144417 (Sub-No. 1F), filed March 13, 1978. TK&H TRUCKING, INC., Rural Route 1, Firth, NE 68358. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849 Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from the facilities of Cargill, Inc., at or near Sioux City, IA, and Farmland Industries, Inc., at or near Sergeant Bluff, IA, to Firth, NE, under a continuing contract or contracts with Firth Cooperative of Firth, NE. (Hearing Site: Lincoln or Omaha, NE.

No. MC 144429F, filed March 13, 1978. Applicant: TODD TRUCKING, INC., Pine Street, New Eagle, PA 15067. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household and industrial cleaning compounds, moth preventatives and liquid chemicals*, from the plantsite of Allied Block Chemical Co., at New Eagle, PA, to points in NY, RI, CT, MA, VT, NH, ME, NJ, DE, MD, WV, DC, VA, KY, IN, IL, OH, and MI; and (2) *materials* used in the manufacture of the commodities specified in (1) hereof on return; under continuing contract or contracts with Allied Block Chemical Co., of New Eagle, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

No. MC 144435F, filed March 13, 1978. Applicant: J & L REFRIGERATED SERVICE, INC., 312 Willow Way, Lee's Summit, MO 64063. Applicant's representative: Clyde N. Christey, Kansas Credit Union Building, Suite 110 L, 1010 Tyler, Topeka, KS 66612. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in sections A and C of Appendix I to the Report and Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides, skins and pieces therefrom and commodities in bulk), from Kansas City, KS, to points in MO, on and north of U.S. Interstate Hwy No. 44; on and west of MO Hwy No. 19, and on and south of U.S. Hwy No. 36. (Hearing site: Kansas City, MO.)

No. MC 144446 (Sub-No. 1F), filed March 17, 1978. Applicant: PRODUCER'S SERVICE, INC., 68 East Church Street, Xenia, OH 45385. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from the facilities of Tech II, Inc. and Encon, Inc. located in German Township, Clark County, OH to points in the United States (except AK and HI); and (2) *equipment, materials and supplies* used in the manufacture of plastic products, from points in the United States (except AK and HI) to the facilities of the above-named shippers, under a continuing contract, or contracts, with Tech II, Inc. and Encon, Inc., of German Township, Clark County, OH. (Hearing site: Columbus, OH.)

No. MC 144451 (Sub-No. 1F), filed March 16. 1978. Applicant: HIGGINS HAULING, INC., Route 5, Box 289, Hillsboro, OH 45133. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as

a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Construction materials, equipment, and supplies* (except commodities in bulk), between Dodson Township, Highland County, OH, on the one hand, and, on the other, AL, AR, GA, IL, IN, IA, KS, KY, MI, MS, MO, NY, NC, OK, PA, SC, TN, WV, and WI. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Higgins Construction and Supply Co., of Hillsboro, OH. (Hearing site: Columbus, OH, or Washington, DC.)

No. MC 144461F, filed March 16, 1978. Applicant: BILLY M. EDMONDSON d.b.a. EDMONDSON SWIFT MEAT TRANSPORT, Route 1, Georgetown, GA 31754. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* as described in the *Descriptions* case, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plant site and shipping facilities of Swift Fresh Meats Co. at or near Guymon, OK, to points in AL, GA, NC and SC, under a continuing contract with Swift Fresh Meats Co., a division of Swift & Co. (Hearing site: Washington, DC or Atlanta, GA.)

No. MC 144462F, filed March 16, 1978. Applicant: CROSBY VENTURES, INC., d.b.a. SEAFOOD DISTRIBUTORS AND SUPPLY, P.O. Box 5813, Tampa, FL 33605. Applicant's representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by seafood processors (except commodities in bulk), between the facilities of Singleton Packing Corp., at Tampa, FL, on the one hand, and, on the other hand, points in the United States (except AK and HI), DC, and for furtherance into the Provinces of ON, MB, and BC, Canada, under contract or contracts with Singleton Packing Corp. (Hearing site: Tampa, FL or Washington, DC.)

No. MC 144463F, filed March 15, 1978. Applicant: PIERSON TRUCKING CO., 7355 Southeast Johnson Creek Boulevard, P.O. Box 22141, Milwaukie, OR 97222. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contractor carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and wood products,* from points in OR and WA to points in CA, under a continuing contract or contracts with Western International Forest Products. (Hearing site: Portland, OR.)

No. MC 144465F, filed March 14, 1978. Applicant: L. P. TRANSPORT, Ltd., 120 River Avenue, Holland, MI 49423. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a *contractor carrier,* by motor vehicle, over irregular routes, transporting of: *Scrap iron, scrap nonferrous metals, scrap paper, scrap plastics and scrap rag cuttings,* all for recycling, between points in MI, on the one hand, and, on the other, points in OH, IL, IN, WI, IA, PA and MO, under contract with Louis Padnos Iron and Metal Co. (Hearing site: Lansing, MI or Detriot, MI.)

No. MC 144466F, filed March 14, 1978. Applicant: ROBERT B. SCHUNEMAN TRUCKING, INC., 11920 North Milford Road, Holly, MI 48442. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a *contractor carrier,* by motor vehicle, over irregular routes, transporting: *Pianos, organs, musical instruments and parts and accessories* thereof, between Chicago, IL; French Lick, IN; West Baden, IN; Memphis, TN; Altanta, GA; Marion, NC; Rochester, NY; Port Jersey, NJ; and South Haven, MI, on the one hand, and, on the other, the stores and facilities of Grinnell Brothers, Inc. located at points in the Lower Peninsula of MI; South Bend, IN; and Toledo and Lima, OH, under contract with Grinnell Brothers, Inc. (Hearing site: Chicago, IL or Detroit or Lansing, MI.)

No. MC 144480 (Sub-No. 1F), filed March 20, 1978. Applicant: UNITED SUPPLIERS, INC., Airport Road, P.O. Box 538, Eldora, IA 50627. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Monies, IA 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Livestock confinement systems and buildings, and material, equipment, and supplies* used in the manufacture, construction, operation, and distribution of livestock confinement systems and buildings (except commodities in bulk); (1) between Eldora, IA, on the one hand, and, on the other, points in CO, IL, IN, KS, KY, MI, MN, MT, MO, NE, ND, OH, PA, SD, WI, and WY; and (2) between points in IA, CO, IL, IN, KS, KY, MI, MN, MT, MO, NE, ND, OH, PA, SD, WI, and WY. Restriction: Restricted in part (2) above to shipments moving in mixed loads with shipments originating at or destined to Eldora, IA, and further restricted in parts (1) and (2) above to transportation performed under continuing contract or contracts with Confinement Livestock Systems, Inc., of Eldora, IA. (Hearing site: St. Paul, MN.)

No. MC 144486 (Sub-No. 1F), filed March 20, 1978. Applicant: MAS-MOR CORP., Route 1, Box 45, Higbee, MO 65257. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, MO 65101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal and coal products,* from points in Randolph County, MO, to all points in IL and IA. (Hearing site: Jefferson City, MO; Kansas City, MO.)

No. MC 144492F, filed March 20, 1978. Applicant: THOMAS T. WHITE, 2525 Railroad Street, Pittsburgh, PA 15222. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. 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, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of White Terminal Co., located in Pittsburgh, PA, to points in that part of PA on and south of U.S. Hwy 322, and on and west of U.S. Hwy 220; points in WV on and north of U.S. Hwy 50; and points in OH on and south of U.S. Hwy 80, and on and east of U.S. Hwy 21; under continuing contract or contracts with White Terminal Co. of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

No. MC 144493F, filed March 20, 1978. Applicant: DOYLE EDDINS POPE, d.b.a., D&E HAULING CO., Route 2, Box 146, Quincy, FL 32351. Applicant's representative: Doyle Eddins Pope (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Clay,* in bulk, in dump vehicles, between points in Gadsden County, FL, and points in Grady County, GA, in nonradial movements, under a continuing contract or contracts with Floridin Co. of Quincy, FL. (Hearing site: Quincy, FL.)

No. MC 144494F, filed March 20, 1978. Applicant: NEWPORT OIL CORP., 128 Long Wharf, Newport, RI 02840. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *gasoline and diesel fuel* in bulk, from East Providence and Tiverton, RI, to points in Newport and Bristol Counties, RI, and Bristol County, MA, under a continuing contract or contracts with Concord

Oil of Newport, Inc. (Hearing site: Providence, RI, or Boston, MA.)

No. MC 144516F, filed March 20, 1978. Applicant: 4-S CO., a corporation, Pennsylvania Route No. 255, Penfield, PA 15849. Applicant's representative: Gregory B. Fraser, Bankers Trust Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *coal*, in bulk, in dump vehicles, from Armstrong, Clearfield, Indiana, and Jefferson Counties, PA, to OH and NY, restricted to transportation originating at the mines and other facilities of Glen Irvan Corp. under a continuing contract or contracts with Glen Irvan Corp. (Hearing site: Pittsburgh, PA.)

No. MC 144527F filed, March 20, 1978. Applicant: BULS EYE TRANSPORT, INC., Suite 2424, 33 North Dearborn Street, Chicago, IL 60602. Applicant's representative: Patrick H. Smyth, Suite 521, 19 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in appendix I of the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, section D, and hides), from the facilities of Swift & Co. at Bradley, Chicago, Rochelle, and St. Charles, IL, to CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, under a continuing contract, or contracts, with Swift & Co. of Chicago, IL. (Hearing site: Chicago, IL.)

No. MC 144529F, filed March 20, 1978. Applicant: BUFFALO FUEL CO., INC., S-3030 Baker Road, Orchard Park, NY 14127. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Coke*, from Erie County, NY, to points in CT, MA, MI, NJ, NY, OH, PA, RI, VT, VW, and returned shipments in the reverse direction; (2) *scrap metal*, between all points in CT, MA, MI, NJ, NY, OH, PA, RI, VT, VW. (Hearing site: Buffalo, NY.)

NOTE.—Common control may be involved.

PASSENGERS

No. MC 30318 (Sub-No. 5F), filed March 21, 1978. Applicant: YANKEE TRAILS, INC., Rural Delivery No. 2, Third Avenue Extension, Rensselaer, NY 12144. Applicant's representative: Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, DC 20015. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle in: (a) special operations consisting of round-trip all expense sightseeing or pleasure tours sold on an individual fare basis, and (b) charter and special operations, from points in Albany and Rensselaer Counties, NY, and Bennington, VT, to points in the United States (except AK and HI) and return. (Hearing site: Albany, NY.

No. MC 61802 (Sub-No. 17F), filed March 20, 1978. Applicant: THE COLONIAL TRANSIT CO. INC., P.O. Box 508 Fredericksburg, VA 22401. Applicant's representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority being sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between Safari Campground, Route 1, Stafford County, VA; Prince William Travel Trailer Park, Prince William County, VA; and Pohick Bay Regional Park, Fairfax County, VA, and DC in nonradial movements. (Hearing site: Fredericksburg, VA, or Washington, DC.)

No. MC 78296 (Sub.-No. 2F), filed March 14, 1978. Applicant: MID-AMERICA COACH LINES, INC., 2513 E. Higgins Road, Elk Grove Village, IL 60007. Applicant's representative: Bruce E. Mitchell, Serby & Mitchell, P. C., Suite 375 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, to transport: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from Chicago, IL, and points in IL, WI, IN, and MI within 100 miles of Chicago, to points in NM, AZ, CA, UT, NV, ID, OR, WA, and MT, and return. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 94742 (Sub.-No. 39F), filed March 13, 1978. Applicant: MICHAUD BUS LINES, INC., 63 Jefferson Avenue, Salem, MA 01970. Applicant's representative: Robert G. Parks, 20 Walnut Street, First Floor, Wellesley Hills, MA 02181. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: (1) *Passengers, and their baggage*, in special and charter operations, and (2) *passenger automobiles*, in secondary movements in truckaway service, between Boston, MA and points within its commercial zone; Hartford, CT and points within its commercial zone and Stamford, CT on the one hand, and, on the other, Jacksonville, FL; Daytona Beach, FL, and points within its commercial zone, and Cocoa, FL and points within its commercial zone. Restrictions: The above authority is restricted to the transportation of passengers having immediately prior movement in a passenger automobile tendered to carrier for transportation on a separate automobile-carrying vehicle and to the transportation of the passenger automobiles tendered to carrier by such passengers, as part of a unit movement. Operations are to be restricted to the period of May through October of each year. (Hearing site: Boston, MA.)

NOTE.—Common control may be involved.

No. MC 101134 (Sub.-No. 8F), filed March 14, 1978. Applicant: ARO COACHES, INC., 107 South Wood Avenue, Linden, NJ 07036. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in round-trip charter operations, beginning and ending at New York, NY (all boroughs), and points in Union, Essex, and Morris Counties, NJ, and extending to points in the United States, including Alaska but excluding Hawaii. (Hearing site: New York, NY.)

NOTE.—Common control may be involved.

No. MC 104656 (Sub-No. 14F), filed March 27, 1978. Applicant: MANDRELL MOTOR COACH, INC., 312—5th Avenue, Denton, MD 21629. Applicant's representative: Chester A. Zyblut, 366 Excecutive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Caroline, Talbot, Queen Annes, Kent, and Dorchester Counties, MD; Georgetown, DE, and points in that part of DE located on and west of a line beginning at a point on the MD-DE State line and extending northerly along U.S. Hwy 13 to junction DE Hwy 6, then westerly along DE Hwy 6, to the MD-DE State line, and extending to points in the United States (including Alaska but excluding Hawaii). (Hearing site: Easton, or Cambridge, MD.)

No. MC 142692 (Sub-No. 4F), filed March 13, 1978. Applicant: OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY, a public transit operator, P.O. Box 311, Wheeling, WV 26003. Applicant's representative: Terry A. LaBar, P.O. Box 311, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Passengers and their baggage*, and express in the same vehicle with passengers, between Wheeling, WV, and Avella, PA, serving all intermediate points: from Wheeling over WV Hwy 88 to junction WV Hwy 67, then over WV Hwy 67 to Bethany

College, Bethany, WV, then return over WV Hwy 67 to junction WV Hwy 88, then over WV Hwy 88 to junction WV Hwy 27, then over WV Hwy 27 to the WV-PA State line, then over PA Hwy 844 to junction PA Hwy 50, and then over PA Hwy 50 to Avella, and return over the same route. Between junction U.S. hwy 40 and WV Hwy 88 and junction WV Hwy 88 and OH County Hwy 9, serving all intermediate points: from junction U.S. Hwy 40 and WV Hwy 88 over WV Hwy 88 to junction OH County Hwy 7, then over OH County Hwy 7 to junction OH County Hwy 1, then over OH County Hwy 1 to junction OH County Hwy 9, and then over OH County Hwy 9 to junction WV Hwy 88, and return over the same route. (2) *passengers and their baggage,* in round trip special and charter operations, beginning and ending at points on the regular described route and extending to points in PA, OH, and WV. (Hearing site: Wheeling, WV; Pittsburgh, PA.)

No. MC 143564 (Sub-No. 1F), filed March 15, 1978. Applicant: BANANA BELT BUS SERVICE, INC. P.O. Box 323 Spearfish, SD 57783. 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: *Passengers, and their baggage* between points in Crook County, WY, on the one hand, and on the other points in Butte County, SD, under a continuing contract or contracts with (a) IMC Foundry Products; (b) Federal Bentonite; and (c) Baroid Division NL Industries. (Hearing site: Belle Fourche, SD.)

No. MC 144457-F filed March 20, 1978. 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, One North Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Passengers and their baggage* in the same vehicle with passengers in charter operations, 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. (Hearing site: St. Louis, MO or Chicago, IL.)

No. MC 144530-F filed March 20, 1978. Applicant: CARL LEONARD WHITTED, d.b.a. HACARONEE BUS SERVICE, 170 Rock Hill Road, Castle Hayne, NC, 28429. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in round-trip charter operations, beginning and ending at points in Brunswick, Columbus, New Hanover, and Pender Counties, NC, and extending to AL, DE, FL, GA, LA, MD, NJ, NY, PA, SC, TN, VA, and DC. (Hearing site: Wilmington, NC.)

No. MC 12808 (Sub-No 1F), filed March 1, 1978. Applicant: EASTERN TOURS, LTD., 433 Chestnut Street, Oneonta, NY 13820. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to engage in operation in interstate or foreign commerce as a *broker* at Oneonta and Binghamton, NY, to sell or offer to sell the transportation of: *Passengers and their baggage* in the same vehicle with passengers, in all-expense, one way and roundtrip special and charter sightseeing and pleasure tours, between points in the United States, including AK and HI. (Hearing site: Albany, NY.)

NOTE.—Common control may be involved.

No. MC 130480-F filed March 17, 1978. Applicant: CHIN BROS ENTERPRISES, INC., 132 North Main Street, Salinas, CA 93901. Applicant representative: David W. Chin, 516 San Felipe Street, Salinas, CA 93901. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Salinas, CA to sell or offer to sell the transportation of: *Passengers and their baggage,* in round-trip, sightseeing and pleasure tours, in special and charter operations, beginning and ending at points in CA and extending to points in NV. (Hearing site: Salinas, Monterey, San Jose, or San Francisco, CA.)

No. MC 130481F filed March 13, 1978. Applicant: UNIQUE ADVENTURES, INC. 7200 Southwest Gable Parkway, Portland, OR 97225. Applicant's representative: Howard R. Lonergan, 811 Southwest 6th Avenue, Portland, OR 97204. Authority sought to engage in interstate commerce, as a *broker* at Portland, OR, to sell of offer to sell the transportation of: *Groups of passengers* on personally conducted sighseeing, pleasure and educational tours by motor carrier, beginning and ending in Portland, OR, and extending to points in WA. (Hearing site: Portland, OR.)

No. MC 130482-F filed March 15, 1978. Applicant: CENTRAL TRAVEL & TICKET, INC., 4612 Talmadge Road, Toledo, OH 43623. Applicant's representative: Joseph W. Westmeyer, Jr., 1314 Toledo Trust Building, Toledo, OH 43604. Authority sought to engage in operation in Toledo, OH, in interstate or foreign commerce, as a *broker* to sell or offer to sell the transportation of: *Individual passengers and their baggage,* groups of passengers, or both, and personal effects of such passengers by motor coach, in round-trip sigh-seeing, business and pleasure tours, in special and charter bus operations and travel to be rendered, between points in the United States, including AK and HI. (Hearing site: Toledo, OH, or as alternataive choices Cleveland or Columbus, OH.)

No. MC 130489 F filed March 21, 1978. Applicant: BROADCASTERS, INC., d.b.a. B. I. TOURS, Milford-Harrington Highway (P.O. Box 324), Milford, DE 19963. Applicant's representative: Dennis S. Hazzard (same address as applicant). Authority sought to engage in operation in interstate or foreign commerce, as a *broker* at Milford, DE, to sell or offer to sell the transportation of: *Passengers and their baggage* in special and charter operations in round trip sightseeing, pleasure and educational tours by motor carrier, beginning and ending at points in Kent and Sussex Counties, DE, and extending to points in the United States, including AK and HI and all ports of entry on the International Boundary line between the United States and Canada and the Republic of Mexico for furtherance in foreign commerce. (Hearing site: Milford or Georgetown, DE.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protests against the granting of the requested authority must be filed with the commission on or before June 12, 1978. Such protests shall comply with Special Rules 240(c) or 24)(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13450 (amendment) (REEVES TRANSPORTATION CO.,— Purchase (portion)—Patterson Trucking Co.), published in the December 30, 1977, issue of the FEDERAL REGISTER. Previous publication inadvertently omitted part of the authority to be purchased, and should be modified to reflect the operating rights as follows: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and commodities the transportation of which requires the use of special equipment, as a

common carrier over regular routes, "Serving the Holiday Industrial Park, in DeSota County, MS, as an off-route point in connection with carrier's regular route operations." Transferee is authorized to operate as a *common carrier* in FL, GA, TX, and AR.

No. MC-F-13522. (GEORGE B. KING, an individual, d.b.a. KING TRANSFER—Purchase (portion)—Momsen Trucking Co.), published in the March 16, 1978, issue of the FEDERAL REGISTER. Application filed February 22, 1978, for temporary authority under section 210a(b).

No. MC-F-13541. (ROAD RUNNER TRUCKING, INC.—Purchase (portion)—Schultz Transit, Inc.), published in the April 6, 1978, issue of the FEDERAL REGISTER. Application filed March 13, 1978, for temporary authority under section 210a(b).

No. MC-F-13553, Applicant: DENNIS TRUCKING COMPANY, INC.—and—DENNIS TRUCK RENTAL AGENCY, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. A. T. PINTO, INC., 3320 South 3rd Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, Esquire, Harper, George, Buchanan & Driver, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Authority sought for purchase by Dennis Trucking Company, Inc., and Dennis Truck Rental Agency, Inc., 6951 Norwitch Drive, Philadelphia, Pa. 19153, of the operating rights of A. T. Pinto, Inc., 3320 South 3rd Street, Philadelphia, Pa. 19148. Operating rights sought to be transferred: *Pipe,* over irregular routes, as a common carrier, from the facilities of Certain-Teed Products Corp., at Ambler, PA, to points in CT, DE, NJ, NY, MD, MA, RI, VT, VA, and WV, and points in DC, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in CT, DE, DC, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13563. Authority sought for purchase by CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077, of a portion of the operating rights of C.P.T. Freight, Inc., 2600 Calumet Avenue, Hammond, IN 46320, and for acquisition of control of such rights by T. J. Moroun, and M. J. Moroun, both of 34200 Mound Road, Sterling Heights, MI 48077, through the purchase. Applicant's Attorneys: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603, and Eugene L. Cohn, One North LaSalle Street, Chicago, IL 60602. Operating rights sought to be transferred are as a *common carrier,* over irregular routes as follows: (A) MC 1042 *general commodities,* with the usual exceptions, between points and places in Lake County, IN, on the one hand, and, on the other, Hebron, IN, Chicago Heights, IL, and points in the Chicago, IL, commercial zone as defined by the Commission in 1 MCC 673; (B) MC 1042 (Sub-No. 1) *general commodities,* with the usual exceptions, between Chicago, IL, and Portage, IN; (C) MC 1042 (Sub-No. 2) *general commodities,* with the usual exceptions, between points in the Chicago, IL, commercial zone as defined by the Commission; between points in the above-specified commercial zone, on the one hand, and, on the other, points in Cook, Du Page, and Will Counties, IL on and north of U.S. Hwy 30; between points in Cook, Du Page, and Will Counties, IL, on the north of U.S. Hwy 30, on the one hand, and, on the other, points in Lake and Porter Counties, IN on and north of U.S. Hwy 30; (D) MC 1042 (Sub-No. 3) *general commodities,* with the usual exceptions, between points in Cook, Du Page, and Will Counties, IL, and Porter County, IN, located on and north of U.S. Hwy 30, Hebron, IN, and points in Lake County, IN, on the one hand, and, on the other, Demotte, Kouts, and Boone Grove, IN; (E) MC 1042 (Sub-No. 4) *general commodities,* with the usual exceptions, between the plant site of the Bethlehem Steel, Corp., located at Burns Harbor, Porter County, IN, on the one hand, and, on the other, points in IL within a territory bounded by a line beginning at the IL-IN State line, and extending west along IL Hwy 114 to junction IL Hwy 17, then west along IL Hwy 17 to junction U.S. Hwy 66, then southwest along U.S. Hwy 66 to junction U.S. Hwy 24, then west along U.S. Hwy 24 to junction U.S. Hwy 150, then northwest along U.S. Hwy 150 to junction IL Hwy 88, then north along IL Hwy 88 to junction IL Hwy 2, then north and northeast along IL Hwy 2 to the IL-WI State line, including all points on the indicated highways; Restricted: to the transportation of shipments originating at or destined to the plant site of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, IN; (F) MC 1042 (Sub-No. 7) *general commodities,* with the usual exceptions, between Portage, IN, on the one hand, and, on the other, points in that part of IL bounded by a line beginning at the IL-IN State line and IL Hwy 114, then extending west along IL Hwy 114 to junction IL Hwy 17, then west along IL Hwy 17 to junction U.S. Hwy 66, then southwest along U.S. Hwy 66 to junction U.S. Hwy 24, then west along U.S. Hwy 24 to junction U.S. Hwy 150, then northwest along U.S. Hwy 150 to junction IL Hwy 88, then north along IL Hwy 88 to junction Hwy 2, then north and northeast along IL Hwy 2 to the IL-WI State line, including all points on the aforesaid highways; (G) MC 1042 (Sub-No. 8) *Iron and steel articles and contractors' machinery, equipment, supplies and materials* (except commodities in bulk), between Indian Oaks, IL, on the one hand, and, on the other, points in IN: Restricted: to the transportation of shipments originating at or destined to the facilities of the Chicago Bridge & Iron Co. at Indian Oaks, IL, on the one hand, and, on the other, destined to or originating at the points in the particular area authorized; (H) MC 1042 (Sub-No. 9G) *general commodities,* with the usual exceptions, between Hebron, DeMotte, Kouts, and Boone Grove, IN, and points in Lake County, IN, on the one hand, and, on the other, points in that part of IL on, north, and east of a line beginning at the IN-IL State line, and extending along IL Hwy 114 to junction IL Hwy 17, then along IL Hwy 17 to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction U.S. Hwy 150, then along U.S. Hwy 150 to junction IL Hwy 88, then along IL Hwy 88 to junction IL Hwy 2, and then along IL Hwy 2 to the IL-WI State line. Central Transport, Inc. is authorized to operate as a common carrier in IL, IN, KY, MI, NY, OH, PA, WV and WI. Application has been filed for temporary authority under Section 210a(b).

NOTE.—MC 19311 (Sub-No. 45F) is a directly related matter.

No. MC-F-13564. Authority sought for purchase by G. P. TRUCKING CO., 1990 Hays Lane, Woodland, CA 95695, of all of the operating rights of Robert Patrick McCarthy, an individual, d.b.a Trico, P.O. Box 1319, Tulare, CA 93274, and for authority to bring the operating rights or Robert Patrick, McCarthy, d.b.a. Trico and of A. W. Hays Trucking, Inc. under the common control of G. P. Trucking Co. through the transaction. Applicant's attorney: Thomas M. Loughran, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco. CA 94104. Operating rights to be purchased: (1) *Dry Fertilizer,* over irregular routes, as a *contract carrier,* from the facilities (1) of the Occidental Chemical Co. near Lathrop, CA, (2) of the Filtrol Corp. in Los Angeles, CA, (3) of the Collier Carbon & Chemical Corp. at Brea Chem, CA, (4) of the California Chemical Co., at Richmond, CA, (5) of the Western States Chemical Co., at Nichols, CA, (6) of the Shell Chemical Co. at Nitroshell, about 5 miles north of Ventura, CA, and at Shell Point, near Pittsburg, CA, and (7) at Dominguez, CA, to points in OR, with restrictions. (2) *Agricultural fertilizer,* dry, in bulk, in hopper type vehicles or self unloading vehicles, as a contract carrier over irregular routes, for the account of Occidental Chemical Co.,

from Lathrop, CA, to points in WA, and ID as set forth in Permit No. MC 140678 (Sub-No. 1TA). (3) *Dry Fertilizer,* in bulk in hopper type vehicles or self unloading vehicles, as a contract carrier, over irregular routes, from Conda, Soda Springs and Don, ID to points in WA, OR and CA, as set forth in Permit No. MC 140678 R-3. (4) *Dry fertilizer,* in bulk, as a contract carrier, for the account of Valley Nitrogen Producers, Inc., over irregular routes, from El Centro, Bena, Edison, Stockton, Helm and Hercules, CA, to points in WA, OR and ID, as set forth in Permit No, MC 140678 (Sub-No. 3TA.)

Note.—Applicants also request transfer of such authority as may be issued in Docket No. MC 140678 (Sub-No. 2) which corresponds to the above described (Sub-No. 3TA). The Sub-No. 2 proceeding is pending decision and involves the request of Robert Patrick McCarthy for authority to transport fertilizer, in bulk as a contract carrier, (1) from El Centro, Bena, Edison, Stockton, Helm and Hercules, CA to points in AZ, NV, UT, CO, ID, OR and WA; and (2) from Pocatello and Conda, ID and Wendover, UT, to points in CA, under a continuing contract or contracts, with Valley Nitrogen Producers, Inc. Applicants will request that G. P. Trucking Co., be substituted as applicant in Application No. MC 140678 (Sub-No. 4) which corresponds to the above described Sub-No. 1TA and Sub-No. R-3 authorities and which is awaiting assignment for handling through oral hearing or modified procedure. G. P. Trucking Co. holds no authority from this Commission. However, it owns 100 percent of the outstanding stock of A. W. Hays Trucking, Inc., which operates as a common carrier under Docket No. MC-62151 and subs thereunder in the States of CA. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13566. Authority sought for purchase by GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312, of a portion of the MC 111398 (Sub-No. 16) Certificate of Fischbach Trucking Co., 921 Sherman Street, Akron, OH 44311, and for acquisition by George W. Kugler, Inc., 2800 East Waterloo Road, Akron, OH 44312, of control of such rights through purchase. Applicant's representative: John P. McMahon, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred are that portion of Certificate No. MC 111398 (Sub-No. 16) which authorizes the transportation of *general commodities,* except commodities in bulk, and motor vehicles, as a *common carrier* over irregular route between Akron, OH, on the one hand, and on the other, part of OH on and north of a line beginning at Martins Ferry, OH and extending along U.S. Hwy 250 to Wooster, OH, then along U.S. Hwy 30 to the OH-IN State line. Vendee is authorized to operate as a common carrier in IL, CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WVA, DC, TN, WI, IA, KY, MO, MN, ND, SD, NB, KS, OK, and TX. Application has been filed for temporary authority under section 210a(b).

Note.—MC 125533 (Sub-No. 23F) is a directly related matter.

No. MC-F-13568. Authority sought for the purchase by TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, IN 46619 of a portion of the operating rights of Great Lakes Express Co., 114 Fifth Avenue, New York, NY 10011 and for acquisition by Samuel Raitzin, 1415 South Olive Street, South Bend, IN 46619 of control of the rights through the purchase. Applicants' attorneys: Eugene L. Cohn, One North LaSalle Street, Chicago, IL and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Operating rights to be purchased: Regular routes: *General commodities* with exceptions, in connection with carrier's regular route operations described herein below, service is authorized to and from the off-route points in that part of OH bounded by a line beginning at Cleveland, OH, and extending along Interstate Hwy 77 to junction U.S. Hwy 62, at or north of Canton, OH, then along U.S. Hwy 62 to junction OH Hwy 14A, then along OH Hwy 14A via Salem, OH, to junction OH Hwy 14, then along OH Hwy 14 to the OH-PA State line, then north along the OH-PA State line to U.S. Hwy 422, then along U.S. Hwy 422 to junction OH Hwy 534, then along OH Hwy 534 to Southington, OH, then along OH Hwy 305 to junction U.S. Hwy 422, then along U.S. Hwy 422 to Cleveland, including the points on the indicated portions of the highways specified, except Akron, Canton, and Youngstown, OH. Between Toledo, OH, and Cleveland, OH, serving the intermediate points of Norwalk and Elyria, OH, for delivery only, and the off-route points within 10 miles of Cleveland, unrestricted: From Toledo over OH Hwy 51 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Cleveland, and return over the same route; Between Toledo, OH, and Cleveland, OH, serving no intermediate points: From Toledo over Interstate Hwy 280 to junction Interstate Hwy 80 (OH Turnpike), then over Interstate Hwy 80 to junction U.S. Hwy 42, then over U.S. Hwy 42 to Cleveland, and return over the same route. From Toledo over OH Hwy 65 to Perrysburg, OH, then over U.S. Hwy 20 to Cleveland, and return over the same route. From Toledo over OH Hwy 51 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction OH Hwy 113, at or near Bellevue, OH, then over OH Hwy 113 to Elyria, OH, then over U.S. Hwy 20 to Cleveland, and return over the same route. From Toledo over Interstate Hwy 280 to junction Interstste Hwy 80, then over Interstate Hwy 80 to junction OH Hwy 10, then over OH Hwy 10 to Cleveland, and return over the same route. Between Toledo, OH, and Akron, OH, serving no intermediate points, except as otherwise indicated: From Toledo over U.S. Hwy 25 or Interstate Hwy 75 to Findlay, OH, then over U.S. Hwy 224 to Akron, and return over the same route. From Toledo over Interstate Hwy 280 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 250, then over U.S. Hwy 250 to Norwalk, OH, then over U.S. Hwy 20 to junction OH Hwy 19, then over OH Hwy 19 to Akron, and return over the same route. Serving the intermediate point of Wellington, OH, for delivery only, in connection with the route described immediately above. From Toledo over OH Hwy 65 to Perrysburg, OH, then over U.S. Hwy 23 to Fostoria, OH, then over OH Hwy 13 to junction U.S. Hwy 224, then over U.S. Hwy 224 to Akron, and return over the same route. Serving the intermediate point of Fostoria, OH, and the off-route point of Tiffin, OH in connection with the route described immediately above for delivery only: From Toledo to Norwalk, OH, as specified above, then over U.S. Hwy 250 to junction U.S. 224, then over U.S. Hwy 224 to Akron, and return over the same route. Between Toledo, OH, and Canton, OH, serving no intermediate points, except as otherwise indicated: From Toledo over Interstate Hwy 280 and U.S. Hwy 20 as specified to Norwalk, OH, then over U.S. Hwy 250 to junction U.S. Hwy 30 at or near Jefferson, OH, then over U.S. Hwy 30 to Canton, and return over the same route. Serving the intermediate points of Wooster and Ashland, OH, and the off-route point of Mansfield, OH, for delivery only, and the intermediate point of Massillon, OH, unrestricted, in connection with the route described immediately above. From Toledo over OH Hwy 65 to Perrysburg, OH, then over U.S. Hwy 23 to Fostoria, OH, then over OH Hwy 18 to junction U.S. Hwy 224, then over U.S. Hwy 224 to junction U.S. Hwy 224, or Interstate Hwy 80S and U.S. Hwy 21, then over U.S. Hwy 21 to Massillon, OH, then over U.S. Hwy 30 to Canton, and return over the same route. Serving the off-route points of Rittman and Dover, OH, for delivery only, in connection with the route described immediately above. Between Cleveland, OH, and Youngstown, OH, serving intermediate and off-route points within 10 miles of Youngstown: From Cleveland over U.S. Hwy 422 to Youngstown, and return over the same route. Authority to be acquired is part of operating rights held by vendor in Docket No. MC 28478 (Sub-No. 10). Vendee is authorized to provide service

as a general freight transporter over regular and certain irregular routes in IL, IN, IA, KY, KA, MI, MN, MO, OH, OK, TN, TX, and WI. Application has been filed for temporary authority under Section 210a(b). (Hearing site: July 11, 1978, at 9:30 a.m. local time at the office of the Interstate Commerce Commission, Washington, DC.)

No. MC-F-13571. Authority sought for purchase by SCHWERMAN TRUCKING CO., 611 South 28th Street, P.O. Box 1601, Milwaukee, WI 53201, of the operating rights of Asphalt Transport, Inc., 11419 Almonaster Avenue, New Orleans, LA 70189, and for acquisition by Fred J. Schwerman and Carl L. Schwerman, both of 611 South 28th Street, Milwaukee, WI 53215, of control of such rights through the purchase. Applicants' attorney: James R. Ziperski, P.O. Box 1601, Milwaukee, WI 53201 and Edward A. Winter, Transportation Consultant, 235 Rosewood Drive, Metairie, LA 70005. Operating rights sought to be transferred: *Asphalt* and *asphalt products*, as a *common carrier* over irregular routes from Vicksburgh, MS to points in Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSota, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, West Carroll and Winn Parishes, LA, with no transportation for compensation on return except as otherwise authorized; *Blasting sand* and *mineral fillers*, from Sun, LA to points in that part of MS on and south of U.S. Hwy 82, and points in Mobile, Baldwin, and Escambia Counties, AL, with no transportation for compensation on return except as otherwise authorized. *Blasting sand* from the facilities of Stan-Blast Abrasives Co., Inc., at or near Harvey, LA, to Mobile, AL, Beaumont and Houston, TX: and Pascagoula and Vicksburg, MS. Schwerman Trucking Co. is authorized to operate as a *common carrier* in all the States in the United States (except AK and HI). Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-13573. Authority sought for control by MERCHANTS DELIVERY CO., 1212 East 19th Street, Kansas City, MO, 64108, of Iowa Parcel Service, Inc., 3123 Delaware, Des Moines, IA, 50313, and for acquisition by William K. Walker, 1212 East 19th Street, Kansas City, MO, 64108, of control of Iowa Parcel Service, Inc., through the transaction. Applicants' attorneys: Leonard Rose and John F. Michaels, 601 West 47th Street, Kansas City, MO, 64112. Operating rights sought to be controlled: *Motion picture films, film accessories, advertising material* used in connection with the exhibition of such films, newspapers, magazines, and periodicals publications, as a *common carrier* over regular routes between Des Moines, IA, and East Moline, IL, serving all intermediate points and the off-route points of Kellogg, Montezuma, Williamsburg, and Cedar Rapids, IA; between Des Moines, IA, and Leon, IA, serving all intermediate points; between Osceola, IA, and Burlington, IA, serving all intermediate points; between Leon, IA, and Davenport, IA, serving all intermediate points and the off-route points of Garden Grove, Humeston, Allerton, Seymour, Mystic, Moulton, Keosauqua, Bonaparte, Morning Sun, and Columbus Junction, IA; between Des Moines, IA, and Corydon, IA, serving all intermediate points; between Mount Pleasant, IA, and Iowa City, IA, serving all intermediate points and the off-route points of Winfield and Columbus Junction, IA; between Des Moines, IA, and Omaha, NB, serving all intermediate points and the off-route point of Audubon, IA; between Des Moines, IA, and Spirit Lake, IA, serving all intermediate points and the off-route points of Panora, Guthrie Center, Coon Rapids, Manning, Manilla, Wall Lake, Odebolt, Sac City; Newell, Graettinger, Rembrandt, and Lakota, IA; Cosmetics, toilet preparations, and advertising materials related thereto; and chemicals limited to the following household articles: *Mothproofers, deodorants, room fresheners, insect repellants, household insecticides*, and *advertising materials* related thereto, as a *common carrier* over irregular routes from Des Moines, IA, to points in Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Montgomery, Muscatine, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Worth and Wright Counties, IA; and returned shipments of the next above-specified commodities, from the next above-specified destination points, to Des Moines, IA. *General commodities*, with exceptions as a *common carrier* over irregular routes between points in Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Montgomery, Muscatine, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Worth, and Wright Counties, IA, with restrictions. *General Commodities*, with exceptions as a *common carrier* over irregular routes between the Des Moines Municipal Airport at Des Moines, IA, on the one hand and, on the other, points in IA, with restrictions. *Motion picture films, film accessories, advertising material* used in connection with the exhibition of such films, newspapers, magazines, and periodical publications, between Omaha, NB on the one hand and, on the other, Fulton, IL, points in Polk, Humboldt, Pocahontas, Calhoun, Dallas, Cass, and Cedar Counties, IA, and those in IA on and north of a line beginning at the IL-IA State line and extending along U.S. Hwy 30 to junction unnumbered hwy (formerly portion U.S. Hwy 30) then along unnumbered hwy through Wheatland, IA, to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction IA Hwy 150 (formerly portion U.S. Hwy 30), then along IA Hwy 150 to junction unnumbered hwy (formerly portion U.S. Hwy 30), Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Monona, Ida, Crawford, Harrison, Mills, and Fremont Counties, IA, between points in Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Mills, and Fremont Counties, IA on the one hand and, on the other, points in IA, with restrictions; *Motion picture films, film accessories, advertising material* used in connection with exhibition of such films, and magazines, and periodical publications, as a *common carrier* over irregular routes between points in IA; general commodities, with exceptions between the Des Moines Municipal Airport at Des Moines, IA on the one hand and, on the other, points in IA (except Marshalltown and Newton and points in their respective commercial zones as defined by the Commission), with restrictions; *general commodities*, with exceptions between Eppley Airfield at Omaha, NB on the one hand and, on the other, points in IA, with restrictions; between Eppley Airfield, Omaha, NB on the one hand and, on the other, the Des Moines Municipal

Airport, Des Moines, IA; between points in Rock Island County, IL, and Scott County, IA, with restrictions. Vendee is authorized to operate as a *common carrier* in MO, KS, NB, and OK. Application has been filed for temporary authority under section 210a(b).

Authority sought for purchase by J. R. CHRISTONI, INC., North Cherry Street, Ext., Wallingford, CT 06492 of the operating rights of David Mongillo & Son, Inc., 53 West Main Street, Southington, CT 06479, and for acquisition by Joseph R. Christoni, Sr. (same address as above) of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117 and LeRoy Jones, 26 Elm Street, New Haven, CT 06502. Operating rights sought to be transferred: Under a Certificate of Registration in Docket No. MC-121515 covering the transportation of *property*, in heavy hauling service and *steel tanks, steel boilers, steel stacks, structural steel*, namely *steel beams, steel girders, steel trusses, steel plates, steel angles, and bridge steel*, and in connection with the foregoing the necessary *accessorial equipment:* and *industrial machinery* and parts thereof, between points in CT. Vendee is authorized to operate as a *common carrier* in CT, RI, NY, and NJ. Application has been filed for a temporary authority under Section 210a(b).

NOTE.—No. MC 9153 (Sub-No. 6) is a directly related matter.

No. MC-F-13579. Authority sought for purchase by KAPS TRANSPORT (Alaska), INC., 801 West First Avenue, Anchorage, AK 99501, of the operating rights of Ar-Dees Alaska Truck Lines, Inc., 3025 Rampart Drive, Anchorage, AK 99501, and for acquisition by KAPS Transport, Inc., of Anchorage, AK 99501, and in turn, KAPS Transport, Ltd., of Edmonton, AB, Canada, of control of such rights through the purchase. Applicant's attorney, Julian C. Rice, 330 Wendell Street, Fairbanks, AK 99501. Operating rights sought to be purchased: Certificate No. MC 113573 (Sub-No. 6) authorizing the transportation of *general commodities*, except those of unusual value, classes A and B explosives, and commodities requiring special equipment, as a *common carrier*, over irregular routes, (1) between Minneapolis and Duluth, MN, Minot, ND, and Seattle, WA on the one hand and, on the other, points in AK except points in the AK panhandle located east of an imaginary line constituting a southward extension of the United States (AK)—Canada (Yukon Territory) Boundary Line; and (2) between points in AK except points in the AK Panhandle located east of an imaginary line constituting a southward extension of the United States (AK)—Canada (Yukon Territory) Boundary Line. Transfere is presently authorized to operate as a *common carrier* under certificate No. MC 123298 in AK. Some duplication is involved. Application has been filed for temporary authority under section 210a (b). (Hearing site: Anchorage, AK.)

No. MC-F-13580. Authority sought for control and merger by NORTH IOWA EXPRESS, INC., 1921 North East 58th Avenue, Des Moines, IA 50313, of Kaler Freight Lines, Inc. 504-12th Street, South East, Mason City, IA 50401, and for the acquisition by Don Schneider and Lee Stein, 1921 North East 58th Avenue, Des Moines, IA 50313, of control of the operating rights held by Kaler Freight Lines, Inc. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. The operating rights sought to be transferred are issued under Docket No. MC 63973 as *common carrier* authority over *regular routes* of *general commodities* with usual exceptions between specified points in the eight north-central IA counties of Hancock, Cerro Gordo, Floyd, Mitchell, Howard, Franklin, Butler, and Wright, which is deemed sufficient to identify the scope of the subject authority. Applicant conducts operations in the State of IA. An application has been filed under 210(a)(b) for temporary control.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 9153 (Sub-No. 6F), filed April 19, 1978. Applicant: J. R. CHRISTONI, INC., North Cherry Street Extension, Southington, CT 06492. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment, *steel articles and equipment* used in connection with the above named commodities; and *industrial machinery and parts* thereof; between points in CT; and (2) *machinery and steel*, between points in MA, RI, NY, and NJ, on the one hand, and, on the other, points in CT. (Hearing site: Hartford, CT.)

NOTE.—The purpose of this filing is to eliminate gateways of Wallingford, CT and points in CT within 15 miles thereof, and to convert the Certificate of Registration in No. MC 121515 of Davis Mongillo & Son, Inc. to a Certificate of Public Convenience and Necessity. This proceeding is directly related to a MC-F-13576 entitled J. R. Christoni, Inc.—Purchase—David Mongillo & Son, Inc.

No. MC 19311 (Sub-No. 45F), filed April 13, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Applicant's repesentative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment): (1) between the IL-WI State line and junction U.S. Hwy 41 and IN Hwy 10, serving all intermediate points from the Il-WI State line over U.S. Hwy 41 to junction IN Hwy 10, and return over the same route; (2) between junction U.S. Hwy 12 and IN Hwy 49 and junction IL Hwys 17 and 88, serving all intermediate points, from U.S. Hwy 12 and IN Hwy 49 over IN Hwy 49 to IN Hwy 10, then over IN Hwy 10 to junction IL Hwy 114, then over IL Hwy 114 to IL Hwy 17, then over IL Hwy 17 to IL Hwy 88, and return over the same route; (3) between Chicago and Chenoa, IL, serving all intermediate points, from Chicago over Interstate Hwy 55 to junction IL Hwy 17, then over unnumbered hwy (formerly U.S. Hwy 55) to Chenoa, and return over the same route; (4) between Chenoa and Peoria, IL, serving all intermediate points, from Chenoa over U.S. Hwy 24 to IL Hwy 8, then over IL Hwy 8 to U.S. Hwy 150, then over U.S. Hwy 150 to Peoria, and return over the same route; (5) between Peoria and South Beloit, IL, serving all intermediate points, from Peoria over IL Hwy 88 to Sterling, then over IL Hwy 2 to

South Beloit, and return over the same route; (6) between South Beloit and El Paso, IL, serving all intermediate points, from South Beloit over U.S. Hwy 51 to El Paso, and return over the same route; (7) between Dixon, and East Peoria, IL, serving all intermediate points, from Dixon over IL Hwy 26 to East Peoria, and return over the same route; (8) between Hebron and Dwight, IL, serving all intermediate points, from Hebron over IL Hwy 47 to Dwight, and return over the same route; (9) between Antioch and Shorewood, IL, serving all intermediate points, from Antioch over IL Hwy 59 to Shorewood, and return over the same route; (10) between Chicago and Momence, IL, serving all intermediate points, from Chicago over IL Hwy 1 to Momence, and return over the same route; (11) between Langley, IL and junction U.S. Hwy 6 and IN Hwy 2, serving all intermediate points, from Langley over U.S. Hwy 6 to junction IN Hwy 2, and return over the same route; (12) between Grant Park, IL and junction U.S. Hwy 6 and IN Hwy 2, serving all intermediate points, from Grant Park over IL Hwy 17 to junction in Hwy 2, then over IN Hwy 2 to junction U.S. Hwy 6, and return over the same route; (13) between Rock Falls, IL and Valparaiso, IN, serving all intermediate points, from Rock Falls over U.S. Hwy 30 to Valparaiso, and return over the same route; (14) between Rockford, IL and Michigan City, IN, serving all intermediate points, from Rockford over U.S. Hwy 20 to Michigan City, and return over the same route; (15) between Dixon and Kankakee, IL, serving all intermediate points, from Dixon over U.S. Hwy 52 to Kankakee, and return over the same route; (16) between Big Foot and Chicago, IL, serving all intermediate points, from Big Foot over U.S. Hwy 14 to Chicago, and return over the same route; (17) between Dixon and Chicago, IL, serving all intermediate points, from Dixon over IL Hwy 38 to Chicago, and return over the same route; (18) between Richmond, IL and Michigan City, IN, serving all intermediate points, from Richmond over U.S. Hwy 12 to Michigan City, and return over the same route; (19) between Latham Park and Winthrop Harbor, IL, serving all intermediate points from Latham Park over IL Hwy 173 to Winthrop Harbor, and return over the same route; (20) between junction IL Hwys 47 and 113 to West Kankakee, IL, serving all intermediate points, from junction IL Hwys 47 and 113 over IL Hwy 113 to West Kankakee, and return over the same route; (21) between Harvard and Pontiac, IL, serving all intermediate points, from Harvard over IL Hwy 23 to Pontiac, and return over the same route; serving as off route points in connection with all of the above described routes, all points and places, including their commercial zones, located as follows: (a) in Lake County and Porter County, IN; and (b) those points in IL on, east, and north of a line commencing at the IN-IL State line over IL Hwy 114 to junction IL Hwy 17, then over IL Hwy 17 to Dwight, then over unnumbered Hwy (formerly U.S. Hwy 55) to Chenoa, then over U.S. Hwy 24 to junction IL Hwy 8, then over IL Hwy 8 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction IL Hwy 88, then over IL Hwy 88 to Sterling, then over IL Hwy 2 to the WI State line. (Hearing site: Chicago, IL.)

NOTE.—The purpose of this application is to convert irregular routes to regular routes. This application is related to MC-F-13563 Central Transport, Inc.—Purchase (portion)—C.P.T. Freight, Inc. Common control may be involved.

No. MC 125533 (Sub-No. 23F), filed April 6, 1978. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (1) *such commodities* as are manufactured, processed, or dealt in by rubber manufacturers, and steel product manufacturers, and *equipment, materials, and supplies* used in the conduct of such businesses, from points in OH on and north of a line beginning at Martins Ferry, OH, and extending along U.S. Hwy 250 to Wooster, OH, then along U.S. Hwy 30 to the OH-IN State line to points in MA and CT, those in that part of NY east of a line beginning at Port Jervis, NY and extending along U.S. Hwy 209 to Kingston, NY, then along U.S. Hwy 9W to Albany, NY, then along U.S. Hwy 20 to Fayette, NY, then along U.S. Hwy 11 to Watertown, NY, then along NY Hwy 12 to Clayton, NY, including the points named and including New York, NY, points on Long Island, and those in NJ on and north of New Jersey Hwy 33; (2) *tire fabric* from Fall River and New Bedford, MA, to points in OH on and north of a line beginning at Martins Ferry, OH and extending along U.S. Hwy 250 to Wooster, OH, and then along U.S. Hwy 30 to the OH-IN State line; (3) *chemicals* (except liquid commodities in bulk in tank vehicles), from Naugatuck, CT, to points in OH on and north of a line beginning at Martins Ferry, OH and extending along U.S. Hwy 250 to Wooster, OH, then along U.S. Hwy 30 to the OH-IN State line; (4) *scrap tires and tubes*, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, MA, Hartford, CT, Newark, NJ, and Albany, NY, and points on Long Island, NY to points in that part of OH on and north of a line beginning at Martins Ferry, OH and extending along U.S. Hwy 250 to Wooster, OH and then along U.S. Hwy 30 to the OH-In State line; (5) *fiber pipe, plastic pipe, cast iron pipe, manhole covers, gratings, and castings and attachments, parts and fittings for fiber pipe, plastic pipe, cast iron pipe, manhole covers, gratings, and castings* from points in that part of OH on and north of a line beginning at Martins Ferry, OH and extending along U.S. Hwy 250 to Wooster, OH and then along U.S. Hwy 30 to the OH-IN State line to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NJ, NY, NC, PA, RI, TN, VT, VA, WV, WI, and DC, and returned shipments from these named destination States to that part of OH on and north of a line beginning at Martins Ferry, OH and extending along U.S. Hwy 250 to Wooster, OH, and then along U.S. Hwy 30 to the OH-IN State line. (Hearing site: Columbus, OH.)

NOTE.—The gateway to be eliminated in paragraphs (1) through (4) above is Akron, OH and its commercial zone and the gateway to be eliminated in (5) above is the facilities of United States Concrete Pipe Co. at Magadore, OH (also in the Akron, OH commercial zone). This gateway elimination application is directly related to George W. Kubler, Inc.—Purchase (Portion)—Fischbach Trucking Co., Docket No. MC-F-13566, published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 10343 (Deviation No. 25), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, MO 64601, filed April 11, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Joseph, MO over Interstate Hwy 29 to Kansas City, MO and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to

transport the same commodities over a pertinent service route as follows: From St. Joseph, MO, over U.S. Hwy 36 to Cameron, MO, then over U.S. Hwy 69 to Kansas City, MO, and return over the same route.

No. MC 109533 (Deviation No. 17), OVERNITE TRANSPORTATION CO., P.O. Box 1216, Richmond, VA 23209, filed April 7, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, TN over U.S. Hwy 78 to junction Interstate Hwy 20 then over Interstate Hwy 20 to Atlanta, GA and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, TN over U.S. Hwy 70 to Dickson, TN, then over TN Hwy 47, to junction U.S. Hwy 70, then over U.S. Hwy 70 to Nashville, TN, then over Interstate Hwy 24 to Chattanooga, TN, then over U.S. Hwy 41 to Atlanta, GA, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC. 7174 (Sub-No. 1) filed April 7, 1978. Applicant: MAURY-GILES COUNTY EXPRESS, INC., 402 Maplewood Avenue, Nashville, TN 37201. Applicant's representative: Ward Crutchfield, 1776 Commerce Union Tower, Chattanooga, TN 37450. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment or handling), between all points in Giles County, TN, and Nashville, TN, serving Columbia as an intermediate point, and Close Doors between Columbia and Nashville, TN, over U.S. Hwy 31 and all Hwys in Giles County, TN, with alternate use of Interstate Route 65 and State Route 99 for convenience, and between all points in Giles County, TN, and Chattanooga, TN, over all Hwys in Giles County, TN, and U.S. Hwy 64 to Monteagle, and then over Interstate Route 24 Close Doors between Giles County, TN, and Chattanooga, TN, and restricted against through service between Nashville, TN, and Chattanooga, TN, and co-extensive authority in interstate or foreign commerce, pursuant to Section 206(a)(6) of the Interstate Commerce Act. Intrasatate, interstate and foreign commerce sought (Hearing site: May 11, 1978, at 9:30 a.m., at the Commission's Hearing Room, C-I Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, CI-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.)

By the Commission.

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

[FR Doc. 78-12757 Filed 5-10-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Dockets 30591/30587]

COLONIAL AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 24, 1978, at 10 a.m. (local time), in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before May 9, 1978, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., May 1, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-12849 Filed 5-10-78; 8:45 am]

[6320-01]

[Docket 28672]

IATA AGREEMENTS CONCERNING AGENCY MATTERS; UNIFORM COMMISSION RATES

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 7, 1978, at 10 a.m. (local time), in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before May 15, 1978, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., May 5, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-12850 Filed 5-10-78; 8:45 am]

[6320-01]

[Docket 32009; Order 78-5-20]

NATIONAL AIRLINES, INC.

Order Dismissing Application for Orlando-New Orleans nonstop authority, under Subpart N

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1978.

On January 18, 1978, National filed a Subpart N application for Orlando-New Orleans authority. Answers were filed by Delta, requesting dismissal, and by the city of New Orleans, urging expedited hearing of proposals to improve service in the market.

By Order 78-3113, March 23, 1978, we grated a motion of Delta in Docket 31921 and expanded the scope of the Houston-Tampa/Orlando Investigation to include the issue of nonstop New Orleans-Orlando authority, and renamed the case the Houston-Tampa/Orlando; New Orleans-Orlando Investigation. Since the market for which National requests nonstop authority is now directly in issue in a pending proceeding, its application no longer qualifies under Subpart N. It will, therefore, be dismissed.

Accordingly, *it is ordered that:* The application of National Airlines in Docket 32009 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[2]
Secretary.

[FR Doc. 78-12845 filed 5-10-78; 8:45 am]

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[1] 14 CFR 302.1401.
[2] All Members concurred.

[6320-01]

[Docket 30777; Agreements C.A.B. 27250, 27252, R-1 through R-17; Order 78-5-39]

NORTH ATLANTIC-AFRICA PASSENGER FARES

Order of Agreements Adopted by the Joint Traffic Conferences of the International Air Transport Association

Issued under delegated authority May 8, 1978.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the International Air Transport Association (IATA). The agreements were adopted at the Reconvened Meeting of Joint Traffic Conferences 1 and 2, held in Geneva, March 20-22, 1978, and were filed with the Board on April 13 and 17, 1978.

The agreements, which involve fares between the United States and Africa and thus have direct application in air transportation as defined by the Act, would amend the North Atlantic-Africa fare structure, effective June 1, 1978, through March 31, 1979. Specifically, the agreements would increase first-class fares by 4 percent; increase round-trip economy and excursion fares by approximately $22 and $27, respectively, to and from points south of Lagos; introduce new APEX fares in several markets and reduce existing APEX fare levels; maintain GIT fares at present levels but increase the minimum tour price from $120 to $200 for the 13-day minimum stay period; and introduce a special 14/30-day GIT from New York to Nairobi at $795.[1]

[1]A comparison of present and proposed fares in selected United States-Africa markets is shown in the Appendices.

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreements and comments from interested persons. The carrier's justification for the agreements should assign costs attributable to scheduled combination passenger service, treating cargo both on the "space method", Nonpriority Mail Rate Case, Docket 18381 (Orders 70-4-9 and 70-4-10, April 2, 1970), and the "revenue-offset method" adopted April 2, 1971, in Phase 7 of the Domestic Passenger-Fare Investigation, Docket 21866-7 (Orders 71-4-59 and 71-4-60).[2] The data should be set out in the tabular format suggested in Order 75-7-88, July 17, 1975, starting with historical data as reported to the Board in Form 41 Reports by functional account for total transatlantic services for the year ended March 1978. These data should be adjusted to exclude those market areas not covered by the agreement,[3] as well as any scheduled all-cargo and charter services in the United States-Africa market. the remainder, pertaining to United States-Africa scheduled combination services, should show the present economic status of scheduled passenger services in the market area covered by the agreements. Similarly, using the above two methods for the treatment of cargo, the carrier is expected to submit forecast results for the year ending May 1979, both including and excluding implementation of the agreement.

In addition, the carrier will be expected to submit detailed traffic data showing revenue passenger-miles and revenue by specific fare category, as well as capacity and load-factor information, for the historical period and for the forecast period, including and excluding implementation of the agreement.

Accordingly, *It is ordered that*: 1. Pan American World Airways, Inc., the only United States air carrier member of the International Air Transport Association providing service within the area covered by the agreements, shall file within 10 calendar days after the date of service of this order full documentation and economic justification for the fares and related conditions embodied in the subject agreements; 2. Comments and objections from interested persons and parties shall be submitted within 10 calendar days after the date of service of this order; 3. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 20 calendar days after the date of service of this order; and 4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreements shall not be filed in advance of Board approval of the agreements.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan,
Associate Director, Pricing.

PHYLLIS T. KAYLOR,
Secretary.

[2]In furnishing the data requested, the carrier should attach complete explanatory data describing the methods used in allocating the various cost items and entity investments.

[3]United States-Europe and United States-Middle East. These two areas are defined in IATA Resolutions 012 and 012b. Africa is defined in IATA Resolution 012e.

North Atlantic-Africa: Present and proposed fares—U.S. originating passengers

	New York to Abidjan			New York to Dakar			New York to Johannesburg			New York to Kinshasa			New York to Nairobi		
	Present	Proposed	Percent change	Present	Proposed	Percent change	Present	Proposed	Percent change	Present	Proposed	Percent change	Present	Proposed	Percent change
First class	$1,932	$2,008	3.93	$1,664	$1,730	3.97	$2,426	$2,522	3.96	$2,168	$2,256	4.06	$2,426	$2,522	3.96
Economy:															
Basic	1,192	1,192	0	1,022	1,022	0	1,604	1,626	1.37	1,376	1,398	1.60	1,604	1,626	1.37
Peak	1,316	1,316	0	1,144	1,144	0	1,604	1,626	1.37	1,462	1,484	1.50	1,604	1,626	1.37
14/21 and 14/45-day excursion:															
Basic	849	849	0	720	720	0	1,176	1,202	2.22	1,067	1,094	2.53	1,176	1,202	2.22
Peak	978	978	0	848	848	0	1,176	1,202	2.22	1,123	1,149	2.32	1,176	1,202	2.22
APEX[1]	—	—	—	—	—	—	1,007	875	(13.11)	—	—	—	—	—	—
APEX (new):[2]															
Basic	—	678	—	—	583	—	—	—	—	—	—	—	—	—	—
Peak	—	742	—	—	647	—	—	—	—	—	—	—	—	—	—
13/30-day GIT:															
Basic	638	638	0	534	534	0	1,021	1,021	0	891	891	0	948	948	0
Peak	708	708	0	607	607	0	1,021	1,021	0	957	957	0	948	948	0
14/30-day GIT (new).	—	—	—	—	—	—	—	—	—	—	—	—	—	795	—
6/16-day winter GIT.	590	596	1.02	511	511	0	—	—	—	—	—	—	—	—	—

[1]IATA Resolution 071r; for conditions, see app. II.
[2]IATA Resolution 071tt; for conditions, see app. II.

APPENDIX II.—*Comparison of present and proposed APEX fares, from New York to Africa*

	Present APEX (resolution 071r)		Proposed APEX (resolution 071tt)		
Markets	Beira, Johannesburg, and Maputo		Abidjan, Accra, Dakar, Lagos, and Monrovia.		
	Present	Proposed		Basic	Peak
Fare levels	NYC-BEW.	$1,087	$954 NYC-ABJ..	$678	$742
	NYC-JNB..	1,007	875 NYC-ACC..	705	769
	NYC-MPM	1,087	954 NYC-DKR.	583	647
			NYC-LOS..	726	790
			NYC-MLW	657	721
Validity	All year		Basic: Sept. 15 to May 14; peak: May 15 to Sept. 14.		
Minimum/maximum stay	14 to 45 d		13 to 45 d.		
Stopovers	1 inbound or outbound; 1 additional stopover permitted at $20, for a maximum of 1 inbound and 1 outbound.		No stopovers permitted.		
Ticketing	Not later than 45 d before outbound departure.		Do.		
Cancellation penalty	10 pct or $50, whichever is higher		Do.		
Combinations	Combinable with domestic and international normal fares.		Combinable with domestic fares.		

[FR Doc. 78-12844 Filed 5-10-78; 8:45 am]

[6320-01]

[Docket 30861; Order 78-5-21]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Order To Show Cause for Approval of Control and Interlocking Relationships Pursuant to Sections 408 and 409 of the Federal Aviation Act of 1958, as Amended

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of May, 1978.

Overseas National Airways, Inc. (ONA), Prestwick Investments, Inc. (Prestwick), and Marline Resources Co., Inc. (Marline), have requested that the Board approve, under sections 408 and 409 ofthe Act, the acquisition of control of ONA by Prestwick and Marline, and the resulting interlocking relationships as more fully described below.

ONA is a supplemental air carrier holding certificated authority to operate domestic passenger and cargo charters and worldwide military passenger and cargo charters. It also holds temporary authority to operate transatlantic passenger charters, as well as passenger and cargo charters across the Pacific (except Japan, Australia and New Zealand), and to the Carribean, Mexico and Central and South America.

Prestwick's sole function is to loan money to ONA and to hold ONA's debentures, warrants and stock. Prestwick is wholly owned by Marline.

Marline is engaged in the making of investments for its own account. It is wholly controlled by Louis Marx, Jr., who holds all of Marline's voting stock as well as a majority of its non-voting stock. Mr. Marx is an officer and director of both Marline and ONA, and is the largest stockholder of ONA, with holdings in excess of 10 percent of the outstanding stock. Marline is the second largest stockholder of ONA, holding approximately 15 percent of its stock. Marline also holds 96 shares of the common stock of UAL, Inc., the holding company for United Airlines, and 500 shares of the common stock of Braniff International Corp. the holding company for Braniff Airways, Inc.

Applicants assert that in November 1975 and January of 1976, ONA sustained the loss of both of its DC-10 aircraft. As a result, ONA suffered severe financial losses during 1976. ONA has entered into contracts for the acquisition of three new DC-10 aircraft, two of which were scheduled for delivery during mid-1977. In order to satisfy the financial requirements arising as a result of this program of equipment acquisition, as well as to satisfy the requirement for operating capital generated by its 1976 losses, it has sought the infusion of new capital. Thus, a Debenture and Warranty Agreement between ONA and Prestwick was consumated on February 16, 1977, whereby Prestwick has loaned ONA $4 million in return for ONA's 8 percent subordinated debenture due November 1, 1991, and convertible into ONA stock, and ONA's warrant, expiring in March of 1978, to purchase 674,000 shares of ONA common stock at a price of $3.00 per share, as adjusted. It is this transaction which comprises the acquisition for which approval is sought.

No comments on this application have been received.

We tentatively find that the ownership by both Mr. Louis Marx, Jr., and Marline of more than 10 percent of the stock of ONA places these parties presumptively in control of ONA under section 408(f) of the Act; that, moreover, the acquisition of control of additional ONA stock by Prestwick, which may arise as a result of the Debenture and Warrant Purchase Agreement described here, will create a control relationship subject to section 408(a)(5) of the Act. We tentatively conclude, however, that the relationships and the proposed transaction will not result in the creation of a monopoly or monopolies which might restrain competition or otherwise jeopardize any other air carrier; nor does it appear that the requirements of section 408 will otherwise be unfulfilled. Marline's holdings of the common stock of Braniff International Corp. and UAL are insignificant and it has no holdings in any common carrier or person engaged in a phase of aeronautics. Moreover, we find that there do not appear to be any disputed facts in issue which require a hearing for their resolution, and that a protracted hearing on the matter could adversely affect the interests of the parties to the transaction and result in delays or prevent the exercise of the warrants.

Applicants also seek approval under section 409(a) of the Act of the interlocking relationships arising as a

result of the acquisition of control described here. Louis Marx, Jr., is an officer and director of both ONA and Marline. Prestwick is a wholly owned subsidiary of Marline. We conclude that both Marline and Prestwick constitute phases of aeronautics within the meaning of section 409(a) of the Act by virtue of the debt and equity control relationships described here. To the extent however, that interlocking relationships that are subject to section 409 of the Act will arise as a result of the authorization of these transactions under section 408 of the Act, they are subject to the exemptions from section 409 afforded by sections 287.3 and 287.4 of the Board's Economic Regulations.

Consistently with similar past procedures, we will direct all interested persons to show cause why the tentative findings and conclusions and the proposed approval should not be made final.[1]

Accordinlgy, *It is ordered,* That: 1. Interested persons are directed to show cause why the Board should not issue an order granting approval under section 408(b) of the Act of the proposed transaction described here;

2. Any person disclosing a substantial interest in the acquisition and supporting or objecting to the issuance of an order making final the tentative findings and conclusions set forth here or desiring the imposition of additional conditions on approval, shall file comments with the Board within 14 days of the date of service of this order; and

3. A copy of this order shall be served upon the Department of Justice, Antitrust Division.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[2]
Secretary.

[FR Doc. 78-12846 Filed 5-10-78; 8:45 am]

[6320-01]

[Docket 32193; Order 78-5-33]

PAN AMERICAN WORLD AIRWAYS, INC.

Order to Show Cause for Amendment of its Certificate of Public Convenience and Necessity for Route 136

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of May, 1978.

On March 3, 1978, Pan American World Airways, Inc. filed an application for amendment of its certificate of public convenience and necessity for Route 136 (Segment I.B.3.(c)(i)) to add Los Angeles, Washington, Baltimore and New York as coterminal points with Houston. On March 10, 1978, Pan American filed a petition requesting that its application be processed by show cause procedures.[1]

In support of its request, Pan American states, among other things, that it has been designated under the United States-Mexico Air Transport Agreement for U.S. Route H (Houston-Mexico City and beyond to points in Central America and beyond); that on January 20, 1978, the United States and Mexico agreed to amend the Agreement to describe Route H as Route C.4 and to add to that route the coterminals New York, Washington, Baltimore and Los Angeles;[2] that the proposed amendment would allow it to expand and integrate its existing United States-Mexico/beyond service;[3] that the public would benefit from its proposed lower fares;[4] that it is prepared to immediately implement a New York-Mexico City one-stop service;[5] that it would be able to carry New York-Mexico City passengers without a significant increase in expenses; and that the new service would be profitable and provide Pan American increased operating flexibility.[6] Pan American forecasts that in the first year it will carry 24,750 New York-Mexico City passengers of which 2,250 will be generated by the proposed coach fare. Moreover, it estimates that the New York-Mexico City traffic will result in an addition to operating profit of approximately $3 million.

On March 21, 1978, Braniff Airways, Inc. filed an answer to Pan American's petition for an order to show cause.[7] No other answers were filed in response to Pan American's petition.

In view of the foregoing and all the facts of record, we have decided to issue an order to show cause why Pan American's certificate for Route 136 which authorizes, among other services, service from the terminal point Houston, the intermediate points Mexico City and Guatemala City and beyond should not be amended to add Los Angeles, Washington, Baltimore, and New York as coterminal points with Houston.[8] We tentatively find and conclude that the public convenience and necessity require such an amendment.[9]

It is therefore 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 Pan American World Airways, Inc. for Route 136 so as to have part (i) under Segment I.B.3.(c) of that route read as follows:

beyond Guatemala City, the intermediate point Mexico City, Mexico; and the coterminal points Houston, Tex.; Los Angeles, Calif.; Washington, D.C.; Baltimore, Md.; and New York, N.Y.;[10]

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[1] See the Black and Decker Manufacturing Co., Order 73-11-5, November 1, 1973, and IMM Acceptance Corp., International Metals & Machines, Inc., *et al.*, Order 76-10-64, October 15, 1976.

[2] All Members concurred.

[1] We will grant Pan American's petition for issuance of a shown cause order.

[2] The January 20, 1978 amendment to the United States-Mexico Agreement restricts operations on U.S. Route C.4 as follows: "The designated airline shall make an intermediate stop between Mexico City and New York and between Mexico City and Panama. It may omit the intermediate stop between Mexico City and Panama without local traffic rights but with the right to carry passengers between Mexico City and Panama who are scheduled to make connections within a period of twelve (12) hours. All nonstop flights between Los Angeles and Mexico City must also serve a point beyond Mexico. The designated airline shall not initiate nonstop service between Los Angeles and Mexico City before April 15, 1982." Pan American is subject to the restrictions pertaining to U.S. Route C.4 by virtue of a condition contained in its certificate for Route 136 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.

[3] Pan American currently operates daily roundtrip combination service using B-707 aircraft between Houston and Mexico City and beyond to Guatemala City and Managua. The flights continue to Panama City/Balboa: five times a week.

[4] Pan American proposes to offer a New York-Mexico City economy coach fare of $165 which is 13 percent lower than the existing coach fare.

[5] A daily roundtrip B-747 flight with a stop in Houston.

[6] Pan American will be operating a Houston-New York-London and beyond flight (Pan American Route 132) pursuant to new transatlantic authority received as a result of the Bermuda II Agreement. The carrier states that it can substantially increase revenues without a proportional increase in expenses if it is granted the requested authority since it will fly Mexico City-Houston-New York even if it is not granted the amendment to Route 136.

[7] Although supporting Pan American's petition, Braniff objected to Pan American's suggestion that its application for certificate amendment pursuant to the United States-Mexico Agreement be delayed and consolidated with Pan American's.

[8] Based upon our review of Pan American's Environmental Evaluation, we tentatively find that the proposed additional services will not constitute a "major" federal action within the meaning of the National Environmental Policy Act of 1969. Moreoever, since Pan American'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.

[9] We tentatively find that Pan American is fit, willing, and able to properly 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.

[10] In order to allow Pan American maximum flexibility in scheduling its services,

Footnotes continued on next page

2. All interested persons having objections to the issuance of an order making final the proposed findings and conclusions, or the proposed certificate amendment set forth in this order shall, within 15 days[11] after the date of service, 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 expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be 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.[12]

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, subject to the approval of the President, (1) makes final the Board's tentative findings and conclusions set forth in this order, and (2) issues an amended certificate of public convenience and necessity for Route 136 to Pan American World Airways, Inc. in the form attached;

5. The petition of Pan American World Airways, Inc. for issuance of an order to show cause is granted; and

6. A copy of this order shall be served upon Pan American World Airways, Inc.; Braniff Airways, Inc.; Western Air Lines, Inc.; the Mayors and airport authorities of Los Angeles, California; Washington, D.C.; Baltimore, Md.; and New York, N.Y.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[13]
Secretary.

[Specimen Certificate]

UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD WASHINGTON, D.C.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (AS AMENDED) FOR ROUTE 136

Pan American World 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 air transportation with respect to persons, property, and mail, as follows:

I. Between the terminal point Buenos Aires, Argentina; the intermediate points Montevideo, Uruguay; Sao Paulo, Rio de Janeiro, Brasilia, and Belem, Brazil; Paramaribo, Surinam; Georgetown, Guyana; and Port of Spain, Trinidad; and

A. Beyond Port of Spain, the intermediate points Barbados; Fort de France, Martinique; Pointe a Pitre, Guadeloupe; St. Johns, Antigua; St. Croix and St. Thomas, Virgin Islands; and San Juan, Puerto Rico; and

1. Beyond San Juan, the coterminal points Boston, Mass.; New York, N.Y.-Newark, N.J.; Philadelphia, Pa.; Washington, D.C.; and Baltimore, Md.; and

2. Beyond San Juan, the intermediate points Santo Domingo, Dominican Republic; Port-au-Prince, Haiti; and Kingston, Jamaica; and

(a) Beyond Kingston, the intermediate point Montego Bay, Jamaica; points in the Bahama Islands; and the coterminal points Miami, Fla.; Washington, D.C.; and New York, N.Y.-Newark, N.J.; and

(b) Beyond Kingston, the intermediate points Montego Bay, Jamaica; and Camaguey, Cuba; and the terminal point Miami, Fla.; and

(c) Beyond Kingston, the intermediate points Balboa, Canal Zone-Panama City, Panama; San Jose, Costa Rica; Managua, Nicaragua; Tegucigalpa, Honduras; San Salvador, El Salvador; and the terminal point Guatemala City, Guatemala; and

3. Beyond San Juan, the intermediate points Caracas and Maracaibo, Venezuela; Barranquilla, Colombia; and Balboa, Canal Zone-Panama City, Panama; and

B. Beyond Port of Spain, the intermediate point Caracas, Venezuela; and

1. Beyond Caracas, the intermediate point San Juan, Puerto Rico; and the coterminal points Boston, Mass.; New York, N.Y.-Newark, N.J.; Philadelphia, Pa.; Baltimore, Md.; and Washington, D.C.; and

2. Beyond Caracas, the intermediate points Santo Domingo, Dominican Republic; Port-au-Prince, Haiti; and Kingston, Jamaica; and beyond Kingston, as described in I.A.2.(a) and (b) above; and

3. Beyond Caracas, the intermediate points Maracaibo, Venezuela; and Barranquilla, Colombia; and

(a) Beyond Barranquilla, the intermediate point Kingston, Jamaica; and beyond Kingston, as described in I.A.2.(a) and (b) above; and

(b) Beyond Barranquilla, the intermediate points Balboa, Canal Zone-Panama City, Panama; and Kingston, Jamaica; and beyond Kingston, as described in I.A.2.(a) and (b) above; and

(c) Beyond Barranquilla, the intermediate points Balboa, Canal Zone-Panama City, Panama; San Jose, Costa Rica; Managua, Nicaragua; Tegucigalpa, Honduras; San Salvador, El Salvador; and Guatemala City, Guatemala; and

(i) Beyond Guatemala City, the intermediate point Mexico City, Mexico; and the coterminal points Houston, Tex.; Los Angeles, Calif.; Washington, D.C.; Baltimore, Md.; and New York, N.Y.; and

(ii) Beyond Guatemala City, the intermediate point Merida, Mexico; and the coterminal points New Orleans, La.; Dallas/Fort Worth and Houston, Tex.; and

(iii) Beyond Guatemala City, the intermediate points Merida, Mexico; Havana, Cuba; and the terminal point Miami, Fla.; and

(iv) Beyond Guatemala City, the coterminal points Miami, Fla.; Washington, D.C.; and New York; NY.-Newark, N.J.; and

(v) Beyond Guatemala City, the coterminal points Los Angeles and San Francisco, Calif.

II. Between the coterminal points Miami and Tampa, Fla.; the intermediate point Merida, Mexico; and the terminal point Mexico City, Mexico.

III. Between the terminal point Chicago, Ill., and the coterminal points Montego Bay and Kingston, Jamaica.

The approved service plan designating the specific points to be served by the holder in the Bahama Islands shall be in accordance with any applicable procedure prescribed by the Board.

The service authorized by this certificate is subject to the following terms, conditions, and limitations:

(1) Notwithstanding any other provision of this certificate, the holder shall at all times conduct its operations in accordance with all 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 at the points named in the approved service plan except as otherwise provided here and as temporary suspensions of service may be authorized by the Board; and shall not render service to any point not included in the approved service plan or not included among the points specifically named here. The holder may begin or terminate, or begin and terminate, trips at points short of terminal points.

(3) The holder may continue to serve regularly any point named here through the airport last used regularly to serve such point before the effective date of this certificate. Upon compliance with such procedures as the Board may prescribe and when not prohibited by any other provision of this certificate, 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 holder shall serve St. Thomas or St. Croix, Virgin Islands only on flights which originate or terminate at a point on the U.S. mainland.

(5) Flights serving points in the Dominican Republic, Haiti, Jamaica, and the Lesser Antilles (including Trinidad) shall originate or terminate on the U.S. mainland and shall

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Footnotes continued from last page

we will make the new authority for Segment I.B.3.(c)(i) of Route 136 permissive.

[11] In order for Pan American to commence operations on July 1, 1978, we find that the public interest requires the allowance of only 15 days for objections to this order.

[12] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[13] All Members concurred.

serve not more than two of the above points as intermediate points, St. Thomas and St. Croix, Virgin Islands to be counted as one point: *Provided,* That if San Juan is served on a mainland-Lesser Antilles flight, San Juan shall be counted as one of the two intermediate points.

(6) Flights between Havana and points south of Guatemala shall also serve Merida, Mexico or Guatemala City, Guatemala.

(7) Flights between Jamaica and Caracas shall also serve either Port-au-Prince, Santo Domingo, Balboa-Panama City or Barranquilla.

(8) The holder shall not carry persons, property, or mail which, with respect to the points named here, originate at any one of the domestic coterminal points and terminate at any of the other domestic coterminal points: *Provided, however,* That the holder may grant stopover privileges at Los Angeles, Calif. and Miami, Fla. to passengers moving between any domestic coterminal point, on the one hand, and any overseas or foreign point named here, on the other; *Provided, further,* That the authority granted here with respect to passengers moving to or from a point in Puerto Rico, the Virgin Islands or the Bahama Islands shall expire on April 17, 1975.[1]

(9) Flights serving Los Angeles or San Francisco, Calif., on the one hand, and Jamaica or a point beyond, on the other hand, shall serve a point in Central America.

(10) The holder shall not schedule single-plane service between New York, N.Y.-Newark, N.J., or Washington, D.C., on the one hand, and Port-au-Prince, Haiti, on the other hand.

(11) Flights serving Boston, Mass.; Philadelphia, Pa. or Baltimore, Md. shall also serve San Juan.

(12) Flights between Miami, Fla. and Mexico City, Mexico shall serve a minimum of one intermediate point.

(13) The holder shall not schedule single-plane service between New York, N.Y.-Newark, N.J. or Washington, D.C., and Miami, Fla. via the Bahama Islands, nor shall it hold out to the public expressly or by course of conduct that it provides service between New York, N.Y.-Newark, N.J. or Washington, D.C., and Miami, Fla.

(14) Washington, D.C. shall not be served through Washington National Airport on flights between Washington, D.C. and San Juan, Puerto Rico.

(15) Washington, D.C shall be served only through Dulles International Airport on flights between Washington, D.C., on the one hand, and points in Jamaica or in the Bahama Islands, on the other hand.

(16) The holder shall not serve both the Bahama Islands and Jamaica on flights serving Washington, D.C.

(17) The holder shall schedule service to a minimum of one intermediate point on flights (a) between New York, N.Y.-Newark, N.J. and Balboa-Panama City, and (b) between Washington, D.C. and Balboa-Panama City, except on Balboa-Panama City flights originating or terminating at New York, N.Y.-Newark, N.J. and serving Washington, D.C.

(18) With respect to operations between New York, N.Y.-Newark, N.J., on the one hand, and Santo Domingo, Dominican Republic, or Barbados, on the other, the holder shall enplane at one of said points and deplane at another only those passengers making a stopover of not less than 24 hours at an intermediate point.

(19) The authority to serve Dallas/Fort Worth, Tex. on segment I.B.3.(c)(ii) shall be permissive.

(20) The authority to serve Los Angeles, Calif.; Washington, D.C.; Baltimore, Md.; and New York, N.Y. on segment I.B.3.(c)(i) shall be permissive.

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 coterminal points Los Angeles, Calif.; Washington, D.C.; Baltimore, Md. and New York, N.Y. in Segment I.B.3.(c)(i) as well as the authority to serve Dallas/Fort Worth, Tex., 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, on the ——— day of ———.

——— ———,
Secretary.

[SEAL]

This certificate was approved by the President of the United States on ——— in Order ———.

[FR Doc. 78-12847 Filed 5-10-78; 8:45 am]

[1] Order 74-11-111 extended this authority until a final decision in Docket 27177.

[6320-01]

[Docket 32615; Order 78-5-23]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension Proposed Passenger-Fare Increases in the Honolulu-Pago Pago Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of May 1978.

By tariff revisions[1] market to become effective May 21, 1978, Pan American World Airways, Inc. proposes a two-fold revision of its fares in the Honolulu-Pago Pago market. The first would raise the present one-way economy fare of $149 to $169; the second would raise it further to $176. First-class fares under both revisions would be set at 150 percent of the economy fare.

Pan American contends that increased passenger loads in its Pacific operations have raised maintenance and depreciation expenses; other cost increases have continued unabated; and current Board guidelines on anticipated costs fully justify its proposals.

No complaints were filed.

The Board concludes that the proposed increases may be unlawful and should be suspended pending investigation.

When we last considered a general fare increase proposal in this entity (Order 77-12-156, December 29, 1977), we were concerned whether the very high increases in maintenance and depreciation costs, allegedly caused by higher engine power settings due to increased passenger loads, would continue and should be included in the cost-inflation adjustment. We concluded that the risk of projecting such a sharply divergent cost trend was too great, and suspended Pan American's proposal. The lower of the alternative fare proposals now before us is in response to that concern; the cost-escalation factor used excludes the changes in maintenance and depreciation expense.

We have four basic problems with Pan American's analysis in support of its new proposals. First, it relies on very old data, using as a starting point costs allocated to the Honolulu-Pago Pago market from the Pacific operating entity on the basis of 1975 origin-destination traffic with costs updated to the year ending June 1977. Second, the further cost projections beyond fiscal year 1977 are computed on the basis of year ended September 1977 data, although December data are now available, and March 1978 data soon will be available. Third, the cost-escalation factors are incorrectly applied and, as a result, Pan American projects costs nine months beyond the tariff effective date instead of the intended three. (If we adjust for this error in applying cost inflation, the proposed fares may be excessive even on the basis of Pan American's own data.) Fourth, we are not satisfied that the recent steep rates of increase in depreciation and maintenance expenses are indicative of a trend which should be projected in calculating revenue need.[2] The carrier concedes these rates of increase do not represent solely cost inflation, but continues to argue they are heavily influenced by revised operating procedures, including increased throttle settings, necessitated by higher loads experienced in Pacific operations, and that such cost increases will continue. We are not persuaded, however, that it is reasonable to project this type of cost increase. To support its contention that this trend will continue i.e., that loads will continue to increase, causing continued higher throttle settings, Pan American states that it is in the process of converting its B-747 fleet to 10-abreast high density seating. This argument ignores the fact that on a per-passenger basis, this change will reduce costs.

In the absence of more recent data our own analysis necessarily starts

[1] Revisions of Air Tariffs Corp., Agent, Tariff CAB No. 67.

[2] We are also concerned about the very wide fluctuations in expense levels from quarter to quarter. This may simply reflect aircraft maintenance cycles, but comparisions between periods and projection of such comparisons is difficult with the limited data available.

with the fiscal year 1977 data projected by the Board in the *Pacific Overseas Fares Investigation.*[3] Thus, we accept Pan American's methodology of adjusting those data to reflect cost inflation experienced since then. We have used December 1977 data to calculate cost escalation beyond fiscal year 1977 to August 31, 1978.[4] This leaves only the issue of how to treat the depreciation and maintenance expenses in our cost calculations; therefore, the parameters of the allowable fare increase can be determined by calculating cost inflation with and without those expenses. Doing this produces a $4.50 range; $168.23 with and $163.73 without.[5] Thus, the higher of the two fare increase proposals is excessive, and the lower is acceptable only if we include in our calculations Pan American's reported maintenance and depreciation expenses, which we have decided not to do for the reasons stated.

Clearly, an increase in fare is justified to offset experienced cost increases, and we do not wish to deny the carrier fare relief to which it is entitled. Therefore, we are prepared to permit the economy fare to be increased to $164.00 on short notice. We will, of course, consider an additional increase on statutory notice, provided Pan American can satisfactorily resolve our doubts about including its depreciation and maintenance expenses in the calculation of cost escalation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002,

It is ordered, that: 1. An investigation be instituted to determine whether the fares and provisions in Table 305, on 16th and 17th Revised Pages 145 to Transpacific Passenger Fares Tariff No. 1, C.A.B. No. 67, issued by Air Tariffs Corp., Agent, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Paragraph 1 above are suspended and their use deferred to and including August 17, 1978, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Copies of this order shall be filed in the above tariff and served upon Pan American World Airways, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[6]
Secretary.

[FR Doc. 78-12848 Filed 5-10-78; 8:45 am]

[3] We would expect any future fare increase proposal to reflect costs allocated on the basis of updated traffic.

[4] We use cost per available seat-mile rather than cost per block hour to calculate cost escalation. Block-hour costs give no consideration to increased seating density. While Pan American's B-747 seating density is up only slightly sence our decision in the fares case, we note that the carrier contemplates going to 10-abreast seating.

[5] We apply the cost inflation factors to total expenses. Depreciation and maintenance expenses are excluded only in determining the rate of increase.

[6] All Members concurred except Member O'Melia who was not here.

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-127, Amdt 5, May 8, 1978]

NOTICE OF ADDITION OF ITEM TO THE MAY 5, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1 p.m., May 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1a. Dockets 30646 and 32435, Exemption, pendente lite the Bismarck/Fargo-Minneapolis Subpart M proceeding; Emergency Air Transportation Requirements (Memo No. 7948, 7948-A, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This item concerns the staff's recommendation that the Board take review of Judge Hartsock's initial decision issued May 5, 1978, granting North Central's request for improved operating authority in markets now affected by the present strike of Northwest Airlines. so that the Board will be in a position to decide this case quickly, the following Board Members have voted that agency business requires the addition of this item to May 5, 1978 calendar on less than seven days' notice and that no earlier announcement of the addition was possible.

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

[S-997-78 Filed 5-9-78; 3:46 pm]

[6320-01]

2

[M-127, Amdt 4, May 4, 1978]

NOTICE OF ADDITION OF ITEM TO THE MAY 5, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1 p.m., May 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1a. Dockets 30646 and 32435, Exemption, pendente lite the Bismarck/Fargo-Minneapolis Subpart M proceeding; Emergeny Air Transportation Requirements (BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Board action on this item is required as soon as possible to ensure service during the Northwest's strike. Accordingly, the following Members have voted that agency business requires the addition of Item 1a to the May 5, 1978 agenda and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

[S-996-78 Filed 5-9-78; 3:46 pm]

[6570-06]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-973-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Thursday, May 11, 1978.

CHANGE IN THE MEETING: The time of the meeting is changed to 11 a.m. (eastern time). A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

The vote was as follows:

In favor of change.—Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner.
Opposed.—None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued May 5, 1978.

[S-986-78 Filed 5-9-78; 10:51 am]

[6712-01]

4

FEDERAL COMMUNICATIONS COMMISSIONS.

TIME AND DATE: 2 p.m., Tuesday, May 9, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

Cable Television—1—State of New Jersey petition for special relief from sections 76.59 and 76.61 of the Commission's Rules.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: May 5, 1978.

[S-990-78 Filed 5-9-78; 10:51 am]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

At the commencement of its closed meeting held at 11 a.m. on Friday, May 5, 1978, the Corporation's Board of Directors unanimously voted, on motion of Chairman George A. LeMaistre, seconded by Director William M. Isaac, with Director John G. Heimann (Comptroller of the Currency)

concurring, to withdraw the following matters from the agenda for consideration at the meeting:

Applications of Unity Bank & Trust Co., Boston (Roxbury), Mass., for consent to change the location of its main office and to establish two branches.

Application of Industrial Valley Bank & Trust Co., Jenkintown, Pa., for a reversal of the Division of Bank Supervision's finding that the bank's 1976 financial reports subject to Part 335 of the Corporation's rules and regulations were improperly prepared.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: May 5, 1978.

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

[S-991-78 Filed 5-9-78; 10:51 am]

[6740-02]

6

FEDERAL ENERGY REQULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 19753, published May 8, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. May 10, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

ER-O.—Investigation into the wholesale transactions during the coal shortage.

KENNETH F. PLUMB,
Secretary.

[S-987-78 filed 5-9-78; 10:51 am]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 2:30 p.m., May 17, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly report of actions taken pursuant to authority delegated to the Managing Director.

2. Agreement No. 9902-3 (Sub. 3): Modification of Euro-Pacific Joint Service Agreement to permit chartering of additional container capacity.

3. Agreement No. 5850-35: Modification of the North Atlantic Westbound Freight Association Agreement to provide for appointment of a resident representative in the United States.

4. Proposed change of cost experience period—General Order 29—Regulations governing level of military rates.

5. Docket No. 74-24: Agreement No. 770 DR-4—North Atlantic French Atlantic Freight Conference—Modification of merchant's exclusive patronage freight contracts—Review of order of discontinuance.

6. Special Docket No. 534: *Cutler-Hammer Denver* v. *Lykes Bros. Steamship Co., Inc.*—Review of supplemental initial decision.

7. Special Docket No. 558: *Aero Mayflower Transit Co.* v. *Sea-Land Service, Inc.*—Review of initial decision.

8. Special Docket No. 569: *Georgia-Pacific Corporation* v. *Gulf United Kingdom Conference*—Review of initial decision.

9. Special Docket No. 570: *Deutsche Schaghtbau-Und Tiefbohrgesellschaft MBH* v. *Lykes Bros. Steamship Co., Inc.*—Review of initial decision.

10. Docket No. 77-61: *Mitsui & Co. (U.S.A.), Inc.* v. *Sea-Land Service, Inc.*, and *Nippon Yusen Kaisha (NYK Line)*—Review of initial decision.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-995-78 Filed 5-9-78; 3:30 pm]

[6210-01]

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 12 noon, Monday, May 15, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Conceptual design for the proposed building of the Federal Reserve Bank of San Francisco.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 8, 1978.

CATHY E. MINEHAN.

[S-988-78 Filed 5-9-78; 10:51 am]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, May 18, 1978 (MN-78-22).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Pipeline accident report—Atlanta Gas Light Co., High-Pressure Gas Main Rupture, Atlanta, GA., December 1, 1977.

2. Aircraft accident report—Continental Air Lines, Inc., Boeing 727-224 N32745, Tucson, Ariz., June 3, 1977.

3. Recommendation to the Federal Aviation Administration re certification requirements for gliders.

4. Request to cancel special study P-SS-75-7, aircraft accidents and incidents involving safety role of dispatcher.

5. Discussion of highway and railroad model objectives and goals.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-989-78 Filed 5-9-78; 10:51 a.m.]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of May 1 and May 8, 1978 (changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

MAY 4, 1978—AFFIRMATION ITEMS

11:30 a.m. (approximately)—c. Cross-Examination of ACRS Consultants is cancelled.

2:30 p.m.—Joint NRC/ACRS Meeting (public meeting—had previously been announced as open and closed).

SHORT NOTICE MEETINGS

Approval: By vote of 3-0 on May 4, the Commission (Commissioner Gilinsky not participating), determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than 1 week's notice to the public. The meeting is a continuation of one held on May 4.

Meeting: Monday, May 8, 1:30 p.m.—Discussion of export-import regulations, part 110 (approximately 1 hour—public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

[S-994-78 Filed 5-9-78; 3:03 pm]

[7710-12]

11

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS.

NOTICE OF MEETING

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5

U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Friday, May 19, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Except as indicated in the following paragraphs, the meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

On May 2, 1978, the Board of Governors voted to close to public observation a portion of the May 19, 1978, meeting. Each of the members of the Board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Codding, Hardesty, and Robertson; Postmaster General Bolger; Deputy Postmaster General Conway; and Secretary to the Board Cox.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in current collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

AGENDA

1. Minutes of the previous meeting.
2. Recommended decision of the Postal Rate Commission on rates and fees.

   (The Governors will consider the recommended decision of the Postal Rate Commission on changes in rates of postage and fees for Postal Services (Commission Docket No. R77-1), which is expected to be transmitted to the Governors by the Commission on or about May 12, 1978. If the Governors should decide to order the decision into effect, the Board will determine the effective date.)
3. Discussion of strategies and positions in collective bargaining negotiations.

   (The Board will discuss possible strategies and positions in current collective bargaining negotiations for a new labor agreement. As stated above in the Notice of Meeting, the part of the meeting that will be devoted to this matter will be closed to the public.)

LOUIS A. COX,
Secretary.

[S-992-78 Filed 5-9-78; 3:03 pm]

[7710-12]

12

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS.

NOTICE OF COMMITTEE MEETING

The Committee on Postal Rates of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 5.2, 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 7:30 p.m. on Thursday, May 18,1978, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

The Committee will discuss the Recommended Decision of the Postal Rate Commission on Changes in Rates of Postage and Fees for Postal Services (Commission Docket No. R77-1), which is expected to be transmitted to the Governors by the Commission on or about May, 12, 1978.

The Committee meeting is to be held in anticipation of a meeting of the Board of Governors which is scheduled to commence at 9 a.m. on May 19. A report of the Committee is on the agenda for the Board meeting.

LOUIS A. COX,
Secretary.

[S-993-78 Filed 5-9-78; 3:03 pm]

federal register

THURSDAY, MAY 11, 1978
PART II



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM NOTICE NO. 8

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft Certification and Operations of Scheduled Air Carriers With Helicopters

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 127]

[Docket No. 17897; Notice No. 78-7]

OPERATIONS REVIEW PROGRAM NOTICE NO. 8

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft Certification and Operations of Scheduled Air Carriers With Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, records and reports of air carriers and commercial operators of large aircraft, and scheduled air carriers with helicopters. These proposed amendments are part of the Operations Review Program that provided a comprehensive review of the Federal Aviation Regulations (FAR), taking into account the significant changes in the environment in which airmen, air agencies and aircraft operators function by updating the FAR which apply to them.

DATE: Comments must be received on or before August 11, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17897, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before August 11, 1978, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers and by the sections to which they relate.

AVAILABILITY OF THIS NOTICE

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should request a copy of Advisory Circular No. 11-2 which describes the application procedures.

BACKGROUND

The aviation industry in the United States and abroad has grown substantially during the last ten years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies, and aircraft operators function.

To enable the FAA to become more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, Va. on December 1-5, 1975. The FAA distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all scheduled agenda items during the conference. Summaries were given by the FAA Committee Chairmen at the close of the discussions on each agenda item. Persons present were given the opportunity to correct those oral summaries. Those summaries were edited and combined with an attendee list for the conference and with transcripts of certain plenary session speeches and were distributed to all attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

THE PROPOSALS

The notice deals with selected proposals concerning Parts 121 and 127 contained in the following Operations Review Committee Workbooks:

Committee No.:	*Title*
3	Aircraft Operating Rules.
4	Airman Certification.
6	Certificated Operators and Agencies.
7	Flight Attendants.
9	Training.

A number of the proposals contained in both the Compilation and the working documents are not included in this notice. The Proposals listed in Appendices I and II fall into two categories as follows:

APPENDIX I—MISCELLANEOUS PROPOSALS WITHDRAWN BY PROPONENT

APPENDIX II—MISCELLANEOUS PROPOSALS REMOVED FROM CONSIDERATION FROM THE OPERATIONS REVIEW PROGRAM

DRAFTING INFORMATION

The principal authors of this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

THE PROPOSED AMENDMENTS

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 127 of the Federal Aviation Regulations (14 CFR Parts 121 and 127) as follows:

§ 121.177 [Amended]

8-1. By amending § 121.177(b) by deleting the word "any" in the first sentence and inserting in its place the words "the effective."

Explanation. This proposal would replace the word "any" with the words "the effective", using the phrase defined in AC 150/5325-3 which provides a greater margin of safety in computing takeoff limitations. This proposal would also make this paragraph consistent with § 121.189(e) which uses the term "effective runway gradient."

Ref. Proposal No. 392, § 121.177, Committee 3, Item C-2.

8-2. By revising § 121.311(b) to read as follows:

121.311 Seat and safety belts.

* * * * *

(b) During flight time each passenger shall occupy an approved seat or berth with a separate safety belt secured about that passenger. During en route flight, passengers may leave their seats or berths for physiological needs or when authorized by a crewmember. A person who is less than two years old may be held by an adult.

* * * * *

Explanation. This proposal and Item Nos. 8-3, 8-11, 8-23, 8-24 and 8-25 would require Parts 121 and 127 certificate holders to install "Fasten Seat Belt While Seated" signs on each forward bulkhead and seat back in each of its passenger-carrying aircraft. The proposed amendments also would require passengers to keep their safety belts fastened at all times when seated and would allow them to be absent from their seats only when necessary in connection with their physiological needs or when specifically authorized for other reasons by a crewmember. This proposal also would apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations with large airplanes.

During the en route portion of flight, passengers are not required by current regulations to keep their safety belts fastened while seated. However, on airplanes operated under Parts 121 and 123, and on large airplanes operated by Part 135 certificate holders under the applicable rules of Part 121, an announcement must be made after each takeoff informing passengers that they should keep their safety belts fastened when seated, even when the seat belt sign is off. This requirement does not apply to Part 127 operations. This proposal would require that the passenger briefing announcements state that passengers are required to keep their safety belts fastened while seated.

A petition from the Air Line Pilots Association (ALPA) states that many of the injuries on aircraft that have been attributed to clear air turbulence and flight control malfunctions could have been prevented. In this connection, petitioner states, in essence, that during flights of two hours or more passengers typically leave their seats many times, and that some of them forget to refasten their safety belts upon returning to their seats. As a result, when turbulence or flight control malfunctions have occurred, some of those passengers have been thrown from their seats and have sustained injuries. Therefore, petitioner concludes that most of the turbulence and flight control malfunction related injuries that have occurred in recent years could have been avoided if the persons who sustained injury had refastened their safety belts upon returning to their seats.

Accordingly, these proposed amendments would allow passengers to leave their seats during the en route portion of flight only for the purpose of meeting their physiological needs and would require that passengers be properly secured by a safety belt when seated.

The FAA believes that appropriate seat belt signs, if installed on forward bulkheads and seat backs, would help achieve compliance with a requirement to fasten safety belts during the en route portion of flight.

Ref. Proposal Nos. 439, 450, 451, 588, 589, 686, 688 and 693, and ALPA petition of April 8, 1974, Docket No. 13670; §§ 121.311, 121.571, 127, 109, 127.115, 127.226; Committee 1 and 7; Agenda Items C3 and D.

8-3. By revising § 121.317 by redesignating paragraph (b) as (c), and adding a new paragraph (b) to read as follows:

§ 121.317 Passenger information.

* * * * *

(b) After ————, no person may operate a passenger-carrying airplane under this part unless there is affixed to each forward bulkhead, and each passenger seatback, a sign that reads "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

* * * * *

Explanation. This proposal would require operators to place "Fasten Seat Belts While Seated" signs on forward bulkheads and on each passenger seatback. The signs or placards required by this proposed revision need not meet the requirements of § 121.317(a) but must be visible to the passengers. See item 8-2 for further explanation.

Ref. Proposal No. 451; § 121.317; Committee I; Agenda Item C3.

8-4. By revising § 121.391(d) by adding a sentence to the end to read as follows:

§ 121.391 Flight attendants.

* * * * *

(d) * * * During taxi, required by this section, flight attendant must remain at that attendant's duty location with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

Explanation. This proposal would require flight attendants to remain at their duty locations with safety belts and shoulder harnesses fastened while the airplane is taxiing, except to perform duties related to the safety of the airplane and its occupants. Several malfunctions, such as brake fires, have occurred during taxi that required emergency evacuations of the airplane. In several instances these malfunctions occurred while flight attendants were away from their duty locations and unable to return (because of passengers blocking the aisles) to assist in proper evacuation of the aircraft.

Ref. Proposal Nos. 494 and 566; § 121.391(d)(1); Committee 7; Agenda Item C.

§ 121.434 [Amended]

8-5. By amending § 121.434 as follows:

1. By amending paragraph (f) by inserting the words "for flight crewmembers" after the word "experience";

2. By amending the flush paragraph at the end of paragraph (f) by inserting the words "(e) and" after the word "paragraph"; and

3. By amending paragraph (e) by adding a sentence at the end to read as follows:

§ 121.434 Operating experience.

* * * * *

(e) * * * Satisfactorily completed training time acquired in an approved training program conducted in a full-scale (except for length) cabin simulator of the type airplane in which they are to serve may be substituted for 50 percent of the hours required by this paragraph.

* * * * *

Explanation. This proposal allows certificate holders to substitute flight attendant training time in a cabin simulator for up to 50 percent of the operating experience requirement.

Since June 1973, the FAA has issued exemptions to the current rule allowing flight attendants to substitute satisfactorily completed training time received in cabin simulators to meet part of the operating experience required by this section. Satisfactory results have been achieved without an adverse effect on safety.

The FAA believes that the use of realistic cabin simulators provides a level of training equal to in-flight training in the aircraft, thus making the full five hours of in-flight operating experience for the flight attendants unnecessary.

Additionally, this proposal adds the words "for flight crewmember" after the word "experience" in paragraph (f) to clarify the fact that this method of reduction does not include flight attendants.

Ref. Proposal No. 538; § 121.434(f); Committee 9; Agenda Item B-8.

8-6. By revising § 121.441(a) to read as follows:

§ 121.441 Proficiency checks.

(a) No certificate holder may use any person, nor may any person serve, as a required pilot flight crewmember unless that person has satisfactorily completed either a proficiency check or an approved simulator course of training under § 121.409 for the airplane type in which that pilot is to serve, as follows:

* * * * *

Explanation. This proposal clarifies the fact that proficiency checks required by this section must be administered in the airplane type in which the person is to serve. Pilots serving in more than one type of aircraft would require a flight check or an approved simulator course of training in each type of aircraft.

Ref. Proposal No. 544; § 121.441(a); Committee 4; Agenda Item E.

8-7. By revising § 121.443 to read as follows:

§ 121.443 Pilot in command qualification: route and airports.

(a) Each certificate holder shall provide a system acceptable to the Administrator for disseminating the information required by paragraph (b) of this section to the pilot in command and appropriate flight operation personnel. The system must also provide an acceptable means for showing compliance with § 121.445.

(b) No certificate holder may use any person, nor may any person serve, as pilot in command unless the certificate holder has provided that person current information concerning the following subjects pertinent to the areas over which that person is to serve, and to each airport and terminal area into which that person is to operate, and ensures that that person has adequate knowledge of, and the ability to use, the information:

(1) Weather characteristics appropriate to the season.

(2) Navigation facilities.

(3) Communication procedures, including airport visual aids.

(4) Kinds of terrain and obstructions.

(5) Minimum safe flight levels.

(6) En route and terminal area arrival and departure procedures, holding procedures and all instrument approach procedures for the airports involved.

(7) Congested areas and physical layout of each airport in the terminal area in which the pilot will operate.

(8) Notices to Airmen.

Explanation. This proposal and Item Nos. 8-8 and 8-9 would eliminate the present route qualification and requalification provisions and proposes a regulation that makes the certificate holder responsible for ensuring that the pilot in command has current knowledge concerning certain information regarding each operation, and is qualified to use it as required of a pilot in command. These proposals would: (1) delete the requirement that the domestic and flag air carrier pilot in command make a qualifying entry into each airport into which that pilot scheduled to fly; (2) require a qualifying initial entry and subsequent entries only at "special" airports; and (3) provide that the pilot in command for supplemental air carriers and commercial operators be required to meet these requirements.

Airline pilots have for years demonstrated their ability to operate charter and other special flights over routes they have not previously flown and into airports where they have not previously landed. These operations have been conducted with an excellent safety record.

Since the regulations were first published, radio navigation has become more sophisticated and a wide-spread network of en route and terminal approach navigation aids, particularly VOR and ILS, have been developed. The air traffic control system has been improved and terminal and en route radar now provide flexible or direct routing.

With these improvements, the FAA no longer believes it necessary that the domestic and flag air carrier pilot in command make a qualifying entry into each airport into which that pilot is scheduled to fly. Instead, that pilot should be required to make a qualifying entry (including a takeoff and landing), or qualify by using pictorial means acceptable to the Administrator only at those airports that are unique because of terrain, obstacles, or complex approach or departure procedures.

The FAA believes that to provide a standard level of safety for all certificate holders operating into special areas and airports, the pilot in command for supplemental air carriers and commercial operators should be required to meet these same training requirements. These proposals would combine the requirements of current §§ 121.443, 121.445, and 121.447 into § 121.443. Section 121.445 has been completely revised to require airport qualification for special areas and airports. The proposal would also delete and reserve § 121.447.

Ref. Proposal Nos. 549 and 549A, §§ 121.443, 121.445, and 121.447; Committee 4; Agenda Item E.

8-8. By revising § 121.445 to read as follows:

§ 121.445 Pilot in command airport qualification: special areas and airports.

(a) The Administrator may determine that certain airports (due to items such as surrounding terrain, obstructions, or complex approach or departure procedures) are special airports requiring special airport qualifications and that certain areas between terminals require a special type of cockpit navigation qualification.

(b) Except as provided in paragraph (c) of this section, no certificate holder may use any person, nor may any person serve, as pilot in command to or from an airport determined to require special airport qualifications unless, within the preceding 12 calendar months:

(1) The pilot in command or second in command has made an entry to that airport (including a takeoff and landing) while serving as a pilot flight crewmember; or

(2) The pilot in command has qualified by using pictorial means acceptable to the Administrator for that airport.

(c) Paragraph (b) of this section does not apply when an entry to that airport (including a takeoff or a landing) is being made if the ceiling at that airport is at least 1,000 feet above the lowest MEA, MOCA, or altitude prescribed for the instrument approach procedure for that airport, and the visibility at that airport is at least three miles.

(d) No certificate holder may use any person, nor may any person serve, as pilot in command between terminals over an area determined to require a special type of cockpit navigation qualification unless, within the preceding 12 calendar months that person has, with respect to that area, demonstrated qualification, in a manner acceptable to the Administrator, by one of the following methods:

(1) By flying over the area as pilot in command using the special type of cockpit navigation.

(2) By flying over the area as pilot in command under the supervision of a check airman using the special type of cockpit navigation.

(3) By completing the training program requirements of Appendix G to Part 121.

Explanation. This proposal would require pilots to make a qualifying entry (including a takeoff and landing), or qualify by using pictorial means acceptable to the Administrator for those airports that are unique because of terrain, obstacles, or complex approach or departure procedures. Additionally, this proposal would require a special type of cockpit navigation qualification for certain areas between terminals. See Item No. 8-7 for further explanation.

Ref. Proposal No. 549A, § 121.445; Committee 4; Agenda Item E.

§ 121.447 [Reserved]

8-9. By deleting § 121.447 and marking it [Reserved]

Explanation. See Item No. 8-7 for further explanation.

Ref. Proposal No. 549, § 121.447; Committee 4; Agenda Item E.

8-10. By revising § 121.563 to read as follows:

§ 121.563 Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight are entered in the maintenance log of the airplane at the next place of landing.

Explanation. This proposal would revise § 121.563 by establishing a specific time-period for entering in the maintenance log mechanical irregularities that occurred during flight, and would delete the requirement to ascertain the status of the airplane before each flight, since this is provided for in other sections of this Part.

Current § 121.563 has been interpreted by the National Transportation Safety Board as requiring the pilot in command to enter a mechanical irregularity in the maintenance log at the end of a flight which could involve several intermediate stops. However, the FAA believes that the mechanical irregularity should be entered in the maintenance log at the end of each flight leg, i.e., from takeoff to the next place of landing. The FAA believes that such an entry is timely and alerts maintenance personnel at en route stops that maintenance may be necessary.

Ref. Proposal No. 578, § 121.563; Committee 3; Agenda Item L.

§ 121.571 [Amended]

8-11. By amending § 121.571(a)(2) by deleting the word "should" and substituting the word "must."

Explanation. This proposal would require that the passenger briefing announcements state that passengers are required to keep their safety belts fastened while seated. See Item 8-2 for further explanation.

Ref. Proposal Nos. 588 and 589; § 121.571; Committee 7; Agenda Item D.

8-12. By amending § 121.574(a)(4) by inserting the words ", to be kept in that person's possession and" between the words "statement" and "signed;" and by revising § 121.574(b) to read as follows:

§ 121.574 Oxygen for medical use by passengers.

* * * * *

(b) No person may and no certificate holder may allow any person to smoke in the same row, the row forward of, aft of, or across from a person using oxygen under paragraph (a) of this section.

* * * * *

Explanation. This proposal would amend § 121.574(a)(4) by requiring passengers needing medical oxygen to retain in their possession a written statement signed by a physician. Problems arise when a passenger needing medical oxygen checks in for a flight and the airline retains the signed statement. Subsequently, on another leg of the same flight or return flight, the passenger needs this statement and it is not available placing a burden on the passenger to provide another statement. The FAA believes that requiring the passenger to retain the required written statement would prevent this.

Current § 121.574(b) prohibits smoking within 10 feet of a person using oxygen equipment. The FAA believes that this is overly restrictive and proposes to amend this section to not allow persons to smoke in the same row, the row forward of, aft of, or across from a person using oxygen. The FAA believes that this proposal would not adversely affect safety.

Ref. Proposal No. 594, § 121.574; Committee 10; Agenda Item F.

8-13. By revising § 121.579(b) to read as follows:

§ 121.579 Minimum altitudes for use of autopilot.

* * * * *

(b) Approaches.

(1) When using an instrument approach facility, no person may use an autopilot, without an approach coupler, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the autopilot under approach conditions, or less than 50 feet below the approved minimum descent altitude or decision height for that facility, whichever is higher.

(2) For ILS approaches, no person may use an autopilot with an approach coupler at an altitude above the terrain that is less than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the autopilot with approach coupler, or 50 feet, whichever is higher.

* * * * *

Explanation. This proposal deletes the references to IFR and VFR weather conditions establishing one autopilot approach minimum for autopilots with an approach coupler, and adds the phrase "without an approach coupler," to the first paragraph for clarifying purposes. The current rule allows descent to as low as 50 feet under VFR conditions, and 50 feet higher that the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the autopilot with approach coupler under IFR conditions. The FAA believes that this distinction is no longer necessary, and this proposal allows ILS approaches made with an autopilot with an approach coupler to a minimum altitude as low as 50 feet in both VFR or IFR weather conditions.

During any IFR approach (except Category IIIa zero visibility landings), a pilot will have adequate visual references at 50 feet, unless a missed approach has been initiated at the decision height. Thus, if an autopilot or approach coupler malfunction occurred at 50 feet the distinction between IFR and VFR is irrelevant. Based upon the comments received on this proposal the agency may decide to revise proposed § 135.81(b) to be compatible with the proposed revision to § 121.579(b). Comments are requested concerning the proposed revision to § 135.81(b).

Ref. Proposal No. 601; § 121.579; Committee 3; Agenda Item G.

8-14. By revising § 121.583(a)(4)(iii) to read as follows:

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of this part.

(a) * * *

(4) * * *

(iii) The safe handling of hazardous materials whose carriage is governed by regulations prescribed in 49 CFR Part 175.

* * * * *

Explanation. This proposal deletes the reference to Part 103, and adds the reference to regulations of the Materials Transportation Bureau (DOT) prescribed in 49 CFR Part 175. In effect this revision states that a person necessary for the safe handling of hazardous materials may accompany that shipment aboard an aircraft without the certificate holder having to comply with the passenger-carrying aircraft operational requirements.

Ref. Proposal No. 906; § 121.583(a)(4)(iii); Committee B; Agenda Item H.

8-15. By revising § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may allow the boarding of carry-on baggage on an aircraft unless the baggage can be stowed in accordance with this section. No certificate holder may allow an aircraft to take off or land unless each article of baggage carried aboard the aircraft is stowed—

(1) In a suitable closet or baggage/cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed therein. Such stowage must not hinder the possible use of any emergency equipment;

(2) As provided in paragraph (c) of § 121.285; or

(3) Under a passenger seat.

(b) Baggage, other than articles of loose clothing, shall not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors.

(c) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraphs (a) and (b) of this section.

(d) Each passenger seat under which baggage is allowed to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward or sideways under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or in the emergency landing condition regulations under which the aircraft was type certificated.

Explanation. This proposal gives the certificate holder specific authority to prevent the boarding of carry-on baggage which cannot be property stowed in a suitable closet or baggage/cargo stowage compartment placarded for its maximum weight. Additionally, baggage must not hinder possible use of emergency equipment located in stowage compartments.

This proposal also prevents placing baggage other than loose clothing in an overhead rack, unless that rack is equipped with approved restraining devices or doors. The FAA believes that objects placed in open racks above passengers' seats should not be of the type which could, if they become dislodged and fall, inflict injury to passengers. Additionally, this proposal provides that baggage be restrained sideways as well as forward under certain impacts or under certain emergency landing conditions.

During hard or crash landings carry-on baggage has become dislodged from stowage areas, inflicting injuries to passengers and hampering the emergency evacuation of the aircraft. The FAA believes that all carry-on baggage should be screened before being allowed aboard the aircraft to prevent loading of baggage which cannot be properly stowed.

Ref. Proposal No. 604; § 121.589, Committee 6A; Agenda Item H.

8-16. By revising § 121.619(a) (1) and (2) to read as follows:

§ 121.619 Alternate airport for destination: IFR or over-the-top: domestic air carriers.

(a) * * *

(1) For at least one hour before and one hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts or any combination of them indicate:

(i) That the ceiling will be at least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) A ceiling of at least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is higher.

(2) The visibility at that airport will be at least three miles, or two miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedure to be used at the destination airport.

* * * * *

Explanation. This proposal reduces the two-hour weather requirement for alternate airports to one hour. It also changes the 1,000 feet above the MEA or MOCA to 1,500 feet above the MDA, circling approach; or 1,500 feet above the lowest published minimums, or 2,000 feet above the airport elevation, whichever is higher. The visibility minimums would be three miles or two miles more than the lowest minimums for the instrument approach procedure to be used.

The FAA believes that using at least 1,500 feet above the circling MDA, instead of MOCA, MEAs, or other altitudes, would aid the pilot in determining his alternate weather requirements as these minimum are depicted on the approach charts. Revision of the forecast time period from two hours to one hour would reduce unnecessary tankering of fuel on the aircraft.

The present rule has proven burdensome, both operationally and economically, by requiring designation of an alternative airport based solely on a weather forecast.

Ref. Proposal Nos. 186, 609; § 121.619; Committee 3; Agenda Item B, and Committee 6; Agenda Item J.

8-17. By revising § 121.621(a)(1) to read as follows:

§ 121.621 Alternate airport for destination: Flag air carriers.

(a) * * *

(1) The flight is scheduled for not more than six hours and, for at least one hour before and one hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts, or any combination of them, indicate that the ceiling will be:

(i) At least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) At least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is higher; and

(iii) The visibility at that airport will be at least three miles, or two miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedures to be used at the destination airport.

* * * * *

Explanation. This proposal was not discussed at the Operations Review but is in keeping with changes made to § 121.619 that provided relief to domestic air carriers, related to the same subject matter. See Item 8-16 for further justification.

Ref. Proposal No. 611; § 121.621; Committee 6; Agenda Item J.

§ 121.691 [Reserved]

8-18. By deleting § 121.691 and marking if [reserved].

§ 121.693 [Amended]

8-19. By amending § 121.693 as follows:

1. By deleting from the heading the words, "supplemental air carriers and commercial operators."

2. By inserting the words, "loading of the" between the words, "the" and "airplane" in the introductory phrase of the section.

3. By amending § 121.693(a) by inserting the parenthetical words, "(including mail)" between the words "cargo" and "and".

4. By revising § 121.693(e) to read as follows:

§ 121.693 Load manifest: air carriers and commercial operators.

* * * * *

(e) Names and home addresses of passengers, unless such information is maintained by other means by the air carrier or commercial operator.

Explanation. This proposal and item 8-18 would delete § 121.691 and combine the load manifest requirements of §§ 121.691 in 121.693, making the requirements of § 121.693 applicable to all operators. Section 121.691 load manifest requirements for domestic and flag air carriers were repeated in § 121.693 for supplemental air carriers and commercial operators with some additional requirements which the FAA believes should also be applicable to domestic and flag air carriers. Some domestic air carriers no longer issue tickets to passengers before departure in shuttle operations, leaving the operator without a passenger list in case of an accident. The FAA believes this situation would be corrected by making the load manifest applicable to all air carriers and commercial operators.

Ref. Proposal Nos. 35 and 636; §§ 121.691 and 121.693; Committee 6A; Agenda Item J.

Part 121 Appendix E [Amended]

8-20. By amending appendix E of part 121 as follows:

1. Item I(a) by adding the following sentence at the end:

* * *If a flight engineer is a required crewmember for the particular type airplane, the visual inspection may be replaced by using an approved pictorial means that realistically portrays the location and detail of preflight inspection items.

2. Item III(g)(3) by:

a. Deleting the symbols "B," "AT," and "BU" from the "Inflight" column under the captions "Initial," "Transition," and "Upgrade Training";

b. Adding the "B" symbol in the "Non-Visual Simulator" column under the caption "Initial Training";

c. Adding the "AT" symbol in the "Non-Visual Simulator" column under the caption "Transition Training"; and

d. Adding the "BU" symbol in the "Non-Visual Simulator" column under the caption "Upgrade Training."

3. Item III(h) by deleting the "P" symbol in the "Inflight" column, and by adding the "P" symbol in the "Non-Visual Simulator" column under the caption "Initial Training."

4. Items III(i) and (j) by:

a. Deleting the "B" symbols in the "Inflight" column under the caption "Initial Training";

b. Adding the "B" symbols in the "Non-Visual Simulator" column under the caption "Initial Training";

c. Deleting the "SF" symbol in the "Inflight" column, and deleting "PS" in the "Non-Visual Simulator" column under the caption "Upgrade Training"; and

d. Adding the "BU" symbol in the "Non-Visual Simulator" column under the caption "Upgrade Training."

5. Items III(l) (1) and (2) by deleting the "B" symbols in the "Inflight" column and by adding the "B" symbols in the "Visual Simulator" column under the caption "Initial Training."

6. Item III(l)(1) by:

a. Deleting the "AT" symbol in the "Inflight" column and by adding the "AT" symbol in the "Visual Simulator" column under the caption "Transition Training"; and

b. Deleting the "BU" symbol in the "Inflight" column and by adding the "BU" symbol in the "Visual Simulator" column under the caption "Upgrade Training."

7. Items III(p) (1) and (4) by deleting the "B" symbols in the "Inflight" column and adding the "B" symbols in the "Visual Simulator" column under the caption "Initial Training."

Explanation. This proposal would allow the use of pictorial means to complete the visual inspection requirements of the training program. Visual inspection training is difficult to schedule and conduct, due to lack of airplanes available for complete exterior inspection. The FAA believes that, on aircraft requiring a flight engineer, the pilot's preflight visual inspection may be conducted effectively through approved pictorial means. This proposal would allow power plant failure training to be conducted in a non-visual simulator. Power plant failure is a procedural drill that can efficiently be taught in a non-visual simulator. The effects of symmetrical thrust will be covered elsewhere in the flight training program. No compromise in safety will result, since the efficiency of simulator training is a well-established fact.

This proposal would allow the use of visual simulators to accomplish engine-out and normal ILS approaches and missed approach procedures, and would allow the use of non-visual simulators for steep turns, approaches to stalls, and recovery from specific flight characteristics. The FAA believes that visual simulator capabilities are fully adequate for training and checking on all ILS approaches. Training in normal and abnormal maneuvers conducted in a simulator is safer than in the airplane, and past experience has proven that transfer of learning from the simulator training program to the aircraft has been very good.

Ref. Proposal Nos. 652, 653, 654, 659, and 660; part 121; appendix E; Committee E; Agenda Item C-1.

§ 121 Appendix F [Amended]

8-21. By amending appendix F of part 121 as follows:

1. Item I(a) by inserting the following sentence between the second and third sentences:

* * * The equipment examination is not required if the pilot has satisfactorily completed, within the preceding sixty days a Part 121 approved training program in a cockpit procedural trainer or airplane simulator for that type aircraft. * * *

* * * * *

2. Item III(c)(2) by deleting the "B" symbol in the "Inflight" column and by adding the "B" symbol in the "Visual Simulator" column.

3. Item III(e) by amending the last flush paragraph by deleting the sentence "At least one missed approach must be performed in flight."

Explanation. This proposal would eliminate the requirement for an equipment examination if the pilot satisfactorily completed a part 121 training program within the last sixty days for that type aircraft.

The FAA approves all airline training courses, and FAA inspectors routinely spot check the quality of the instruction and testing being administered by the air carriers. This should assure that the FAA has control over the quality of the instruction and the adequacy of performance. In addition, FAA inspectors who are assigned to air carriers employing training programs that include training in cockpit procedural trainers or simulators would still have ample opportunity to observe the performance of these pilots and test their knowledge, since these pilots are subject to further examination during the inflight portion of the practical test and during initial operating experience on the line.

This proposal would allow ILS approaches with simulated powerplant failure and missed approaches to be conducted in a visual simulator. See Item 8-20 for further explanation and justification.

Ref. Proposal Nos. 659, 660, 662, 663, and 665; Part 121, Appendix F; Committee 9; Agenda Item C-1.

8-22. By revising Appendix G to Part 121 by revising the heading, and sections 1(a), 2, 3, 4, 5, and 6 to read as follows:

APPENDIX G—DOPPLER RADAR, INERTIAL NAVIGATION SYSTEM (INS), OR OTHER SPECIALIZED NAVIGATION EQUIPMENT; REQUEST FOR EVALUATION; EQUIPMENT AND INSTALLATION; TRAINING PROGRAM; EQUIPMENT ACCURACY AND RELIABILITY; EVALUATION PROGRAM

1. *Application authority.* (a) An applicant for authority to use a Doppler Radar, Inertial Navigation System or other Specialized Navigation Equipment must submit a request for evaluation of the system to the Flight Standards District Office charged with the overall inspection of its operations 30 days before the start of the evaluation flights.

* * * * *

2. *Equipment and equipment installation—pilot operated long range navigation systems.* (a) All pilot operated specialized navigation equipment systems must be installed in accordance with applicable airworthiness requirements.

(b) Installation must consist of at least dual long range navigation systems (including navigational computers). This may consist of two like systems (i.e., two INS) or two unlike systems (i.e., one INS and one Doppler). However, when an intermix of systems is used, this intermix must be approved by the Administrator. At least two systems must be operational at takeoff.

(c) Cockpit arrangement must be visible and usable by either while pilot seated at that pilot's duty station.

(d) The equipment must provide, by visual, mechanical, or electrical output signals, indications of the invalidity of output data upon the occurrence of probable failures or malfunction within the system.

(e) A probable failure or malfunction within the system may not result in loss of the required navigation capability of the aircraft.

(f) The alignment, updating, and navigation computer functions of the system may not be invalidated by normal airplane power interruption and transients.

(g) The system may not be the source or cause of objectionable radio frequency interference and must not be adversely affected by radio frequency interference from other airplane systems.

(h) The FAA approved flight manual, or the applicant's operations manual required by § 121.133, must include pertinent materi-

al as required to define normal, abnormal, and emergency operating procedures and applicable operating limitations associated with the navigation system.

(i) In addition to meeting the requirements of paragraphs (a) through (b) of this section, each automated system must automatically provide the following:

(1) Indications needed to gain and maintain a desired track to the next waypoint and destination, and to determine deviations from the desired track.

(2) Indications showing distance or a means of determining time to go to the next waypoint or destination.

(3) The present position of the aircraft in suitable coordinates, or a means of determining these coordinates.

3. *Equipment and equipment installation*—Inertial Navigation Systems (INS). When INS are used in operations under this part, in addition to meeting the requirements of paragraphs (a) through (i) of section 2, each system must also provide the following:

(a) Valid ground alignment capability at all latitudes appropriate for the proposed operation.

(b) A display of alignment status or a ready-to-navigate light showing completed alignment to the flight crew.

(c) For installations that do not have memory or other inflight alignment means, a separate electrical power source (independent of the main power system) which can supply, for at least five minutes, enough power (as shown by analysis or as demonstrated in the airplane) to maintain the INS in such condition that its full capability is restored upon the reactivation of the normal electrical supply.

4. *Equipment and equipment installation—Doppler Radar Systems.* In addition to meeting the requirements of paragraphs (a) through (h) of section 2, if an applicant elects to use Doppler Radar in operations under this part, each installation must also provide the following:

(a) Dual antenna or a combined antenna designed for multiple operation.

(b) Dual operating transmitters, or a single operating transmitter with a standby capable of operation.

(d) Separate heading source information to each system, except that a single heading source may be used if a compass comparator is installed and inflight operating procedures require frequent cross-checks of all compasses by flight crewmembers.

(d) Compass heading information to the Doppler Radar must be maintained to an accuracy of ±1 degree and total system deviation may not exceed 2 degrees. When free gyro techniques are used, procedures must be used to insure that an equivalent level of heading accuracy and total system deviation is attained.

(e) As determined by the Administrator and specified in the certificate holder's operations specifications, external navigation aids may be required to update the Doppler Radar for proposed operations. These may include, but are not limited to, VOR, DME, Loran, or Omega, ground based radar and satellite transmissions. When these aids are required, the cockpit controls must be accessible to each pilot seated at that pilot's duty station. Their suitability will be determined by the Administrator after considering the accuracy, reliability, associated flight crew workload and the manner in which the systems are affected by atmospheric conditions and propogation anomalies.

5. *Training programs.* The initial training program for long range navigation systems must include the following:

(a) Duties and responsibilities of flight crewmembers, dispatchers, and maintenance personnel.

(b) For pilots, instruction in the following:

(1) Theory and procedures, limitations, detection or malfunctions, preflight and inflight testing and cross-checking methods.

(2) The use of computers, an explanation of all systems, compass limitations at high latitudes, a review of navigation, flight planning and applicable meteorology.

(3) The methods of updating by means of reliable fixes.

(4) The actual plotting of fixes.

(5) Compilation of terminal system errors.

(c) Each pilot assigned as an operational crewmember must satisfactorily complete an initial qualification check (either in actual operation or in an approved simulator) to ensure that pilot's qualification in the system and to enable certification of proficiency as required by § 121.401.

(d) Each pilot must receive recurrent training and a line check within the preceding 12 calendar months.

6. *Equipment accuracy and reliability.* Each long range navigation system must meet the following accuracy requirements, as appropriate:

(a) For a system that is affected by errors which accrue with time, (as with INS), the applicant must show that the system can be operated on a flight of at least 10 hours with a radial error accural rate not exceeding 2 nautical miles per hour for 95 percent of system flights.

(b) For a system other than one covered under paragraph (a) of this section, the applicant must show that the system can be operated with no more than 20 nautical miles cross-track, and 25 miles along track, error for 95 percent of system flights.

(c) Notwithstanding the requirements in paragraphs (a) and (b) of this section, the applicant must show that 95 percent of system flights, including those of 10 hours or more, can be operated to comply with ATC, ADIZ, and other operational requirements.

(d) For systems required for use in airspace in which International Civil Aviation Organization (ICAO) minimum navigation performance specifications apply, accuracy requirements contained in the specifications must be met.

* * * * *

Explanation. This proposed revision rearranges present requirements of Appendix G and adds additional requirements to make it compatible for all long range navigation systems. As it is presently written, reference is made only to Inertial Navigation Systems and Doppler Radar units. Those items in present sections 2 and 3 which apply to all long range navigation systems have been incorporated into a rewrite of section 2. Section 3 (INS and Doppler) has been rewritten to delete items that have now been placed in revised section 2. Section 5 (Training programs) has been revised to include specific requirements for an initial qualification check and recurrent training and check on long range navigation systems.

This proposal would add a new training program requirement for pilots operating long range navigation systems. When heading information is recorded, effective reference and comparison can be made to detect gradual deterioration of a system. Experience has shown that compass comparator systems detect gross errors on the order of five degrees or more. The correct computation of system errors is essential for maintenance analysis to insure operational accuracy. Therefore, training in this procedure is necessary.

Ref. Proposal Nos. 666, 667 and 668; § 121, Appendix G, Committees 1 and 9; Agenda Items C-2 and C-6.

8-23. By revising § 127.109(b) to read as follows:

§ 127.109 Seat and safety belt.

* * * * *

(b) During flight time each passenger shall occupy an approved seat with a separate safety belt secured about that passenger. During en route flight passengers may leave their seats for physiological needs or when authorized by a crewmember. A person who is less than two years old may be held by an adult.

* * * * *

Explanation. This proposal would require passengers to keep their safety belts fastened at all times, except for physiological needs or as authorized by a crewmember. See Item 8-2 for further explanation.

Ref. Proposal No. 688; § 127.109; Committee 3; Agenda C3.

8-24. By redesignating § 121.115 as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 127.115 Passenger information.

(a) * * *

(b) After ————, 1978, no person may operate a passenger-carrying helicopter under this part, unless there is affixed to each forward bulkhead and each passenger seatback a sign or placard that reads: "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

Explanation. This proposal would require operators to place "Fasten Seat Belts While Seated" signs or placards on forward bulkheads and on each passenger seatback. See Item 8-2 for further explanation.

Ref. Proposal No. 688; § 127.115; Committee I; Agenda Item C3.

8-25. By adding a new § 127.226 to read as follows:

§ 127.226 Briefing passengers after takeoff.

After each takeoff of a helicopter that has separate passenger and crew compartments, immediately before or

immediately after turning the seat belt sign off, an announcement shall be made that passengers must keep their safety belts fastened while seated, even when the seat belt sign is off.

Explanation. This proposal would require that passenger briefing announcements state that passengers must keep their safety belts fastened while seated. See Item 8-2 for further explanation.

Ref. Proposal No. 693; § 127.226; Committee 1; Agenda Item D.

APPENDIX I—MISCELLANEOUS PROPOSALS WITHDRAWN BY PROPONENT

The proposals listed below were withdrawn by their proponents during or after the conference. The withdrawal of FAA proposals does not commit the FAA to any future course of action.

14 CFR (FAR section)	Proposal No.	Committee No.	Agenda item	Proponent
121.433	529	9	B-8	Association of Flight Attendants.
121.434	533	9	B-8	Air Transport Association of America.
121.441	547	4	E	Do.
121.441	548	4	E	Do.
121.533	562	6A	H	Do.
121.574	592	10	F	Association of Flight Attendants.
121.575	596	10	B	Do.
121.645	621	3	I	Air Transport Association of America.
121.703	643	2	P	Air Line Pilots Association.
121.703	644	9	C-1	Air Transport Association of America.
App. E	655	9	C-1	Do.
App. E	657	9	C-1	National Transportation Safety Board.
App. E and F	685	9	C-1	Do.

Proposal No. 529. This proposal would have amended § 121.433 by requiring training for all crewmembers. The current rule places responsibility on the crewmember and the certificate holder to complete specified training, before serving or being assigned duties as a required crewmember. The FAA believes that insufficient justification was presented to support a rule change.

Proposal No. 533. This proposal would have amended § 121.434 by allowing all second in command flight training to be accomplished in an approved simulator. The FAA does not agree with this proposal due to the inability of the aircraft simulators and visual systems currently in use by the airlines to adequately duplicate the ground handling characteristics and the landing maneuvers of the aircraft.

Proposal No. 547. This proposal would have amended § 121.441 to eliminate the check pilot authority to require demonstration of maneuvers already satisfactorily performed. The FAA believes insufficient justification was presented to support a rule change.

Proposal No. 562. This proposal would have amended §§ 121.533; 121.99; 121.107; 121.395; 121.535; 121.537; 121.539; 121.591; 121.593; 121.595; 121.597; 121.599; 121.601; 121.603; 121.607; 121.609; 121.616; 121.619; 121.621; 121.623; 121.627; 121.629; 121.633; 121.635; 121.637; 121.663; 121.667; 121.683; 121.687; 121.689; 121.695; and 121.697 to allow certificate holders to use a flight following system in place of a dispatch system. The FAA believes that the proponent has not presented sufficient justification to show that the proposal would maintain the level of safety now existing under the current rule.

Proposal No. 592. This proposal would have amended § 121.574 to require a responsible able-bodied attendant to accompany each person using oxygen in flight. This proposal would be discriminatory toward passengers who are fully able to use their oxygen equipment to care for themselves. The FAA believes this proposal would pose an undue burden on passengers who require oxygen in flight.

Proposal No. 596. This proposal would have amended § 121.575 to limit the amount of alcoholic beverages served aboard commercial aircraft. The FAA believes that the proposal is related to passenger service and that insufficient justification was presented to support a rule change.

Proposal No. 621. This proposal would have amended § 121.645 by allowing reduced fuel reserves on specific routes. The FAA believes that the basic intent of this proposal was covered in Notice No. 77-12 (42 F.R. 37417; July 21, 1977), item 5-20, which allows operators to use domestic fuel reserves on selected overseas routes.

Proposal No. 643. This proposal would have amended § 121.703 to add "pitotstatic malfunctions or failure" to the mechanical reliability reports. The FAA believes that insufficient justification was presented to support a rule change.

Proposal No. 644. These proposals would have amended § 121.703 by revising the times that mechanical reliability reports are to be sent to the FAA. The FAA believes that insufficient justification was presented to support a rule change.

Proposal No. 657. This proposal would have amended Appendices E and F of Part 121 to require pilots to demonstrate their ability to recover from abnormal regime of flight by reference to flight instruments. The FAA believes that the current rules covering the flight crew training programs are adequate, and that insufficient justification was presented to support a rule change.

Proposal No. 658. This proposal would have amended Appendices E and F of Part 121 to allow maneuvers that are currently required in the airplane to be accomplished in a visual simulator. This proposal was dropped for the same reasons given in Proposal No. 533.

APPENDIX II—MISCELLANEOUS PROPOSALS REMOVED FROM CONSIDERATION FROM THE OPERATIONS REVIEW PROGRAM

Based on the FAA's review of the discussions at the Operations Review Conference, and of the information submitted by interested persons, the following proposals considered at the Operations Review Conference are removed from consideration during the Operations Review for the reasons listed.

	Proposal No.	Proponent
14 CFR (FAR section):		
121.391	491	Federal Aviation Administration.
121.547	569	Do.
121.659	627	Do.
121.661	628	Do.
121.687	632	Do.
121.689	633	Do.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on May 5, 1978.

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

[FR Doc. 78-12793 Filed 5-10-78; 8:45 am]

federal register

THURSDAY, MAY 11, 1978
PART III



DEPARTMENT OF COMMERCE

Patent and Trademark Office

■

RULES OF PRACTICE IN PATENT CASES

Rule Promulgation Relating to Implementation of the Patent Cooperation Treaty

[3510-16]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

IMPLEMENTATION OF THE PATENT COOPERATION TREATY

Rule Promulgation

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: This notice adopts rule changes which permit the filing of United States national patent applications in the format required by the Patent Cooperation Treaty which entered into force on January 24, 1978. Some of these rule changes are necessary in order that international applications arriving for national examination in the United States Patent and Trademark Office as a Designated Office are formally acceptable. The changes also permit applicants for United States patents to file their United States national applications in the same format as that required by the Patent Cooperation Treaty, which is also the format required by the European Patent Convention. Other changes are made in the rules which relate to the filing of international and national applications.

DATES: Effective date, June 1, 1978. The amended rules apply to national and international applications filed on and after the effective date. It should be noted that international applications may be filed on and after June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Louis O. Maassel by telephone at 703-557-3070, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This notice promulgates a number of previously proposed rule changes relating to the filing of international applications under the Patent Cooperation Treaty and the filing of United States national applications which have the same format as international applications. Notice was given on January 12, 1977, in the FEDERAL REGISTER (42 FR 2632-2644) and on February 8, 1977, in the Official Gazette (955 O.G. 350-363) of a proposal to amend Title 37 of the Code of Federal Regulations upon the entry into force of the Patent Cooperation Treaty and Pub. L. 94-131 (94th Congress; 89 Stat. 685). Interested persons were invited to comment on the proposal on or before May 26, 1977, on which date a public hearing was held. The time for submitting written comments was extended until August 31, 1977, by a notice published on June 23, 1977, in the FEDERAL REGISTER (42 FR 31812) and on July 12, 1977, in the Official Gazette (960 O.G. 8). Twenty-four comments relevant to the proposed rule changes were received. The comments relating to the rules established in this notice are discussed in the commentary of the rules. A transcript of all comments presented by two persons at the oral hearing, and the written statements received are available for public inspection in Room 11E10 of Crystal Plaza Building 3, 2021 Jefferson Davis Highway, Arlington, Va. Some of the rules of the above-mentioned proposal, namely, §§ 1.75, 1.81, and 1.83, have already been promulgated by the rule change which appeared in the FEDERAL REGISTER of January 31, 1978, at 43 FR 4014-4015 and on February 21, 1978, in the Official Gazette at 967 O.G. 12. This promulgation permits the filing to United States national applications in the same format as international applications and also makes a number of other changes in the rules.

COMMENTS ON ADOPTED RULES

No comments were received relating to §§ 1.1, 1.4, 1.5, 1.8, 1.9, and 1.12. These sections are promulgated as proposed.

Section 1.14 received three comments. One letter suggested adding another paragraph (e) to mention that defense agencies are given access to applications relating to national security. Another letter indicated no objection to such an addition but did not consider it necessary. The first mentioned comment was not adopted since the proposed paragraph (e) would be restating a provision appearing in § 5.1(b). The third letter questioned whether the Patent and Trademark Office would supply a copy of the international application "pamphlet" after it was published. In response to this comment it should be noted that the Office will supply copies of the "pamphlet" at the regular price of 30 cents per page but that it will not give access to or supply copies of any pending national or international application without the written authorization of the applicant, assignee or attorney or agent of record. Paragraph (c) has been revised to refer to the Department of Energy which now has the pertinent responsibilities under the Atomic Energy Act.

Section 1.21 received one comment indicating that it was not clear whether the fee was required for both the international-type search and search report or only for the search report. The rule has been amended in order to clarify that the fee is required for the report only.

Sections 1.23 and 1.25 received no comments and are adopted as proposed.

Section 1.26 has been revised from the proposal by providing for only three choices as to refund rather than five. This change was made to simplify the determination of the amount of the refund, if any. In addition, the rounding of refunds was changed from the next higher multiple of $10 to the next higher multiple of $5 for greater preciseness.

Section 1.52 received one comment which proposed changing the wording of § 1.52(c) to permit applicant's representative, as well as the applicant himself, to initial changes to application papers made before filing. Since no change in § 1.52(c) had been proposed, and the suggested change is not required by the Patent Cooperation Treaty, the proposal is not being adopted in this promulgation.

Two comments were received noting that the proposed wording in § 1.55 did not distinguish between the prior art effective dates of international applications filed in the United States and those filed outside the United States. The proposed wording is correct since it corresponds with the language of 35 U.S.C. 102(e) as amended by Pub. L. 94-131.

Section 1.57 received two comments to the effect that applicants of international applications were given greater rights than national applicants since the proposed rule states that it is not required that the applicant of an international application have the oath or declaration attached to the specification at the time of signing. In response, it is acknowledged that the practice set forth in proposed § 1.57 is somewhat different for the two filing routes; however, the proposed wording follows the concepts set forth in 35 U.S.C. 371(c) as added by Pub. L. 94-131. Accordingly, no change is considered to be necessary or desirable.

One comment was received relating to § 1.58. The comment indicated the rule should relate only to complex chemical and mathematical formulas and tables. This comment has been adopted by revising § 1.58(c) to add the word "complex" before "formulas."

Section 1.61 received two comments from one person. The first comment relating to a question of where an international application would be examined for issuance, is not understood since international applications are not issued. However, since the comment did raise the matter of examination, a phrase has been added to indicate clearly that the requirements of section 1.61 must be followed if an examination for a U.S. patent is desired in an international application. The second comment indicated that there

was no antecedent basis for the "mailing date of the declaration to the applicant." The declaration is clearly mentioned at the beginning of paragraph 1.61(b). The meaning of the mailing date of such a document to the applicant appears to be sufficiently clear. No change is considered to be necessary in response to the second comment. In addition, numbers have been added to each of the listed items to improve readability.

Section 1.70 received two comments. Both related to providing uniformity between §§ 1.65 and 1.70. It should be noted that § 1.65 was amended shortly after the time the proposal was published. Proposed § 1.70 has accordingly been amended to include the newly added wording of § 1.65. The wording of proposed § 1.70 has also been amended to provide for both genders.

Section 1.72 received no comments and is adopted as proposed.

One comment was submitted concerning § 1.77 which suggested that the rule specify that an attorney's docket number and the name of the inventor may be placed on the initial page of an application. Such a procedure is currently permitted, although not specifically mentioned in the rules. Since such data is not considered to be one of the application elements, the amendment of § 1.77 is not considered to be necessary. The rule is adopted as proposed.

No comments were received concerning § 1.78. This rule is adopted as proposed.

Section 1.84 relating to standards for drawings received four comments. One suggestion, not adopted, was that drawings on 8½ by 11 inch paper be permitted. Although this size is close to DIN size A4, the additional processing and printing problems which would result from three different paper sizes appear to be greater than the resulting benefits at this time. Some experience with the two sizes proposed is felt to be desirable before any additional alternatives are permitted. One comment proposed that this rule be adopted as early as possible. Since drawings under existing rules can also be prepared in a way which will later permit easy compliance with PCT requirements, it was considered unnecessary to adopt this suggestion. Two comments were received concerning the interpretation of paragraph (i). Although the wording of this paragraph is in substance the wording of PCT Rule 11.13(i), second sentence, it appears that some clarification is necessary. Therefore proposed paragraph (i) has been amended to clarify the intended requirements. The reference to blue ink in subparagraph (c) has been deleted since it has been deleted from the Treaty regulations.

Section 1.104 received one comment, which also related to § 1.21, to the effect that the proposed wording was not clear. The proposed section has been slightly revised and a note added for purpose of clarity. The preparation of a formal international-type search report is not required by the U.S. Patent and Trademark Office in order for the international-type search to serve as the basis for a search fee refund in a later international application.

Section 1.141 was commented upon by seven persons. The comments of several persons indicated that it appeared that paragraph 1.141(e) was unnecessary. This view is accepted; accordingly, paragraph 1.141(e) has been deleted from the promulgation. Another comment indicated that no need was seen to limit the wording of subparagraph (c) to only a few categories of claims. The treaty requires that the arrangements of claims described in (c) (i) and (ii) be considered as one invention, subject to the conditions stated in PCT Rule 13.2. It should be noted that proposed paragraphs (c) (i) and (ii) are substantially a copy of PCT Rule 13.2. However, in view of this and other comments and for clarity, §§ 1.141 and 1.146 and 1.481 and 1.482 have been substantially rewritten, amplified, and reorganized to clarify the meaning of certain terms; namely, "specially adapted" and "specifically designed", to conform more closely to current Office practice as set forth in MPEP sections 806.05(e)-(g). Both proposed rules for §§ 1.141 and 1.146 have been modified to clarify that the rules make little change in current restriction practice. The differences between the PCT unity of invention requirement and current restriction practice are minimal. The rewriting and reorganization of proposed §§ 1.141 and 1.146 substantially states the current rule language except that the five species limitation is removed. Other comments indicated additional clarification of the other paragraphs would also be helpful. Such amendments have been made as mentioned.

Four comments were submitted relating to section 1.146. One comment received indicated that no reason was found in the PCT as to why an election of species is required regardless of whether or not there is an allowable generic claim. Although there is no reason in the PCT for such a requirement, the rule was amended to reflect current Office practice which in MPEP § 808.01(a) allows the examiner to require an election of species prior to the search. The second comment indicated a preference to maintain current restriction practice in all national applications which were not filed under the PCT route. This comment has been satisifed by the rewriting of the rules mentioned above. The third and fourth comments indicated that no need was seen to seek a requirement for restriction in all cases. These comments are similarly satisfied by the rewriting of the rules.

No comments were received concerning §§ 1.318 and 1.331. These rules have been adopted as proposed.

Section 1.401 received no comments; however, "or" has been changed to —and— in paragraph (a).

Section 1.412 was commented on by two persons. One comment suggested that a subparagraph (5) be added to refer to the licensing requirements of part 5. This proposal has been adopted. The other comment considered the addition unnecessary.

Section 1.413 received no comments. However, the wording has been revised to provide for the U.S. Patent and Trademark Office to act as an International Searching Authority for other Receiving Offices subject to the approval of an agreement as such by the Commissioner. The name of the International Searching Authority has also been changed to follow the Administrative Instructions.

One comment was received relative to section 1.414 questioning the use of the word "will" in subparagraph (a). After review, no problem is seen with the proposed wording; therefore, no change is considered to be necessary.

Section 1.415 received no comments and is adopted as proposed.

Section 1.421 received comments from two persons. One comment is related to the requirement that the inventor must file the international application if patent protection is desired in the United States as a Designated State. This provision is set forth in 35 U.S.C. 373 and cannot be changed by modification of the rules. However, the rules, as proposed, have been amended and subparagraph (d) added to permit the attorney or agent to sign on behalf of the inventor. The other comment relates to the requirement that only nationals and residents of the United States can file in the U.S. Receiving Office. The requirement appears in 35 U.S.C. 361(a). As to the situation involving an invention made in this country by an inventor who is neither a resident nor national, such an inventor may file a regular U.S. national application or may obtain a license under 35 U.S.C. 184 to file in the foreign Receiving Office for the country of which the inventor is a resident or national.

No comments were received concerning §§ 1.422, 1.423, 1.424, and 1.425. Except for the addition of one reference to the feminine gender, these rules are adopted as proposed.

Sections 1.431 and 1.432 were both the subject of a question as to whether the withdrawal of the international application would result in withdrawal of the national application. The withdrawal of the international application would result in the withdrawal of the

designation of all States. If the United States was designated in an international application which was withdrawn before the requirements of 35 U.S.C. 371 were fulfilled, no processing of that withdrawn application would occur except as provided under PCT Article 25. These sections are adopted as proposed.

Section 1.433 received two comments, both related to the fact that the broad reference to PCT Rule 11 did not clearly indicate what size papers were required. This matter has been clarified in the promulgated rule to indicate that DIN A4 size sheets are required.

One comment was received concerning § 1.434 which correctly noted that the second arrow used to indicate additions in the proposal, should have been at the end of the paragraph.

No comments were received concerning §§ 1.435, 1.437, and 1.438. These sections are adopted as proposed.

Section 1.436 has been amended to specifially include the requirement of PCT Rule 6.1(a), that the number of claims shall be reasonable.

Two comments were received relating to section 1.445 which indicated that the proposed fee amounts were too high. After review, it is felt that the fee amounts are set as required to cover 100 percent of the costs involved.

No comments were received concerning § 1.446; however, the number of refund choices has been reduced from 5 to 3 to simplify the determination choices.

No comments were received concerning § 1.451. Paragraph (c) was amended to clarify the intent of the rule.

Section 1.455 received one comment which indicated that the expression "common representative" was not understood. This comment has been answered by adding a citation to PCT Rule 4.8, which explains the expression.

Section 1.461 received comments from four persons which proposed that a new paragraph (c) be added which warns that a foreign filing license may be required to transmit a copy of the international application outside the United States. This suggestion has been adopted.

One comment relative to section 1.465 noted that the notation "PCT" was inadvertently omitted before a rule citation. This, along with a rule citation, have been corrected in the promulgation.

Section 1.468 received two comments, both related to problems raised by subparagraph (b). Upon reconsideration it appears that the broad language of subparagraph (a) and the reference to PCT Rule 82 is sufficient; accordingly, proposed paragraph (b) has been deleted.

Section 1.471 received one comment which related to amendments at the national stage. Since this rule relates only to international stage amendments, the rule is promulgated as proposed.

No comments were received relating to § 1.475; accordingly, the rule is promulgated as proposed.

Section 1.481 received one general comment which related to national practice rather than the international practice covered by this rule. However, changes were made in the proposed rules for §§ 1.481 and 1.482 to clarify them and make them more understandable. For one, it now makes clear that PCT Rule 13 is consistent with much of current practice under §§ 1.141 and 1.146 with several exceptions specifically set out in § 1.481. The protest provisions have also been moved from § 1.481 to § 1.482 since the handling of protests is somewhat different subject matter than the other contents of § 1.481. In addition, subsection (c) of proposed § 1.482 was moved to § 1.481 where the subject matter is more pertinent. The other subsections of proposed § 1.482 were eliminated as unnecessary since they are part of existing practice and do not require inclusion in the rules specifically. The reference in § 1.481 to PCT Rule 13 in effect, includes these deleted subsections by reference.

A number of references to sections of the Administrative Instructions have been changed to reflect changes in the numbering of sections in the current version of the Administrative Instructions.

PART 3

Sections 3.56 and 3.57 received two comments. One comment essentially involved deleting the basic requirements of § 1.70. This proposal has not been adopted since it also affects § 1.65 and must be given careful study and an opportunity for comment allowed before any such change may be made. The other proposal indicated that the "duty of disclosure" provisions were not in these forms. The forms have been revised to include this duty.

PART 5

Section 5.1 received comments from two persons. Paragraph (a) has been substantially rewritten to provide for filing of international applications in the U.S. Receiving Office without a license for foreign filing but for limiting the transmittal of the international application to a foreign national or international agency. Paragraph (b) has been revised to refer to the Department of Energy.

Section 5.3 received comments from two persons which related to paragraph (d). This paragraph has been rewritten in view of the comments received.

Section 5.11 received comments from 10 persons who all suggested that the rule be rewritten to permit the initial filing of an international application in the United States Receiving Office without a license. The rule has been rewritten in this manner.

Section 5.13 is amended due to a submitted proposal although the rule was not included in the proposed rule change notice. The changes made in § 5.13 follow the concepts suggested by numerous comments to § 5.11. Therefore, it is felt that the change can be made even though such a change was not proposed.

Section 5.14 received one comment as to possible processing problems but no suggestion was made; accordingly, the section is adopted as proposed.

Section 5.15 has been revised as suggested by two persons to refer to transmittal of the international application rather than filing thereof.

No comments were received relative to § 5.17; this rule is adopted as proposed.

In a number of instances, references to the masculine gender have been deleted.

The Patent and Trademark Office has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement Under Executive Orders 11821 and 11949 and OMB Circular A-107.

The following table of contents indicates the contents of the promulgated subparts and the location of added sections and section headings.

PART 1—RULES OF PRACTICE IN PATENT CASES

Subpart A—General Provisions

(§§ 1.1–1.26)

GENERAL INFORMATION AND CORRESPONDENCE

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Sec.
§ 1.9 *Definitions.*

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Subpart B—National Processing Provisions

(§§ 1.31–1.352)

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THE APPLICATION

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Sec.
§ 1.61 *Filing of applications in the United States of America as a Designated Office.*

OATH OR DECLARATION

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§ 1.70 *Content of oath or declaration relating to content of and amendments to an application under 35 U.S.C. 371(c)(4).*

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ALLOWANCE AND ISSUE OF PATENT

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Sec.
§ 1.318 *Notification of national publication of a patent based on an international application.*

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Subpart C—International Processing Provisions

(§§ 1.401-1.482)

GENERAL INFORMATION

Sec.
1.401 Definitions of terms under the Patent Cooperation Treaty.
1.412 The United States Receiving Office.
1.413 The United States International Searching Authority.
1.414 The United States Designated Office.
1.415 The International Bureau.

WHO MAY FILE AN INTERNATIONAL APPLICATION

1.421 Applicant for international application.
1.422 When the inventor is dead.
1.423 When the inventor is insane or legally incapacitated.
1.424 Joint inventors.
1.425 Filing by other than inventor.

THE INTERNATIONAL APPLICATION

1.431 International application requirements.
1.432 Designation of States and payment of designation fees.
1.433 Physical requirements of international application.
1.434 The request.
1.435 The description.
1.436 The claims.
1.437 The drawings.
1.438 The abstract.

FEES

1.445 International application filing and processing fees.
1.446 Refund of international application filing and processing fees.

PRIORITY

1.451 The priority claim and priority document in an international application.

REPRESENTATION

1.455 Representation in international applications.

TRANSMITTAL OF RECORD COPY

1.461 Procedures for transmittal of record copy to the International Bureau.

TIMING

1.465 Timing of application processing based on the priority date.
1.468 Delays in meeting time limits.

AMENDMENTS

1.471 Corrections and amendments during international processing.
1.475 Changes in person, name, address of applicants and inventors.

UNITY OF INVENTION

1.481 Determination of unity of invention before the International Searching Authority.
Sec.
1.482 Protest to lack of unity of invention.

PART 3—FORMS FOR PATENT CASES

* * * * *

3.56 Oath to be filed with United States Designated Office under 37 U.S.C. 371(c)(4).
3.57 Declaration to be filed with United States Designated Office under 35 U.S.C. 371(c)(4).

Accordingly, 37 CFR Parts 1, 3 and 5 are amended as follows:

1. By revising § 1.1 to read as follows:

§ 1.1 All communications to be addressed to Commissioner of Patents and Trademarks.

All letters and other communications intended for the Patent and Trademark Office must be addressed to "Commissioner of Patents and Trademarks," Washington, D.C. 20231. When appropriate, a letter should also be marked for the attention of a particular officer or individual. Letters and other communications relating to international applications during the international stage and prior to the assignment of a national serial number should be additionally marked "Box PCT."

NOTE.—§§ 1.1 to 1.26 are applicable to trademark cases as well as to national and international patent cases except for provisions specifically directed to patent cases. See § 1.9 for definitions of "national application" and "international application."

2. By revising paragraph (a) of § 1.4 to read as follows:

§ 1.4 Nature of correspondence.

(a) Correspondence with the Patent and Trademark Office comprises (1) correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like, and (2) correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in Subpart B, §§ 1.31 to 1.352; of international applications in Subpart C, §§ 1.401 to 1.482; and of Trademark applications §§ 2.11 to 2.189.

* * * * *

3. By revising paragraph (a) of § 1.5 to read as follows:

§ 1.5 Identification of application, patent, or registration.

(a) When a letter concerns an application for patent, it should state the name of the applicant, the title of the invention, the serial number or international application number of the application, the date of filing the same, and, if known, the group art unit and name of the examiner to which it has been assigned (see § 1.55).

* * * * *

4. By revising paragraph (a)(i) and adding (a)(xi) to § 1.8 to read as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if: (1) they are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the U.S. Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit (see forms, §§ 3.55 and 4.23). The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated. the actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of national applications for patent;

* * * * *

(xi) The filing of international applications for patent and papers relating thereto.

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5. A new § 1.9 is added to read as follows:

§ 1.9 Definitions.

(a) A national application as used in this chapter means a U.S. national application for patent which was either filed in the Office under 35 U.S.C. 111 or which resulted from an international application after compliance with 35 U.S.C. 371.

(b) An international application as used in this chapter means an international application for patent filed under the Patent Cooperation Treaty prior to entering national processing at the Designated Office stage.

6. By revising § 1.12 to read as follows:

§ 1.12 Assignment records open to public inspection.

The assignment records, relating to original or reissue patents, including digests and indexes, are open to public inspection and copies of any instrument recorded may be obtained upon payment of the fee therefor. Assignment records, digests, and indexes, relating to any pending or abandoned

application are not available to the public. Copies of any such assignment records and information with respect thereto shall be obtainable only upon written authority of the applicant or his assignee or attorney or agent or upon a showing that the person seeking such information is a bona fide prospective or actual purchaser, mortgagee, or licensee of such application, unless it shall be necessary to the proper conduct of business before the Office or as provided by these rules. An order for a copy of an assignment should give the identification of the record. If identified only by the name of the patentee and number of the patent, or in the case of a trademark registration by the name of the registrant and number of the registration, or by name of the applicant and serial number or international application number of the application, an extra charge will be made for the time consumed in making a search for such assignment.

7. By revising paragraphs (a) and (c) of § 1.14 to read as follows:

§ 1.14 Patent applications preserved in secrecy.

(a) Except as provided in § 1.11(b) pending patent applications are preserved in secrecy. No information will be given by the Office respecting the filing by any particular person of an application for a patent, the pendency of any particular case before it, or the subject matter of any particular application, nor will access be given to or copies furnished of any pending application or papers relating thereto, without written authority in that particular application from the applicant or his assignee or attorney or agent of record, unless the application has been identified by serial number in a published patent document or the United States of America has been indicated as a Designated State in a published international application, in which case status information such as whether it is pending, abandoned or patented may be supplied, or unless it shall be necessary to the proper conduct of business before the Office or as provided by this part. Where an application has been patented, the patent number and issue date may also be supplied.

* * * * *

(c) Applications for patents which disclose, or which appear to disclose, or which purport to disclose, inventions or discoveries relating to atomic energy are reported to the Department of Energy, which Department will be given access to such applications, but such reporting does not constitute a determination that the subject matter of each application so reported is in fact useful or an invention or discovery or that such application in fact discloses subject matter in categories specified by sections 151(c) and 151(d) of the Atomic Energy Act of 1954, 68 Stat. 919; 42 U.S.C. 2181 (c) and (d).

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8. By adding a new paragraph (w) to § 1.21 to read as follows:

§ 1.21 Patent and miscellaneous fees and charges.

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(w) For preparing an international-type search report of an international-type search made at the time of the first action on the merits in a national patent application—$25.

NOTE.—The Patent and Trademark Office does not require that a formal report be prepared of an international-type search in order to obtain a search fee refund in a later filed international application. For fees relating to processing of international applications, see § 1.445.

9. By revising § 1.23 to read as follows:

§ 1.23 Method of payment.

All payments of money required for Patent and Trademark Office fees, including fees for the processing of international applications (§ 1.445), should be made in U.S. specie, Treasury notes, national bank notes, post office money orders, or by certified check. If sent in any other form, the Office may delay or cancel the credit until collection is made. Money orders and checks must be made payable to the Commissioner of Patents and Trademarks. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent by mail to the Patent and Trademark Office will be at the risk of the sender; letters containing money should be registered.

10. By revising paragraph (b) of § 1.25 to read as follows:

§ 1.25 Deposit accounts.

* * * * *

(b) Filing, issue, appeal, international-type search report, international application processing, and petition fees may be charged against these accounts.

11. By revising § 1.26 to read as follows:

§ 1.26 Refunds.

Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application or to withdraw an appeal, will not entitle a party to demand such a return. Refund of a portion of any international search fee paid to the Patent and Trademark Office may be made where the prior art search made during the subsequent examination of a national application is wholly or partly based on the earlier international search made in the international application for which the search fee was paid. The amount of the refund will be as determined by the examiner according to the value of the prior international search made by the Patent and Trademark Office as an International Searching Authority, as 90 percent, 45 percent, or 0 percent of the international search fee. If the amount of the refund is not a multiple of $5, it will be rounded to the next higher multiple of $5. (Note § 1.446 for refund of the search fee in an international application.) Amounts of 10 cents or less will not be returned unless specifically demanded, within a reasonable time, nor will the payer be notified of such amount; amounts over 10 cents but less than $1 may be returned in postage stamps, and other amounts by check.

12. By revising paragraphs (a) and (b) of § 1.52 to read as follows:

§ 1.52 Language, paper, writing, margins.

(a) The application, any amendments or corrections thereto, and the oath or declaration must be in the English language except as provided for in § 1.69, or be accompanied by a verified translation of the application and a translation of any corrections or amendments into the English language. All papers which are to become a part of the permanent records of the Patent and Trademark Office must be legibly written, typed, or printed in permanent ink or its equivalent in quality. All of the application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing, typing, or printing thereon to permit the direct production of readily legible copies in any number by use of photographic, electrostatic, photooffset, and microfilming processes. If the papers are not of the required quality, substitute typewritten or printed papers of suitable quality may be required.

(b) The application papers (specification, including claims, abstract, oath or declaration, and papers as provided for in §§ 1.42, 1.43, 1.47, etc.) and also papers subsequently filed, must be plainly written on but one side of the paper. The size of all sheets of paper should be 8 to 8½ by 10½ to 13 inches (20.3 to 21.6 cm. by 26.6 to 33.0 cm.). A margin of at least approximately one inch (2.5 cm.) must be reserved on the left-hand of each page. The top of each page of the application, including claims must have a margin of at least approximately ¾ inch (2 cm.). The

lines of text must not be crowded too closely together; typewritten lines should be 1½ or double spaced. The pages of the application, including claims and abstract, should be numbered consecutively, starting with 1, the numbers being centrally located above or preferably, below, the text.

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13. By adding paragraph (d) to § 1.55 to read as follows:

§ 1.55 Serial number and filing date of application.

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(d) The filing date of an international application designating the United States of America shall be treated as the filing date in the United States of America under PCT Article 11(3), except as provided in 35 U.S.C. 102(e).

14. By revising § 1.57 to read as follows:

§ 1.57 Signature.

(a) The application must be signed by the applicant in person. The signature to the oath or declaration under § 1.65 will be accepted as the signature to the application provided the oath or declaration under § 1.65 is attached to and refers to the specification and claims to which it applies. Otherwise the signature must appear at the end of the specification after the claims.

(b) The signature to the oath or declaration under § 1.70 will be accepted as the signature to the application provided the oath or declaration under § 1.70 specifically refers to the specification and claims to which it applies.

(c) Full names must be given, including at least one given name without abbreviation together with any other given name or initial.

15. By revising § 1.58 to read as follows:

§ 1.58 Chemical and mathematical formulas and tables.

(a) The specification, including the claims, may contain chemical and mathematical formulas, but shall not contain drawings or flow diagrams. The description portion of the specification may contain tables; claims may contain tables either if necessary to conform to 35 U.S.C. 112 or if otherwise found to be desirable.

(b) All tables and chemical and mathematical formulas in the specification, including claims, and amendments thereto, must be on paper which is flexible, strong, white, smooth, nonshiny, and durable in order to permit use as camera copy when printing any patent which may issue. A good grade of bond paper is acceptable; watermarks should not be prominent. India ink or its equivalent, or solid black typewriter, should be used to secure perfectly black solid lines.

(c) To facilitate camera copying when printing, the width of formulas and tables as presented should be limited normally to 5 inches (12.7 cm.) so that it may appear as a single column in the printed patent. If it is not possible to limit the width of a formula or table to 5 inches (12.7 cm.), it is permissible to present the formula or table with a maximum width of 10¾ inches (27.3 cm.) and to place it sideways on the sheet. Typewritten characters used in such formulas and tables must be from a block (nonscript) type font or lettering style having capital letters which are at least 0.08 inch (2.1 mm.) high (e.g., elite type). Hand lettering must be neat, clean, and have a minimum character height of 0.08 inch (2.1 mm.). A space at least ¼ inch (6.4 mm.) high should be provided between complex formulas and tables and the text. Tables should have the lines and columns of data closely spaced to conserve space, consistent with high degree of legibility.

16. By adding a new § 1.61 to read as follows:

§ 1.61 Filing of applications in the United States of America as a Designated Office.

(a) To maintain the benefit of the international filing date and obtain an examination as to the patentability of the invention in the United States, the applicant shall furnish to the U.S. Patent and Tradmark Office not later than the expiration of 20 months from the priority date: (1) A copy of the international application with any amendments, unless it has been previously furnished by the International Bureau or unless it was originally filed in the U.S. Patent and Trademark Office; (2) a verified translation of the international application and a translation of any amendments into the English language, if originally filed elsewhere in another language; (3) the national fee (see § 1.445(a)(4)); and (4) an oath or declaration of the inventor (see § 1.70).

(b) Where an International Searching Authority has made a declaration that no international search report will be established because the international application relates to subject matter which it is not required to search, or because the application fails to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out, the time for performing the acts referred to in paragraph (a) of this section is 2 months from the mailing date of the declaration to the applicant.

17. By adding a new § 1.70 to read as follows:

§ 1.70 Content of oath or declaration relating to content of and amendments to an application under 35 U.S.C. 371(c)(4).

(a)(1) When an applicant of an international application, if the inventor, desires to enter the national stage under 35 U.S.C. 371, he or she must specifically identify the international application and any amendments thereto and state that he or she has reviewed the referred to application and any amendments, and that he or she verily believes himself or herself to be the original and first inventor or discoverer of the process, machine, manufacturer, composition of matter, or improvement thereof, for which he or she solicits a patent; that he or she does not know and does not believe that the same was ever known or used in the United States of America before his or her invention or discovery thereof, and shall state of what country he or she is a citizen and where he or she resides and whether he or she is a sole or joint inventor of the invention claimed in his or her international application as filed or as amended. In every application the applicant must distinctly state that to the best of his or her knowledge and belief the invention has not been in public use or on sale in the United States of America more than one year prior to his or her international application, or patented or described in any printed publication in any country before his or her invention or more than one year prior to his or her international application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his or her international application on an application filed by himself or herself or his or her legal representatives or assigns more than twelve months prior to his or her international application. He or she must acknowledge a duty to disclose information he or she is aware of which is material to the examination of the application. He or she shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself or herself, or by his or her legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he or she shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the international application.

(2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68.

(b) If the international application was made as provided in §§ 1.422, 1.423 or 1.425, the applicant shall state his or her relationship to the inventor and, upon information and belief, the facts which the inventor is required by this section to state.

18. By revising paragraph (b) of § 1.72 to read as follows:

§ 1.72 Title and abstract.

* * * * *

(b) A brief abstract of the technical disclosure in the specification must be set forth on a separate sheet, preferably following the claims under the heading "Abstract of the Disclosure." The purpose of the abstract is to enable the Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The abstract shall not be used for interpreting the scope of the claims.

19. By revising text and heading of § 1.77 to read as follows:

§ 1.77 Arrangement of application elements.

The elements of the application should appear in the following order:

(a) Title of the invention; or an introductory portion stating the name, citizenship, and residence of the applicant, and the title of the invention may be used.

(b) (Reserved).

(c) Cross-references to related applications, if any.

(d) Brief summary of the invention.

(e) Brief description of the several views of the drawing, if there are drawings.

(f) Detailed description.

(g) Claim or claims.

(h) Signature. (See § 1.57).

(i) Abstract of the disclosure.

(j) Drawings.

20. By revising paragraph (a) of § 1.78 to read as follows:

§ 1.78 Cross-references to other applications.

When an applicant files an application claiming an invention disclosed in a prior filed copending national application or international application designating the United States of America of the same applicant, the second application must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application, identifying it by serial number and filing date or international application number and international filing date and indicating the relationship of the applications, if the benefit of the filing date of such prior application is to be claimed. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

21. By revising paragraphs (a), (b), (c), (d), (e), (f), (i), (j) and (l) of § 1.84 to read as follows:

§ 1.84 Standards for drawings.

(a) *Paper and ink.* Drawings must be made upon paper which is flexible, strong, white, smooth, non-shiny and durable. Two-ply or three-ply bristol board is preferred. The surface of the paper should be calendered and of a quality which will permit erasure and correction with India ink. India ink, or its equivalent in quality, is preferred for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not normally acceptable.

(b) *Size of sheet and margins.* The size of the sheets on which drawings are made may either be exactly 8½ by 14 inches (21.6 by 35.6 cm.) or exactly 21.0 by 29.7 cm. (DIN size A4). All drawing sheets in a particular application must be the same size. One of the shorter sides of the sheet is regarded as its top.

(1) On 8½ by 14 inch drawing sheets, the drawing must include a top margin of 2 inches (5.1 cm.) and bottom and side margins of ¼ inch (6.4 mm.) from the edges, thereby leaving a "sight" precisely 8 by 11¾ inches (20.3 by 29.8 cm.). Margin border lines are not permitted. All work must be included within the "sight". The sheets may be provided with two ¼ inch (6.4 mm.) diameter holes having their centerlines spaced 1 1/16 inch (17.5 mm.) below the top edge and 2¾ inches (7.0 cm.) apart, said holes being equally spaced from the respective side edges.

(2) On 21.0 by 29.7 cm. drawing sheets, the drawing must include a top margin of at least 2.5 cm., a left side margin of 2.5 cm., a right side margin of 1.5 cm., and a bottom margin of 1.0 cm. Margin border lines are not permitted. All work must be contained within a sight size not to exceed 17 by 26.2 cm.

(c) *Character of lines.* All drawings must be made with drafting instruments or by a process which will give them satisfactory reproduction characteristics. Every line and letter must be durable, black, sufficiently dense and dark, uniformly thick and well defined; the weight of all lines and letters must be heavy enough to permit adequate reproduction. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid. Fine or crowded lines should be avoided. Solid black should not be used for sectional or surface shading. Freehand work should be avoided wherever it is possible to do so.

(d) *Hatching and shading.* (1) Hatching should be made by oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. (2) Heavy lines on the shade side of objects should preferably be used except where they tend to thicken the work and obscure reference characters. The light should come from the upper left-hand corner at an angle of 45°. Surface delineations should preferably be shown by proper shading, which should be open.

(e) *Scale.* The scale to which a drawing is made ought to be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction, and views of portions of the mechanism on a larger scale should be used when necessary to show details clearly; two or more sheets should be used if one does not give sufficient room to accomplish this end, but the number of sheets should not be more than is necessary.

(f) *Reference characters.* The different views should be consecutively numbered figures. Reference numerals (and letters, but numerals are preferred) must be plain, legible and carefully formed, and not be encircled. They should, if possible, measure at least one-eighth of an inch (3.2mm.) in height so that they may bear reduction to one twenty-fourth of an inch (1.1mm.); and they may be slightly larger when there is sufficient room. They should not be so placed in the close and complex parts of the drawing as to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a certain part, they should be placed at a little distance, at the closest point where there is available space, and connected by lines with the parts to which they refer. They should not be placed upon hatched or shaded surfaces but when necessary, a blank space may be left in the hatching or shading where the character occurs so that it shall appear perfectly distinct and separate from the work. The same part of an invention appearing in more than one view of the drawing must always be designated by the same character, and the same character must never be used to designate different parts. Reference signs not mentioned in the description shall appear in the drawing, and vice versa.

* * * * *

(i) *Views.* The drawing must contain as many figures as may be necessary to show the invention; the figures should be consecutively numbered if possible in the order in which they appear. The figures may be plain, elevation, section, or prespective views, and detail views of portions of elements, on a larger scale if necessary, may also be used. Exploded views,

with the separated parts of the same figure embraced by a bracket, to show the relationship or order of assembly of various parts are permissible. When necessary, a view of a large machine or device in its entiretly may be broken and extended over several sheets if there is no loss in facility of understanding the view. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets should be so arranged that the complete figure can be understood by laying the drawing sheets adjacent to one another. The arrangement should be such that no part of any of the figures appearing on the various sheets are concealed and that the complete figure can be understood even though spaces will occur in the complete figure because of the margins on the drawing sheets. The plane upon which a sectional view is taken should be indicated on the general view by a broken line, the ends of which should be designated by numerals corresponding to the figure number of the sectional view and have arrows applied to indicate the direction in which the view is taken. A moved position may be shown by a broken line superimposed upon a suitable figure if this can be done without crowding, otherwise a separate figure must be used for this purpose. Modified forms of construction can only be shown in separate figures. Views should not be connected by projection lines nor should center lines be used.

(j) *Arrangement of views.* All views on the same sheet should stand in the same direction and, if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the top of the sheet with the appropriate top margin is on the right-hand side. One figure must not be placed upon another or within the outline of another.

* * * * *

(l) *Extraneous matter.* Identifying indicia (such as the attorney's docket number, inventor's name, number of sheets, etc.) not to exceed 2¾ inches (7.0 cm.) in width may be placed in a centered location between the side edges within three-fourths inch (19.1 mm.) of the top edge. Authorized security markings may be placed on the drawings provided they are outside the illustrations and are removed when the material is declassified. Other extraneous matter will not be permitted upon the face of a drawing.

* * * * *

22. By adding new paragraphs (c) and (d) to § 1.104 to read as follows:

§ 1.104 Nature of examination; examiner's action.

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(c) An international-type search will be made in all national applications filed on and after June 1, 1978.

(d) Any national application may also have an international-type search report prepared thereon at the time of the national examination on the merits, upon specific written request therefor and payment of the international-type search report fee. See § 1.21(w) for amount of fee for preparation of international-type search report.

NOTE.—The Patent and Trademark Office does not require that a formal report of an international-type search be prepared in order to obtain a search fee refund in a later filed international application.

23. By revising § 1.141 to read as follows:

§ 1.141 Different inventions in one application.

(a) Two or more independent and distinct inventions, that is, inventions which do not form a single general inventive concept, may not be claimed in one application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

(b) A group of claims of different categories in an application so linked as to form a single inventive concept are considered to be one invention. In particular any of the following groupings of claims of different categories may be included in the same application:

(1) in addition to a claim for a given product,

(i) a claim for one process specially adapted for the manufacture of the said product, as where the process of making as claimed cannot be used to make other and materially different products;

(ii) a claim for one use of the said product, as where said use as claimed cannot be practiced with another materially different product; or

(iii) both (i) and (ii);

(2) in addition to a claim for a given process, a claim for one apparatus or means specifically designed for carrying out of the said process, that is, it cannot be used to practice another materially different process.

(c) If the situation of paragraph (b)(1) of this section exists where claims to all three categories, product, process and use, are included, and the product claims are not allowable, the use and process claims are not so linked as to form a single general inventive concept. Where the process and use claims are not so joined by an allowable linking product claim, the applicant will be required to elect either the use or the process for prosecution with the product claim.

24. By revising § 1.146 to read as follows:

§ 1.146 Election of species.

In the first action on an application containing a generic claim and claims restricted separately to each of more than one species embraced thereby, the examiner may require the applicant in his response to that action to elect that species of his or her invention to which his or her claim shall be restricted if no generic claim is held allowable. However, if such application contains claims directed to more than a reasonable number of species, the examiner may require restriction of the claims to not more than a reasonable number of species before taking further action in the case.

25. By adding a new § 1.318 to read as follows:

§ 1.318 Notification of national publication of a patent based on an international application.

The Office will notify the International Bureau when a patent is issued on an application filed under 35 U.S.C. 371, and there has been no previous international publication.

26. By revising paragraphs (a) and (c) of § 1.331 to read as follows:

§ 1.331 Recording of assignments.

(a) Assignments, including grants and conveyances, of patents, national applications, or international applications which designate the United States of America, will be recorded in the Patent and Trademark Office under 35 U.S.C. 261. Other instruments affecting title to a patent, a national application, or an international application which designates the United States of America, and licenses, even though the recording thereof may not serve as constructive notice under 35 U.S.C. 261, will be recorded as provided in this section or at the discretion of the Commissioner.

* * * * *

(c) An instrument relating to a patent should identify the patent by number and date (the name of the inventor and title of the invention as stated in the patent should also be given); an instrument relating to a national application, or an international application which designates the United States of America should identify the application by serial number

or international application number and date of filing (the name of the inventor and title of the invention as stated in the application should also be given), but if an assignment is executed concurrently with or subsequent to the execution of the application but before the application is filed or before its serial number or international application number and filing date are ascertained, it should adequately identify the application, as by its date of execution and name of the inventor and title of the invention; so that there can be no mistake as to the patent or application intended.

Subpart C—International Processing Provisions

27. By adding a new § 1.401 to read as follows:

§ 1.401 Definitions of terms under the Patent Cooperation Treaty.

(a) The abbreviation "PCT" and the term "Treaty" mean the Patent Cooperation Treaty.

(b) "International Bureau" means the World Intellectual Property Organization located in Geneva, Switzerland.

(c) "Administrative Instructions" means that body of instructions for operating under the Patent Cooperation Treaty referred to in PCT Rule 89.

(d) "Request", when capitalized, means that element of the international application described in PCT Rules 3 and 4.

(e) "International application", as used in this Subchapter is defined in § 1.9(b).

(f) "Priority date" for the purpose of computing time limits under the Patent Cooperation Treaty is defined in PCT Art. 2 (xi). Note also § 1.465.

(g) Other terms and expressions in this Subpart C not defined in this section are to be taken in the sense indicated in PCT Art. 2 and 35 U.S.C. 351.

28. By adding a new § 1.412 to read as follows:

§ 1.412 The United States Receiving Office.

(a) The United States Patent and Trademark Office is a Receiving Office only for applicants who are residents or nationals of the United States of America.

(b) The Patent and Trademark Office, when acting as a Receiving Office, will be identified by the full title "United States Receiving Office" or by the abbreviation "RO/US."

(c) The major functions of the Receiving Office include:

(1) According of international filing dates to international applications meeting the requirements of PCT Art. 11(1), and PCT Rule 20;

(2) Assuring that international applications meet the standards for format and content of PCT Art. 14(1), PCT Rule 9, 26, 29.1, 37, 38, 91, and portions of PCT Rules 3 through 11;

(3) Collecting and, when required, transmitting fees due for processing international applications (PCT Rule 14, 15, 16);

(4) Transmitting the record and search copies to the International Bureau and International Searching Authority, respectively (PCT Rules 22 and 23); and

(5) Determining compliance with applicable requirements of Part 5 of this chapter.

29. By adding a new § 1.413 to read as follows:

§ 1.413 The United States International Searching Authority.

(a) Pursuant to appointment by the Assembly, the United States Patent and Trademark Office will act as an International Searching Authority for international applications filed in the United States Receiving Office and in other Receiving Offices as may be agreed upon by the Commissioner, in accordance with agreement between the Patent and Trademark Office and the International Bureau (PCT Art. 16(3)(b)).

(b) The Patent and Trademark Office, when acting as an International Searching Authority, will be identified by the full title "United States International Searching Authority" or by the abbreviation "ISA/US."

(c) The major functions of the International Searching Authority include:

(1) Approving or establishing the title and abstract;

(2) Considering the matter of unity of invention;

(3) Conducting international and international-type searches and preparing international and international-type search reports (PCT Art. 15, 17 and 18, and PCT Rules 25, 33 to 45 and 47); and

(4) Transmitting the international search report to the applicant and the International Bureau.

30. By adding a new § 1.414 to read as follows:

§ 1.414 The United States Designated Office.

(a) The United States Patent and Trademark Office will act as a Designated Office for international applications in which the United States of America has been designated as a State in which patent protection is desired.

(b) The Patent and Trademark Office, when acting as a Designated Office during international processing will be identified by the full title "United States Designated Office" or by the abbreviation "DO/US."

(c) The major functions of the United States Designated Office in respect to international applications in which the United States of America has been designated, include:

(1) Receiving various notifications throughout the international stage;

(2) Accepting for regular national patentability examination international applications which satisfy the requirements of 35 U.S.C. 371; and

(3) Conducting reviews under PCT Article 25 for those international applications declared withdrawn.

31. By adding a new § 1.415 to read as follows:

§ 1.415 The International Bureau.

(a) The International Bureau is the World Intellectual Property Organization located at Geneva, Switzerland. It is the international intergovernmental organization which acts as the coordinating body under the Treaty and the Regulations (PCT Art. 2 (xix) and 35 U.S.C. 351 (h)).

(b) The major functions of the International Bureau include:

(1) Publishing of international applications and the International Gazette;

(2) Transmitting copies of international applications to Designated Offices;

(3) Storing and maintaining record copies; and

(4) Transmitting information to authorities pertinent to the processing of specific international applications

32. By adding a new § 1.421 to read as follows:

§ 1.421 Applicant for international application.

(a) Only residents or nationals of the United States of America may file international applications in the United States Receiving Office.

(b) Although the United States Receiving Office will accept international applications filed by any resident or national of the United States of America for international processing, an international application designating the United States of America will be accepted by the Patent and Trademark Office for the national stage only if filed by the inventor or as provided in §§ 1.422, 1.423 or 1.425.

(c) International applications which do not designate the United States of America may be filed by the assignee or owner.

(d) The attorney or agent of the applicant may sign the international application Request and file the international application for the applicant if the international application when filed is accompanied by a separate power of attorney to that attorney or agent from the applicant. The separate power of attorney from the applicant may be submitted after filing if sufficient cause is shown for not submitting it at the time of filing. Note that paragraph (b) of this section re-

quires that the applicant be the inventor if the United States of America is designated.

(e) Any indication of different applicants for the purpose of different Designated Offices must be shown on the Request portion of the international application.

(f) Changes in the person, name, or address of the applicant of an international application shall be made in accordance with PCT Rule 18.5.

33. By adding a new § 1.422 to read as follows:

§ 1.422 When the inventor is dead.

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may file an international application which designates the United States of America.

34. By adding a new § 1.423 to read as follows:

§ 1.423 When the inventor is insane or legally incapacitated.

In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may file an international application which designates the United States of America.

35. By adding a new § 1.424 to read as follows:

§ 1.424 Joint inventors.

Joint inventors must jointly file an international application which designates the United States of America; the signature of either of them alone, or less than the entire number will be insufficient for an invention invented by them jointly, except as provided in § 1.425.

36. By adding a new § 1.425 to read as follows:

§ 1.425 Filing by other than inventor.

(a) If a joint inventor refuses to join in an international application which designates the United States of America or cannot be found or reached after diligent effort, the international application which designates the United States of America may be filed by the other inventor on behalf of himself or herself and the omitted inventor. Such an international application which designates the United States of America must be accompanied by proof of the pertinent facts and must state the last known address of the omitted inventor. The Patent and Trademark Office shall forward notice of the filing of the international application to the omitted inventor at said address.

(b) Whenever an inventor refuses to execute an international application which designates the United States of America, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may file the international application on behalf of and as agent for the inventor. Such an international application which designates the United States of America, must be accompanied by proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest, or a verified copy thereof, must be filed in the Patent and Trademark Office. The Office shall forward notice of the filing of the application to the inventor at the address stated in the application.

37. By adding a new § 1.431 to read as follows:

§ 1.431 International application requirements.

(a) An international application shall contain, as specified in the Treaty and the Regulations, a Request, a description, one or more claims, an abstract, and one or more drawings (where required). (PCT Art. 3(2) and Section 207 of the Administrative Instructions.)

(b) An international filing date will be accorded by the United States Receiving Office, at the time of receipt of the international application, provided that:

(1) The applicant is a United States resident or national (35 U.S.C. 361(a), PCT Art. 11(1)(i)).

(2) The international application is in the English language (35 U.S.C. 361(c), PCT Art. 11(1)(ii)).

(3) The international application contains at least the following elements (PCT Art. 11(1)(iii)):

(i) an indication that it is intended as an international application (PCT Rule 4.2);

(ii) the designation of at least one Contracting State of the International Patent Cooperation Union;

(iii) the name of the applicant, as prescribed (note § 1.422);

(iv) a part which on the face of it appears to be a description; and

(v) a part which on the face of it appears to be a claim.

(c) Payment of the basic portion of the international fee (PCT Rule 15.2) and the transmittal and search fees (§ 1.445) shall be made in full at the time the international application papers required by paragraph (b) of this section are deposited. Failure to make full payment on the same date as the deposit of the international application papers required by subparagraph (b) of this section will result in the international application being considered withdrawn (PCT Art. 14(3)(a)).

38. By adding a new § 1.432 to read as follows:

§ 1.432 Designation of States and payment of designation fees.

(a) The names of Designated States shall appear in the Request upon filing and must be indicated as set forth in Section 201 of the Administrative Instructions.

(b) The designation fees may be paid upon filing of the international application, but must be paid at the latest before the expiration of one year from the priority date (PCT Rule 15.4(b)). Failure to timely pay the designation fee for a particular Designated State will result in the withdrawal of that designation (PCT Art. 14(3)(b)). Failure to timely pay at least one designation fee will result in the withdrawal of the international application (PCT Art. 14(3)(a)).

39. By adding a new § 1.433 to read as follows:

§ 1.433 Physical requirements of international application.

(a) The international application and each of the documents that may be referred to in the check list of the Request (PCT Rule 3.3(a)(ii)) shall be filed in one copy only.

(b) All sheets of the international application must be on A4 size paper (21.0 x 29.7 cm.).

(c) Other physical requirements for international applications are set forth in PCT Rule 11 and Sections 201-207 of the Administrative Instructions.

40. By adding a new § 1.434 to read as follows:

§ 1.434 The request.

(a) The request shall be made on a standardized printed form (PCT Rules 3 and 4). Copies of such printed Request forms are available from the Patent and Trademark Office. Letters requesting such forms should be marked "Box PCT."

(b) The Check List portion of the Request form should indicate each document accompanying the international application on filing.

(c) All information, for example, addresses, names of States and dates, shall be indicated in the Request as required by PCT Rule 4 and Administrative Instructions 110 and 201.

(d) International applications which designate the United States of America shall include:

(1) The name, address and signature of the inventor, except as provided by §§ 1.421(d), 1.422, 1.423 and 1.425;

(2) A reference to any copending national application or international ap-

plication designating the United States of America, if the benefit of the filing date for the prior copending application is to be claimed.

41. By adding a new § 1.435 to read as follows:

§ 1.435 The description.

(a) Requirements as to the content and form of the description are set forth in PCT Rules 5, 9, 10 and 11 and Administrative Instruction 204, and shall be adhered to.

(b) In international applications designating the United States the description must contain upon filing an indication of the best mode contemplated by the inventor for carrying out the claimed invention.

42. By adding a new § 1.436 to read as follows:

§ 1.436 The claims.

The requirements as to the content and format of claims are set forth in PCT Art. 6 and PCT Rules 6, 9, 10 and 11 and shall be adhered to. The number of the claims shall be reasonable, considering the nature of the invention claimed.

43. By adding a new § 1.437 to read as follows:

§ 1.437 The drawings.

(a) Subject to paragraph (b) of this section, when drawings are necessary for the understanding of the invention, or are mentioned in the description, they must be part of an international application as originally filed in the United States Receiving Office in order to maintain the international filing date during the national stage (PCT Art. 7).

(b) Drawings missing from the application upon filing will be accepted if such drawings are received within 30 days of the date of first receipt of the incomplete papers. If the missing drawings are received within the 30-day period, the international filing date shall be the date on which such drawings are received. If such drawings are not timely received, all references to drawings in the international application shall be considered non-existent (PCT Art. 14(2), Administrative Instruction 310).

(c) The physical requirements for drawings are set forth in PCT Rule 11 and shall be adhered to.

44. By adding a new § 1.438 to read as follows:

§ 1.438 The abstract.

(a) Requirements as to the content and form of the abstract are set forth in PCT Rule 8, and shall be adhered to.

(b) Lack of an abstract upon filing of an international application will not affect the granting of a filing date. However, failure to furnish an abstract within one month from the date of the notification by the Receiving Office will result in the international appplication being declared withdrawn.

45. By adding a new § 1.445 to read as follows:

§ 1.445 International application filing and processing fees.

(a) The following fees and charges are established by the Patent and Trademark Office under the authority of 35 U.S.C. 376:

(1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14)—$35.00.

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16)—$300.00.

(3) A supplemental search fee when required (see PCT Art. 17(3)(a) and PCT Rule 40.2)—$200.00 per additional invention.

(4) The national fee, that is, the amount set forth as the filing fee under 35 U.S.C. 41(a)(1).

(5) A special fee when required (see 35 U.S.C. 372(c))—$10.00 per claim.

(b) The basic fee and designation fee portions of the international fee shall be as prescribed in PCT Rule 15.

46. By adding a new § 1.446 to read as follows:

§ 1.446 Refund of international application filing and processing fees.

(a) Money paid for international application fees, where paid by actual mistake or in excess, such as a payment not required by law or Treaty and its Regulations, will be refunded.

(b) Refunds of a portion of the search fee may be made if the international search report is wholly or partly based on an earlier international or international-type search (PCT Rules 16 and 41). The amount of the refund will be as determined by the examiner according to the value of the prior international-type search or international search as 90%, 45% or 0% of the international search fee. If the amount of the refund is not a multiple of $5.00, it will be rounded to the next higher multiple of $5.00. See § 1.26 for refund of a portion of the international search fee during subsequent national examination of the application.

(c) Refund of the supplemental search fees will be made if such refund is determined to be warranted by the Commissioner or the Commissioner's designee acting under PCT Rule 40.2(c).

(d) The international and search fees will be refunded if no international filing date is accorded (PCT Rules 15.6 and 16.2).

47. By adding a new § 1.451 to read as follows:

§ 1.451 The priority claim and priority document in an international application.

(a) The claim for priority must be made on the Request (PCT Rule 4.10) in a manner complying with Section 110 and 201 of the Administrative Instructions.

(b) Whenever the priority of an earlier United States national application is claimed in an international application, the applicant may request in a letter of transmittal accompanying the international application upon filing with the United States Receiving Office, that the Patent and Trademark Office prepare a certified copy of the national application for transmittal to the International Bureau (PCT Art. 8 and PCT Rule 17). The fee for preparing a certified copy is stated in § 1.21(b) and 35 U.S.C. 41(11).

(c) If a certified copy of the priority document is not submitted together with the international application on filing, or, if the priority application was filed in the United States and a request and appropriate payment for preparation of such a certified copy do not accompany the international application on filing, the certified copy of the priority document must be transmitted directly by the applicant to the International Bureau within the time limit specified in PCT Rule 17.1(a).

48. By adding a new § 1.455 to read as follows:

§ 1.455 Representation in international applications.

(a) Applicants of international applications may be represented by attorneys or agents licensed to practice before the Patent and Trademark Office or by a common representative (PCT Art. 49, Rules 4.8 and 90 and § 1.341).

(b) Appointment of an agent, attorney or common representative (PCT Rule 4.8) must be effected either in the Request form, signed by all applicants, or in a separate power of attorney submitted either to the United States Receiving Office or to the International Bureau.

(c) Powers of attorney and revocations thereof should be submitted to the United States Receiving Office until the issuance of the international search report.

(d) The addressee for correspondence will be as indicated in Section 108 of the Administrative Instructions.

49. By adding a new § 1.461 to read as follows:

§ 1.461 Procedures for transmittal of record copy to the International Bureau.

(a) Transmittal of the record copy of the international application to the International Bureau shall be made, at

the option of the applicant, either by the United States Receiving Office or by the applicant. Subject to paragraph (b) of this section, any applicant who chooses to make such transmittal personally shall notify the United States Receiving Office to that effect in writing, by way of a notice filed together with the international application. Such notice shall also state whether the applicant wishes to collect the record copy at the United States Receiving Office or to have the record copy mailed directly to him. The record copy of an international application which was filed without being accompanied by such notice will be transmitted to the International Bureau by the United States Receiving Office (PTC Rule 22).

(b) An applicant may transmit the record copy to the International Bureau as privided in PCT Rule 22.2 only if the international application is filed with the United States Receiving Office before the expiration of 11 months from the priority date.

(c) No copy of an international application may be transmitted to the International Bureau, a foreign Designated Office, or other foreign authority by the United States Receiving Office or the applicant, unless the applicable requirements of Part 5 of this chapter have been satisfied.

50. By adding a new § 1.465 to read as follows:

§ 1.465 Timing of application processing based on the priority date.

(a) For the purpose of computing time limits under the Treaty, the priority date shall be defined as in PCT Art. 2(xi).

(b) When a claimed priority date is cancelled under PCT Rule 4.10(d), or considered not to have been made under PCT Rule 4.10(b), the priority date for the purposes of computing time limits will be the date of the earliest valid remaining priority claim of the international application, or if none, the international filing date.

(c) When corrections under PCT Art. 11(2), Art. 14(2) or PCT Rule 20.2(a)(i) or (iii) are timely submitted, and the date of receipt of such corrections falls later than one year from the claimed priority date or dates, the Receiving Office shall proceed under PCT Rule 4.10(d).

51. By adding a new § 1.468 to read as follows:

§ 1.468 Delays in meeting time limits.

Delays in meeting time limits during international processing of international applications may only be excused as provided in PCT Rule 82. For delays in meeting time limits in a national application, see § 1.137.

52. By adding a new § 1.471 to read as follows:

§ 1.471 Corrections and amendments during international processing.

(a) All corrections submitted to the United States Receiving Office must be in the form of replacement sheets and be accompanied by a letter that draws attention to the differences between the replaced sheets and the replacement sheets, except that the deletion of lines of text, the correction of simple typographical errors, and one addition or change of not more than five words per sheet may be stated in a letter and the United States Receiving Office will make the deletion or transfer the correction to the international application, provided that such corrections do not adversely affect the clarity and direct reproducibility of the application (PCT Rule 26.4).

(b) Amendments of claims submitted to the International Bureau shall be as prescribed by PCT Rule 46.

53. By adding a new § 1.475 to read as follows:

§ 1.475 Changes in person, name, or address of applicants and inventors.

All requests for a change in person, name or address of applicants and inventor be sent to the United States Receiving Office until the time of issuance of the international search report. Thereafter requests for such changes should be submitted to the International Bureau.

54. By adding § 1.481 to read as follows:

§ 1.481 Determination of unity of invention before the International Searching Authority.

(a) Before establishing the international search report, the International Searching Authority shall determine whether the international application complies with the requirement of unity of invention as set forth in PCT Rule 13 and as set forth in §§ 1.141 and 1.146 except as modified below in this section.

(b) If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention, it shall inform the applicant accordingly and invite the payment of additional fees (note § 1.445 and PCT Art. 17(3)(a) and PCT Rule 40). The applicant will be given a time period in accordance with PCT Rule 40.3 to pay the additional fees due.

(c) In the case of non-compliance with unity of invention and where no additional fees are paid, the international search will be performed on the invention first mentioned ("main invention") in the claims.

(d) Lack of unity of invention may be directly evident before considering the claims in relation to any prior art, or after taking the prior art into consideration, as where a document discovered during the search shows the invention claimed in a generic or linking claim lacks novelty or is clearly obvious, leaving two or more claims joined thereby without a common inventive concept. In such a case the International Searching Authority may raise the objection of lack of unity of invention.

55. By adding § 1.482 to read as follows:

§ 1.482 Protest to lack of unity of invention.

(a) If the applicant disagrees with the holding of lack of unity of invention by the International Searching Authority, additional fees may be paid under protest, accompanied by a request for refund and a statement setting forth reasons for disagreement or why the required additional fees are considered excessive, or both (PCT Rule 40.2(c)).

(b) Protest under paragraph (c) of this section will be examined by the Commissioner or the Commissioner's designee. In the event that the applicant's protest is determined to be justified, the additional fees or a portion thereof will be refunded.

(c) An applicant who desires that a copy of the protest and the decision thereon accompany the international search report when forwarded to the Designated Offices, may notify the International Searching Authority to that effect any time prior to the issuance of the international search report. Thereafter, such notification should be directed to the International Bureau (PCT Rule 40.2(c)).

56. By adding a new § 3.56 to read as follows:

§ 3.56 Oath to be filed with United States Designated Office under 35 U.S.C. 371(c)(4).

As a below named inventor, being duly sworn (or affirmed), I depose and say that:

My residence, post office address, and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

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described and claimed in international application No. ——— filed ———, and as amended on ——— (if any), which I have reviewed and for which I solicit a patent;

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to my international application, that the same was not in public use or on sale in the United States of America more than one year prior to my international application, that the intention has not

been patented or made the subject of an inventor's certificate issued before the date of my international application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to my international application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns except as follows:

_____

_____

Full name of sole or first inventor .....
Inventor's signature .....
Date
Residence .....
Citizenship .....
Post office address .....
.....

Full name of second joint inventor, if any .....
Second Inventor's signature .....
Date
Residence .....
Citizenship .....
Post Office address .....
.....

(Supply similar information and signature for third and subsequent joint inventors)

_____
ss:
_____

Sworn to and subscribed before me this —— day of ————, 19——. ————

.....
(Signature of notary or officer)

[Seal]

.....
(Official character)

57. By adding a new § 3.57 to read as follows:

§ 3.57 Declaration to be filed with United Stated Designated Office under 35 U.S.C. 371(c)(4).

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

_____

described and claimed in international application No. ———— filed ———— and as amended on ———— (if any), which I have received and for which I solicit a patent;

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to my international application, that the same was not in public use or on sale in the United States of America more than one year prior to my international application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of my international application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to my international application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

_____

_____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor .....
Inventor's signature .....
Date
Residence .....
Citizenship .....
Post Office Address .....
.....

Full name of second joint inventor, if any .....
Second Inventor's signature .....
Date
Residence .....
Citizenship .....
Post office address .....
.....

(Supply similar information and signature for third and subsequent joint inventors.)

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

58. By revising § 5.1 to read as follows:

§ 5.1 Defense inspection of certain applications.

(a) The provisions of this part shall apply to both national and international applications filed in the Patent and Trademark Office and, with respect to inventions made in the United States, to applications filed in any foreign country or any international authority other than the United States Receiving Office. The (1) filing of a national or an international application in a foreign country or with an international authority other than the United States Receiving Office, or (2) transmittal of an international application to a foreign agency or an international authority other than the United States Receiving Office is considered to be a foreign filing within the meaning of Chapter 17 of Title 35, United States Code.

(b) In accordance with the provisions of 35 U.S.C. 181, patent applications containing subject matter the disclosure of which might be detrimental to the national security are made available for inspection by defense agencies as specified in said section. Only applications obviously relating to national security, and applications within fields indicated to the Patent and Trademark Office by the defense agencies as so related, are made available. The inspection will be made only by responsible representatives authorized by the agency to review applications. Such representatives are required to sign a dated acknowledgement of access accepting the condition that information obtained from the inspection will be used for no purpose other than the administration of 35 U.S.C. 181–188. Copies of applications may be made available to such representatives for inspection outside the Patent and Trademark Office under conditions assuring that the confidentiality of the applications will be maintained, including the conditions that: (a) all copies will be returned to the Patent and Trademark Office promptly if no secrecy order is imposed, or upon rescission of such order if one is imposed, and (b) no additional copies will be made by the defense agencies. A record of the removal and return of copies made available for defense inspection will be maintained by the Patent and Tradmark Office. Applications relating to atomic energy are made available to the Department of Energy as specified in § 1.14 of this chapter.

59. By revising § 5.3 to read as follows:

§ 5.3 Prosecution of application under secrecy orders; withholding patent.

Unless specifically ordered otherwise, action on the application by the Office and prosecution by the applicant will proceed during the time an application is under secrecy order to the point indicated in this section:

(a) National applications under secrecy order which come to a final rejection must be appealed or otherwise prosecuted to avoid abandonment. Appeals in such cases must be completed by the applicant but unless otherwise specifically ordered by the Commissioner will not be set for hearing until the secrecy order is removed.

(b) An interference will not be declared involving national applications under secrecy order. However, if an

applicant whose application under secrecy order copies claims from an issued patent, a notice of that fact will be placed in the file wrapper of the patent.

(c) When the national application is found to be in condition for allowance except for the secrecy order the applicant and the agency which caused the secrecy order to be issued will be notified. This notice (which is not a notice of allowance under § 1.311 of this chapter) does not require response by the applicant and places the national application in a condition of suspension until the secrecy order is removed. When the secrecy order is removed the Patent and Trademark Office will issue a notice of allowance under § 1.311 of this chapter, or take such other action as may then be warranted.

(d) International applications under secrecy order will not be mailed, delivered or otherwise transmitted to the international authorities or the applicant. International applications under secrecy order will be processed up to the point where, if it were not for the secrecy order, record and search copies would be transmitted to the international authorities or the applicant.

60. Section 5.11 text and heading are revised to read as follows:

§ 5.11 License for filing application in foreign country or for transmitting international application.

(a) When no secrecy order has been issued under § 5.2, a license from the Commissioner of Patents and Trademarks under 35 U.S.C. 184 is required before filing any application for patent or for the registration of a utility model, industrial design, or model, in a foreign country, or transmitting an international application to any foreign patent agency or any international agency other than the United States Receiving Office, or causing or authorizing such filing or transmittal, with respect to an invention made in the United States, if:

(1) The foreign application is to be filed or its filing caused or authorized before a national or international application for patent is filed in the United States, or

(2) The foreign application is to be filed, or its filing caused or authorized, or the transmittal of the international application is caused or authorized, prior to the expiration of six months from the filing of the application in the United States.

(b) When there is no secrecy order in effect, a license under 35 U.S.C. 184 is not required if:

(1) The invention was not made in the United States, or

(2) The foreign application is to be filed or the international application is to be transmitted, or its filing or transmittal caused or authorized, after the expiration of six months from the filing of the national application in the United States.

(c) When a secrecy order has been issued under § 5.2, an application cannot be filed in a foreign country, nor can an international application be transmitted to any agency other than the United States Receiving Office except in accordance with § 5.5.

61. By revising § 5.13 text and heading to read as follows:

§ 5.13 Petition for license; no corresponding application.

Where there is no corresponding national or international application, the petition for license must be accompanied by a legible copy of the material upon which license is desired. This copy will be retained as a measure of the license granted. For assistance in the identification of the subject matter of each license so issued, it is suggested that the petition or requesting letter be submitted in duplicate and provide a title and other description of the material. The duplicate copy of the petition will be returned with the license or other action on the petition. Where an international application is being filed in the United States Receiving Office, the petition may accompany the international application.

62. By revising paragraphs (b) and (c) of § 5.14 to read as follows:

§ 5.14 Petition for license; corresponding U.S. application.

* * * * *

(b) Two or more United States applications should not be referred to in the same petition for license unless they are to be combined in the foreign or international application, in which event the petition should so state and the identification of each United States application should be in separate paragraphs.

(c) Where the application to be filed or transmitted abroad contains matter not disclosed in the United States application or applications, including the case where the combining of two or more United States applications introduces subject matter not disclosed in any of them, a copy of the application as it is to be filed in the foreign country or international application which is to be transmitted to a foreign international or national agency as it is to be filed in the Receiving Office must be furnished with the petition. If, however, all new matter in the foreign or international application to be filed is readily identifiable, the new matter may be submitted in detail and the remainder by reference to the pertinent United States application or applications.

63. By revising § 5.15(a) to read as follows:

§ 5.15 Scope of license.

(a) A license to file an application in a foreign country or transmit an international application to any foreign or international agency other than the United States Receiving Office, when granted, includes authority to forward all duplicate and formal papers to the foreign country or international agencies and to make amendments and take any action in the prosecution of the foreign or international application, provided subject matter additional to that covered by the license is not involved. In those cases in which no license is required to file the foreign application or transmit the international application, no license is required to file papers in connection with the prosecution of the foreign or international application not involving the disclosure of additional subject matter. Any paper filed abroad or with an international agency following the filing of a foreign or international application which involves the disclosure of additional subject matter must be separately licensed in the same manner as a foreign or international application.

* * * * *

64. By revising § 5.17 to read as follows:

§ 5.17 Who may use license.

Licenses may be used by anyone interested in the foreign filing or international transmittal for or on behalf of the inventor or the inventor's assigns.

AUTHORITY: 35 U.S.C. 6; Pub. L. 94-131, 89 Stat. 685.

Dated: April 25, 1978.

LUTRELLE F. PARKER,
Acting Commissioner of Patents and Trademarks.

Approved: May 5, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-12832 filed 5-10-78; 8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1977)

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