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THURSDAY, JUNE 15, 1978

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

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

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

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

[3410-02]

Title 7—Agriculture

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

[Valencia Orange Regulation 593]

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 established the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 16-22, 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: June 16, 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 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 June 13, 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 eased off this past week on all sizes and grades.

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.

§ 908.893 Valencia Orange Regulation 593.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 16, 1978, through June 22, 1978, are established as follows:

(1) District 1: 280,000 cartons;

(2) District 2: 420,000 cartons;

(3) District 3: Unlimited.

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

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

Dated: June 14, 1978.

CHARLES R. BRADER,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-16847 Filed 6-14-78; 11:56 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

ACCOUNTING CALCULATIONS AND REPORTING REQUIREMENTS OF BORROWERS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations concerning accounting calculations and reporting requirements of borrowers in connection with its rental assistance program. The intended effect of this action is to make the program more workable and easily understood. This action is being taken because the former regulations did not provide as much guidance as FmHA now believes to be warranted.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, (202) 447-7207.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends portions of Subpart D, Part 1822, Chapter XVIII, Title 7 in the Code of Federal Regulations. These amendments clarify the accounting calculations and reporting requirements of borrowers participating in FmHA's rental assistance program. FmHA provided notice at pages 7967-7979 of the FEDERAL REGISTER for February 27, 1978, that it was implementing the amended regulations as an interim rule to provide clearer and

easier accounting calculations and reporting requirements for borrowers utilizing the rental assistance program. The comment period expired March 29, 1978, and FmHA is now publishing the amendment as a final rule. FmHA received no comments in response to the proposed amendments. Since no comments were received the only changes being made in the final rule are of an editorial nature.

Accordingly, Subpart D of Part 1822 is amended as follows:

1. In § 1822.88 paragraphs (a)(8), (i)(3), and (i)(3) (i), (ii), and (iii) are added and read as follows:

§ 1822.88 Special conditions.

(a) *Type and size of housing.* * * *

* * * * *

(8) All units in projects to be constructed will be individually metered for utilities unless adequate justification is provided to show that it would be infeasible or excessively costly.

* * * * *

(i) *Tenant certification.* * * *

(3) The incomes reported by all tenants must be verified by the borrower. Such verifications may be obtained by:

(i) The use of Form FmHA 410-5, "Requests for Verification of Employment," or verification forms prepared by the borrower or other sources. Until Form FmHA 410-5 is revised, it may be modified by deleting "to the Farmers Home Administration" in the last sentence of the Instructions; deleting "Farmers Home Administration" in Part I, item 2 and inserting the name and address of the borrower or management agent to whom the form is to be returned; deleting "applied for a Farmers Home Administration loan and" in the first sentence and the word "loan" in the second sentence of the applicant's statement in Part I; and by deleting the complete last sentence below the employer's signature.

(ii) In the case of the elderly or other persons whose income is not from wages or salary, by actually examining the income checks, check stubs or other reliable data the tenant possesses.

(iii) Until the Form FmHA 444-8 is revised, the borrower will make a notation on each tenant certification that "The tenant's income has been verified and found to be accurate". The notation will be dated and the name of the person making it will be shown.

* * * * *

2. Paragraph III and III A and B of Exhibit F-5A are amended, paragraphs IV and V are added, and the existing paragraph IV is renumbered to paragraphs IIIB and IIIB 1, 2, 3, and 4 to read as follows:

EXHIBIT F-5A—HOUSING ALLOWANCES FOR UTILITIES AND OTHER PUBLIC SERVICES

* * * * *

III. *Preparation by Borrower or Applicant.*

A. *Applicable Projects.* Except for projects operating on a profit basis, Exhibit F-5A will be completed in the original and three copies in all instances where the tenants pay utilities or authorized services directly. Where the borrower pays all utilities, Part I of Exhibit F—5A may also be required as part of the budget submitted for any new project if the loan approval official determines it is needed to properly evaluate projected utility costs. This form will establish the allowances for all size units in the project. The allowances shall be adequate for all utilities and any authorized services which are or will be payable directly by the tenants, except telephone and cable TV. The forms will be signed by the borrower. The original and two copies of the form will be submitted to FmHA. Backup data and necessary documentation should be included with the submission.

B. *Submission of Supporting Data to FmHA.* The applicant will submit to FmHA adequate data to justify the utility allowance for the project. The data will include the following:

1. Completed Exhibit F-5A.

2. List of local sources contacted for information and copies of any data provided by such sources.

3. Any data on allowances already established for the area.

4. Complete narrative statement and computations on method used in arriving at the allowances.

IV. *Actions by FmHA.* If FmHA finds the allowances acceptable, the approval portion of Part I will be completed on all copies and the original and one copy returned to the County Supervisor. The County Supervisor will keep a copy for the county office file and return the original to the borrower. If the proposed utility allowance is unacceptable, the borrower will be requested to revise the data and resubmit it for further consideration.

V. *Subsequent Action by Borrower.* After approval by FmHA the borrower will complete Part II of the form and provide copies to each tenant paying utilities directly by attaching it to the lease entered into by the borrower and tenant. The form will provide the family with the amount of allowance for each of the utilities and services which are to be paid by the tenant. If all utilities and services are paid by the borrower F-5A need not be attached to the lease.

3. Paragraphs IV B 2 f and IV B 3 of Exhibit J are deleted. Paragraphs III and IV B 2 e of Exhibit J are amended to read as follows:

EXHIBIT J—INTEREST CREDITS ON INSURED RRH AND RCH LOANS

* * * * *

III. Eligibility: Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, (2) is repaid over a period of 40 years or more, and (3) meets the other requirements of this Exhibit subject to the following limitations:

* * * * *

IV. Options of borrowers:

* * * * *

B. Plan II.

* * * * *

2. A borrower under Plan II, generally must:

* * * * *

e. Determine the required monthly payment on the loan at 1 percent interest and overage each month for the total units developed with any one loan. The amount of payment will be computed separately for each loan using Form FmHA 444-29, "Project Worksheet for Multiple Family Housing Projects." (Exhibit J-2 will be used until Form FmHA 444-29 is available.)

f. [Deleted]

3. [Deleted]

* * * * *

4. Exhibit J-2 is amended to read as follows:

WARNING

Section 1001 of Title 18, United States Code provides "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully ... makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both".

PROJECT WORKSHEET FOR
MULTIPLE FAMILY HOUSING PROJECTS

PART I

Borrower Name	
Case Number	Location of Project

Kind of Loan (Check appropriate block)

☐ RRH ☐ RCH ☐ LH

Plan of Operation (Check appropriate block)

☐ Profit ☐ Plan I ☐ Plan I S 8

☐ Plan II ☐ Plan II RA ☐ Plan RA

This report is for the month of _____, 19____

In accordance with Farmers Home Administration's formula and procedures, all rental units are occupied by families who are eligible to occupy this Multiple Family Housing Project and have incomes within the limitations as set forth in FmHA regulations and/or the project has written permission from FmHA to rent to ineligible occupants on a temporary basis. The amount of payment, overage, surcharge and/or request for rental assistance payment for this project is as follows:

1 Payment Amount	2 Loan Number	3 Overage or Surcharge	4 Total Payment	5 Rental Asst. Payment Due Borrower	6 No. Units Rec'ing Rent Asst

I certify that the statements made above and in Part II are true to the best of my knowledge and belief and are made in good faith.

_____ (Date)

_____ (Signature-Borrower or Borrower's Representative)

County Office Schedule No. ☐☐☐

PART II page ____ of ____. Name of Borrower _____ Reflects Data as of 1st Day of _____ 19____

1 Apt. No.	2 Type	3 Leased To	4 No of Indiv in Unit	5 Basic Monthly Rent	6 Market Monthly Rent	7 25% of Adjusted Monthly Income	8 Tenant's Monthly Rental Payment	9 Amount of Rental Assistance	10 Overage and/or Surcharges	11 Tenant's Monthly Utility Allowance	12 Amt. Due Tenant To Cover Utilities
						TOTAL					

WARNING

Section 1001 of Title 18, United States Code provides "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully . . . makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both".

FmHA Instruction 444.5
Exhibit J-2
Page 3

PROJECT WORKSHEET FOR
MULTIPLE FAMILY HOUSING PROJECTS

PART I

Borrower Name (18)	
Case Number (19)	Location of Project (20)

Kind of Loan (Check appropriate block) (21)

☐ RRH ☐ RCH ☐ LH

Plan of Operation (Check appropriate block) (22)

☐ Profit ☐ Plan I ☐ Plan I S 8
☐ Plan II ☐ Plan II RA ☐ Plan RA

This report is for the month of _____, 19____

In accordance with Farmers Home Administration's formula and procedures, all rental units are occupied by families who are eligible to occupy this Multiple Family Housing Project and have incomes within the limitations as set forth in FmHA regulations and/or the project has written permission from FmHA to rent to ineligible occupants on a temporary basis. The amount of payment, overage, surcharge, and/or request for rental assistance payment for this project is as follows:

1 Payment Amount	2 Loan Number	3 Overage or Surcharge	4 Total Payment	5 Rental Asst. Payment Due Borrower	6 No. Units Rec'ing Rent Asst
(23)	(24)	(25)	(26)	(27)	(28)
			(29)		

I certify that the statements made above and in Part II are true to the best of my knowledge and belief and are made in good faith.

(30)
(Date)

(31)
(Signature-Borrower or Borrower's Representati

County Office Schedule No. ☐☐☐ (32)

PART II page (1) of ____. Name of Borrower (2) Reflects Data as of 1st Day of (3) 19____

1 Apt. No.	2 Type	3 Leased To	4 No of Indiv in Unit	5 Basic Monthly Rent	6 Market Monthly Rent	7 25% of Adjusted Monthly Income	8 Tenant's Monthly Rental Payment	9 Amount of Rental Assistance	10 Overage and/or Surcharges	11 Tenant's Monthly Utility Allowance	12 Amt. Due Tenant To Cover Utilities
(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
						TOTAL		(16)	(17)		

FmHA Instruction 444.5

EXHIBIT J–2

INSTRUCTIONS FOR PREPARATION

PROJECT WORKSHEET FOR MULTIPLE FAMILY HOUSING PROJECTS

This exhibit will be prepared and submitted each month by all RRH, RCH and LH borrowers when making scheduled payments to the County Office. The exhibit is composed of two parts, Part I and Part II. Borrowers, who are obtaining neither interest credit, rental assistance or the total project is under Section 8 contract, will complete only Part I and items (1) through (6) of Part II. Part I and all of Part II will be completed by borrowers who are operating under any plan which involves overages, surcharges or rental assistance. The exhibit will be prepared by the borrower in original and one copy. The original will be signed by the borrower and forwarded to the County Office. The copy will be retained by the borrower.

The project worksheet will be completed in accordance with the following:

(1) If more than one page of Part II is needed, number the pages such as 1 of 2, 2 of 2.

(2) Enter borrower's name. (Use the same name as shown on the note).

(3) Enter the month and year for which the worksheet is prepared. Reports should show the status of all tenants on the first day of each month.

(4) Enter apartment number or other identification of the rental units.

(5) Enter size of the unit, i.e., 0 BR (for efficiency), 1 BR, 2 BR, etc.

(6) Enter name of tenant who is head of the household. Also, enter the month and year of the most recent tenant certification in this space. (If unit is leased to two or more unrelated persons, show the surname of each person and separate Form FmHA 444–8, "Tenant Certification," must be obtained from each.)

(7) Enter number of persons occupying the unit.

(8) For RRH and RCH projects operating in accordance with Plan II, enter the basic monthly rental rate as determined by the budget. Leave blank for RRH direct loans, RRH insured loans approved prior to August 1, 1968, and LH loans.

(9) Enter market monthly rental rate as determined by the budget.

(10) Enter 25 percent of the tenant's adjusted monthly income.

(11) Enter the amount tenant pays borrower:

A. *For project with no rental assistance units:*

1. *When borrower pays all the utilities:*

a. For RRH projects operating in accordance with interest credit Plan II, this amount will be 25 percent of the family's adjusted monthly income or the basic rent shown in item (8), whichever is greater, but never more than the market rent shown in item (9).

b. For those RRH projects operating in accordance with Plan I, all LH, direct RRH loans and insured RRH loans operated for profit, the amount will be the same as in item (9). For ineligible tenants in projects operating under Plan I, enter 125 percent of item (9).

2. *When tenant pays all or a part of the utilities:*

a. For RRH projects operating in accordance with interest credit Plan II, this amount will be 25 percent of the family's adjusted monthly income, item (10), less the utility allowance shown in item (14); however, this amount will never be less than the basic rent shown in item (8) or more than the market rent shown in item (9).

b. For those RRH projects operating in accordance with Plan I, all LH, direct RRH loans and insured loans operated for profit, the amount will be the same as in item (9). For ineligible tenants in projects operating under Plan I, enter 125 percent of item (9).

B. *For projects with all or a part of the units with rental assistance:*

1. *When borrower pays all utilities:*

a. For those tenants receiving rental assistance in RRH projects, operating in accordance with interest credit Plan II, the amount will be the same as in item (10).

b. For those tenants not receiving rental assistance in RRH projects operating in accordance with interest credit Plan II, the amount will be 25 percent of the family's adjusted monthly income or the basic rent shown in item (8), whichever is greater, but never more than the market rent shown in item (9).

c. For those tenants receiving rental assistance in LH, direct RRH and insured RRH loans approved prior to August 1, 1968, the amount will be the same as in item (10).

d. For those tenants not receiving rental assistance in LH, direct RRH and insured RRH loans approved prior to August 1, 1968, the amount will be the same as in item (9).

2. *When tenant pays all or a part of utilities:*

a. For those tenants receiving rental assistance in RRH projects operating in accordance with interest credit Plan II, the amount will be the difference between 25 percent of the tenants adjusted monthly income (item 10) and the monthly utility allowance (item 14), however, if the utility allowance is greater than 25 percent of the tenants adjusted monthly income, the amount shown will be zero (0).

b. For those tenants not receiving rental assistance in RRH projects operating in accordance with interest credit Plan II, this amount will be 25 percent of the tenants adjusted monthly income (item 10) less the utility allowance (item 14); however, this amount will never be less than the basic rent (item 8) or more than the market rent (item 9).

c. For those tenants receiving rental assistance in LH, direct RRH loans, and insured RRH loans approved prior to August 1, 1968, the amount will be the difference between 25 percent of the tenants adjusted monthly income (item 10) and the monthly utility allowance (item 14); however, if the utility allowance is greater than 25 percent of the tenants adjusted monthly income, the amount shown will be zero (0).

C. *For Plan I projects with units occupied by ineligible tenants: For ineligible tenants occupying a unit in a project being operated in accordance with Plan I, the amount of tenant's monthly rental payment will be 125 percent of the market monthly rental for the units as shown in item (9) regardless of the tenants monthly adjusted income shown in item (10).*

(12) *For units with rental assistance:*

A. *When borrower pays utilities:*

1. For RRH projects operating in accordance with Plan II enter the amount of rental assistance for the tenant family which is the difference between the amount shown in item (8) and item (10) when the amount in item (10) is less than the amount in item (8).

2. For LH, direct RRH, and insured RRH loans approved prior to August 1, 1968, enter the amount of rental assistance for the tenant family which is the difference between the amount shown in item (9) and item (10) when the amount in item (10) is less than the amount in item (9).

B. *When tenant pays utilities:*

1. For RRH projects operating in accordance with Plan II, enter the amount of rental assistance for the tenant family. The amount is the difference between the basic rent (item 8) and tenants payment to the borrower (item 11) plus the amount due tenant to cover utilities (item 15).

2. For LH, direct RRH, and insured RRH loans approved prior to August 1, 1968, enter the amount of rental assistance for the tenant family. The amount is the difference between the market rent (item 9) and tenants payment to the borrower (item 11) plus the amount due tenant to cover utilities (item 15).

(13) For projects operating in accordance with Plan I the amount to be entered for ineligible tenant families is 25 percent of the market rental rate shown in item (9). For projects operating in accordance with Plan II, enter the difference between basic rent, item (8), and the tenants monthly rental payment, item (11).

(14) Enter the amount of monthly utility allowance for the unit that the tenant pays directly. This amount will be the same as shown in Part II of Exhibit F-5A.

(15) This column will be completed only for units utilizing FmHA rental assistance payments program. An amount will be shown only when a payment is due the tenant to pay utilities when utilities are billed to and paid by the tenant and the tenants monthly utility allowance (item 14) is greater than 25 percent of the adjusted monthly income (item 10). The amount to enter will be the difference between the amount in item (10) and item (14).

(16) For projects utilizing FmHA rental assistance payments program enter the sum of the amounts in item (12).

(17) Enter the sum of the amounts in item (13).

TO COMPLETE PART I

(18) Enter name as it appears on the promissory note(s).

(19) Enter case number.

(20) Enter location, include address if needed to identify the project.

(21) Check appropriate block indicating type of loan.

(22) Check appropriate blank indicating the plan under which the project is operating.

(23) Enter the amortized payment on the note as follows:

A. *For Annual Payment Notes:*

1. For LH, RCH, and direct RRH loans and insured RRH loans approved prior to August 1, 1968, enter 1/12 of the annual payment as shown on the note.

2. For RRH and RCH loans operating in accordance with interest credit plan II, enter 1/12 of an annual payment on the note as though the note was written with a one percent interest rate.

B. *For Monthly Payment Notes:*

1. For all projects not operating in accordance with interest credit plan I, II or plan I S 8, enter monthly amortized payment as shown on the note.

2. For all projects operating in accordance with interest credit plan II, enter the amount of the monthly payment as though the note was written with a one percent interest rate.

3. For all projects operating in accordance with interest credit plan I, enter the amount of the monthly payment as though the note was written with a three percent interest rate.

4. For all projects with all units under contract with HUD Section 8 Housing Assistance Payments Program (Plan I S 8) enter the amount of the monthly payment as though the note was written with the appropriate one or two percentage point rate reduction.

(24) Enter the loan code for each loan on the project. The top line will always be used for the initial loan for the project.

(25) Enter the overage or surcharge due. All overages and surcharges will be shown on the initial loan line for the project.

(26) Enter the total payment due for each loan. This will be the sum of the amount(s) in item (23) and (25) for the line.

(27) Enter the amount of rental assistance provided as determined in Part II of the worksheet. This is the amount due from the government.

(28) Enter number of units occupied by tenants receiving rental assistance.

(29) Enter total amount of payment being transmitted.

(30) Enter date signed.

(31) The form must be signed by the borrower or the borrower's representative.

(32) The County Office will enter the schedule number of the Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal," used to transmit the borrower's payment to the Finance Office.

RENTAL ASSISTANCE PROGRAM

I. *General.* The objective of the rental assistance program is to reduce the rents paid by low-income families. This exhibit sets forth the policies and procedures and delegates authority under which rental assistance (RA) will be extended to eligible tenants occupying eligible Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) projects financed by FmHA. This exhibit also applies to Farm Labor Housing (LH) projects when the borrower is a broadly-based nonprofit organization, nonprofit organization of farmworkers or a State or local public Agency. Rental assistance will supplement the benefits available to tenants under the interest credit program outlined in Exhibit J to this Subpart.

II. *Definitions.*

A. *Adjusted Annual Income.* This is the total planned income of the family for the next 12 months as defined in §1822.3 (n) of Part 1822 Subpart A (FmHA Instruction 444.1, paragraph III N) less 5 percent, thereof, and less an additional $300 for each minor person, excluding the husband and wife, who is a member of the family and lives in the rental unit.

B. *Adjusted Monthly Income.*

This is the amount obtained by dividing the Adjusted Annual Income by 12.

C. *Eligible Tenants.* Any low-income family or senior citizen that is unable to pay the approved rental rate for an eligible FmHA RA unit within 25 percent of their adjusted monthly income and whose adjusted annual income does not exceed the limit established for the State as indicated in Exhibit C to Part 1822 Subpart A (FmHA Instruction 444.1 Exhibit C).

D. *Eligible Project.*

1. All projects, except (a) LH loans and grants, and (b) direct RRH, and insured RRH loans approved prior to August 1, 1968, must convert to Interest Credit Plan II before they are eligible to receive rental assistance. All new RRH projects must also operate under Plan II to receive rental assistance. For a borrower to have an eligible project, the loan must be an:

a. RRH insured or direct loan made to a broadly-based nonprofit organization, or State or local agency, or

b. RRH insured loan to an individual or organization who has or will execute a Loan Resolution or Loan Agreement agreeing to operate the housing on a limited profit basis as defined in §1822.83 (p) of this Subpart (FmHA Instruction 444.5 paragraph III P), or

c. RCH insured or direct loan, or

d. LH loan, or an LH loan and grant combination, made to a broad-based nonprofit organization or nonprofit organization of farmworkers or a State or local public Agency.

2. Projects with all or a part of the units under contract with the Department of Housing and Urban Development (HUD) developed under the Section 8 program for new construction or rehabilitation by either the dual or single track processing procedures will not be considered an eligible project. This exemption does not prohibit the borrower from utilizing HUD's Section 8 Housing Assistance Payments Program for existing housing and FmHA rental assistance for other eligible families in the same project.

E. *Rental Assistance.* Rental assistance, as used in this exhibit, is the difference between 25 percent of the family's adjusted monthly income and the approved rental rate (including costs of all utilities and services, when applicable) for the unit being occupied by the family. When the family's adjusted monthly income is less than the allowance established for utilities and services billed directly to and paid by the tenant, the owner will pay the family that difference in accordance with paragraph VII A of this Exhibit. Rental Assistance is further defined as:

1. For projects operating on Interest Credit Plan II, it is the difference between 25 percent of the family's adjusted monthly income and the basic rent including utilities for the unit.

2. For all direct RRH loans, insured RRH loans approved prior to August 1, 1968, and all eligible LH loans, it is the difference between 25 percent of the family's adjusted monthly income and the approved market rental rate including utilities for the unit.

F. *Approved Rental Rate.* The rental rates (basic and/or market rent) determined by the budget for the project and approved by FmHA. Rental rates will be considered approved if the budget for the year has been approved in accordance with §1802.78 Part 1802 Subpart G (FmHA Instruction 430.2 paragraph X) and utility allowances, when required, have been determined and approved in accordance with paragraph VIII B of this exhibit. The rental rate includes the amortized principal and interest payments, operating and maintenance costs, required deposits to the reserve account and a return on the owner's intitial investment when allowed by FmHA regulations. The cost of utilities and other public services when paid by the owner will be included in the operating and maintenance expenses to determine the approved rental rates.

G. *Utility Allowance.* The allowance approved by FmHA to cover the cost of utilities which are payable directly by the families.

III. *Eligibility of Borrower.* All borrowers who meet the eligible project definition in paragraph II D of this Exhibit are eligible and are encouraged to utilize the rental assistance program and receive rental assistance payments on behalf of low-income tenants as provided for in accordance with this exhibit. Generally, the borrower will initiate the processing of a rental assistance application. A borrower who does not request rental assistance may be encouraged to do so by the County Supervisor if rental assistance units are available and 20 percent or more of the families eligible for rental assistance in an eligible project petition the borrower to obtain rental assistance on their behalf. The petitions shall be in writing to the borrower and contain the signature of the head of the household of each family who is paying more than 25 percent of their adjusted montly income for rent including utilities and desiring rental assistance. A copy of the petition will be submitted to the County Supervisor.

IV. *Eligibility of Tenants.* All tenants as defined in paragraph II C of this exhibit, are eligible to receive the benefits of rental assistance when occupying a rental unit in an eligible project provided the project owner has agreed to provide such assistance in accordance with this exhibit and there are RA units available.

V. *Priority of Rental Assistance Applications.* The National Office may establish a State quota on the number of units that may receive rental assistance in any fiscal year. The State Director will limit the approval of rental assistance to no more than the number of units allocated to the State. Unless otherwise stated by the National Office, the State allocation will indicate the number of units for existing projects and the number of units to be used with the applications for loans. The priority in allocating units will be as follows:

A. *Allocation to Projects Within a State.* The State Director will distribute any units allocated to the State in accordance with any specific instructions from the National Office and approve requests for rental assistance to projects in accordance with the provisions of this Exhibit.

1. *Existing Housing:* The State Director will distribute any units allocated to the State for existing RRH, RCH, and LH projects by considering Forms FmHA 444-25, "Request for Rental Assistance," (Exhibit R-1 of this Subpart) that have been submitted by eligible borrowers. The State Director shall authorize rental assistance to projects with priority given to projects based on the earliest date that Form FmHA 444-25 and other required information is submitted to FmHA in acceptable form (see paragraph X). The number of units to be granted in any project will be based on the number of tenants in the project needing rental assistance up to the maximum allowed. The National Office shall notify the State Director each year of any specific date by which all requests for rental assistance must be submitted to FmHA for consideration.

2. *New Housing:* Any units allocated to the State for new construction (which includes substantial rehabilitation) shall be distributed on a priority basis in the following order:

a. RRH or RCH projects to be provided in areas where HUD Section 8 units under the FmHA set-aside are not available.

b. Applications for RRH and RCH loans where the market survey information indicates that without RA, a large percentage of the prospective tenants will be paying in excess of 25 percent of their adjusted monthly income for rent including utilities. When the number of RA units available is inadequate to cover all such applications, the units will be distributed giving priority to the projects with the earliest date of application in which the applicant has provided all the information necessary to process the application in accordance with Exhibit F-7 of this Subpart.

c. For LH projects, RA units will be allocated by the National Office on a case-by-case basis at the time the projects are considered for funding at the National Office level.

3. *Limitation on number of units of rental assistance in each project:* The maximum number of units in a project to obtain rental assistance is limited to the following:

a. No limitation for eligible labor housing loan and grant projects. However, an eligible labor housing project with a loan only will be limited to not more than 20 percent (fractional units will be rounded to the next higher whole number) of the total number of units in the project.

b. No limitation for RRH, RCH or SCH projects designed and limited to housing for the elderly except that the State Director may limit the percentage of units granted to elderly projects to no more than 40 percent if it appears that the number of units distributed to the state will not be adequate to approve all requests for rental assistance.

c. An RCH or RRH project designed and/or primarily occupied by low- and moderate-income families will be limited to not more than 20 percent of the total number of units in the project.

d. An RCH or RRH project planned and designed for a mix of senior citizen and low- and moderate-income families will be limited to not more than 20 percent of the total number of units designed for low- and moderate-income families and no limitations on the units designed for and occupied by senior citizens.

B. *Granting Exceptions.*

1. *State Directors Authority.* An exception to the 20 percent limitation indicated in paragraph V A 3 a, c, and d of this exhibit may be granted by the State Director for up to 40 percent of the units in any particular project (fractional units will be rounded to the next higher whole number). However, the total number of units of rental assistance granted by the State Director including exceptions, cannot exceed the number of units allocated to that State. Exceptions will be granted only when units are or can be made available and the following conditions exist:

a. When more than 20 percent of the units are occupied by families who are paying more than 25 percent of their adjusted income for rent including utilities, and such units are no larger than needed to meet the family's need, or

b. The tenants in a project, that is being assisted at the 20 percent level, experience a hardship as a result of an income decrease or a rental increase and must obtain rental assistance to remain in the project, or

c. The project is being developed in an area of extremely low-income families and the majority of the proposed tenants will be paying in excess of 25 percent of their income for rent including utilities.

2. *National Office Authority.* If the project is located in or is being developed in an area of extremely low-income families and the majority of the tenants are, or will be, paying in excess of 25 percent of their income for rent including utilities, the National Office may authorize the State Director to grant approval for a greater number of units on a case-by-case basis for up to 100 percent of the units to receive rental assistance. Such requests will be submitted to and approved by the National Office prior to loan granting or requesting obligation of rental assistance for more than 40 percent of the units in the project.

C. *Processing Exception Requests.*

1. A request for an exception to the 20 percent limitation for existing projects will be submitted by the borrower to the County Supervisor. The County Supervisor will submit the request with supporting documentation and recommendations to the State Office by memorandum for approval. Included in the memorandum will be the number and percentage of units in excess of the 20 percent limit and justification for the approval. When National Office authorization is required to exceed the 40 percent limitation, the State Director will request this authorization by memorandum and will include (a) the borrower's case file, (b) complete data and documentation on the housing market situation, (c) the number of rental assistance units allocated to the State, (d) number of uncommitted units still available in the State allocation, and (e) recommendations. If a borrower requests authority to exceed the 40 percent limitation for a new project after the loan is approved, such requests will not be approved until the project is completed, and at least partially occupied and it is apparent that full rentup will not occur unless the 40 percent limitation is exceeded.

2. The State Director will maintain Form FmHA 444-28, "Record of Rental Assistance Agreement." The record will include the borrower's case number, fund code, loan number, number of units in the project, number of units for rental assistance authorized and the effective date of each agreement and amendment. This information will be obtained from Form FmHA 444-25, "Request for Rental Assistance Agreement", form FmHA 444-26, "Request for Obligation of Rental Assistance", and Form FmHA 444-27, "Rental Assistance Agreement." Any changes which are made in the number of rental units assisted will be recorded in the Record of Rental Assistance Agreements. Exhibit R-3 of this Subpart may be used for keeping this record until Form FmHA 444-28 is available.

VI. *Priority Among Eligible Families Within a Project Receiving Rental Assistance.* The borrower will determine priority for RA among tenants living in a project and among families applying for occupancy in accordance with this paragraph.

A. *In Existing Projects:*

1. If the project is fully occupied at the time the rental assistance is granted, priority will be given to families paying the highest percentage of its annual adjusted income for rent including utilities. However, no family eligible to occupy a unit in the project will be required to move from the project to allow a family applying for a unit who has a higher priority to move in.

2. If the project has vacancies or vacancies occur and rental assistance is available, priority will be given to families already living in the project who are eligible for rental assistance before any new tenants are considered. Priority for new tenants will be based on the date of the family's application for occupancy. If more than one family applies for a unit on the same date, the applications will be time dated. If the family with the earliest date of application is unable or does not want to accept the rental assistance unit, the unit will be offered to the next earliest application. The application of a family who is unable for personal reasons or does not want to accept a rental assistance unit when notified, will be redated as of the current date if the family still wishes to be considered for occupancy.

3. If the project has vacancies or vacancies occur and rental assistance is available, the units will be leased to eligible families having the highest priority based on date of application for occupancy regardless of whether they qualify for rental assistance.

4. If the project has vacancies or vacancies occur and rental assistance is not available, a family eligible for rental assistance may accept occupancy but cannot receive rental assistance. Such families will be considered for rental assistance in accordance with paragraph VI A 1. If such families elect not to accept occupancy because rental assistance is not available, their application for a unit will retain its original date for priority.

5. Tenants receiving the benefits of rental assistance shall continue receiving such benefits as long as they remain eligible tenants and there is a rental assistance agreement in effect.

B. *In New Projects.* Applications for occupancy should be accepted during the construction phase of the project. Priority will be given based on the date of the family's application for occupancy. If all or a percentage of the units are authorized to receive rental assistance, such number of units will not be rented to families whose adjusted annual income exceeds the limits established for the State as indicated in Exhibit C to Part 1822 Subpart A (FmHA Instruction 444.1 Exhibit C) without the written approval of the County Supervisor. The County Supervisor will not grant such approval until he has reviewed the borrower's method of advertising the units and has determined that families eligible for rental assistance are not available or do not desire occupancy.

VII. *Responsibilities of Borrower in Administering the Rental Assistance Program.* Each borrower and management agent for each project that is to receive rental assistance should fully understand the responsibilities and requirements of carrying out the program. The borrower and management agent are the key to the successful operation of the program. The following guidelines will be followed:

A. Direct rental assistance payments will not be made to eligible tenants receiving rental assistance except in those instances when utilities are paid by the family and 25 percent of the family's monthly adjusted income is less than the allowance for utilities. In these cases, the borrower will pay the family that difference upon the family providing the borrower evidence that the utility bills are due or have been paid. (See paragraph VIII A, Payment of Utilities.) The borrower will maintain an accurate accounting of each tenant's utility allowance and payment made to tenants.

B. The borrower must initially submit Form FmHA 444-8, "Tenant Certification,"

for each tenant. The initial tenant certification will be submitted to the FmHA County Office with the next monthly payment following the date that the tenant occupies the unit. Subsequent tenant certifications must be obtained annually and submitted to the County Office with the first monthly payment following the date of the certification. The borrower or management agent will establish an adequate recordkeeping system of tenant certifications to assure this responsibility is carried out.

C. The incomes reported by the tenants must be verified by the borrower in accordance with §1822.88(i)(3) of this subpart (FmHA Instruction 444.5 paragraph VIII I 3).

D. Borrowers utilizing RA must comply with §1802.78 Part 1802 Subpart G (FmHA Instruction 430.2, paragraph X). RA will not be approved for projects until the operating budgets have been approved by the FmHA State Office or the County Supervisor. County Supervisors, with assistance from the State Office staff, must closely supervise and assist borrowers in complying with all accounting and management requirements.

E. A borrower participating in the RA program must have an FmHA approved lease with the assisted family.

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director may issue State Instructions covering any special conditions or local customs affecting leasing arrangements. In addition to other statements outlining the conditions of the lease, the lease form for tenants receiving RA should contain the following statements rather than those required in paragraph VI A of Exhibit J to this Subpart:

"I understand and agree that as long as I receive rental assistance, my total monthly payment for rent and utilities will be $——— (25 percent of my adjusted monthly income). If I pay any or all utilities directly (not including telephone or cable T.V.), a utility allowance of $——— will be deducted from my monthly payment for rental and utilities. If the utility allowance is in excess of 25 percent of my adjusted monthly income, the lessor will pay me this excess.

I further agree to notify the lessor of any permanent increase in adjusted monthly income or change in the number of family members living in the household. I understand that should I receive rental assistance benefits to which I am not entitled that I may be required to make restitution and I agree to pay any amount of benefits received to which I was not entitled.

I also understand and agree that my monthly payment for rent under this lease may be raised or lowered, based on changes in family income and changes in the number and age of family members living in my household. Should I no longer receive rental assistance as a result of these changes, I understand and agree that my monthly payment for rent may be adjusted to no less than $——— (basic rental) nor more than $——— (market rental) during the remaining term of this lease.

Eligible borrowers with LH loans and grants, direct RRH loans, or insured RRH loans approved before August 1, 1968, may omit the words "no less than $——— (basic rental) nor more than" from the last sentence of the above statement.

2. Lease clauses which fall within the classification listed below shall not be included in any lease.

a. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

b. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

c. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

d. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

e. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

f. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

g. *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

h. *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant, as a part to a lawsuit, may not be obligated to pay attorney's fees or other costs if he loses the suit.)

3. A copy of a completed Exhibit F-5A of this Subpart when the tenants pay part or all of the utilities, and a copy of the established rules and regulations for the project will be provided to the tenant as attachments to the lease.

VIII. *Handling Utility Allowances and Determining the Amount of Rent.*

A. *Payment of Utilities.* All units in projects to be constructed will be individually metered for utilities unless adequate justification is provided to show that it would be infeasible or excessively costly. In an existing project which is not individually metered, the project will be converted to individual meters if feasible and an energy savings can be achieved. In every case, the approved rents for the projects must include the cost of utilities (except telephone and charges for cable TV) paid by the owner. In a project where the tenant is billed directly for the utilities, the tenant receiving the benefit of rental assistance will pay the owner as rent the difference between the established allowance for utilities which the tenant pays and 25 percent of the family's adjusted monthly income. If, however, 25 percent of the family's adjusted monthly income is less than the monthly allowance for utilities, the owner will pay the tenant that difference as prescribed in paragraph VII A. In a project where the owner pays all the utilities, the tenant will pay the owner the full 25 percent of his adjusted monthly income toward the approved rent for the unit being occupied.

B. *Determining the Allowance.* The utility allowance will be determined and recorded by the use of Exhibit F-5A of this Subpart (FmHA Instruction 444.5) and submitted to FmHA for approval. The data will be analyzed by the FmHA State Office to determine the allowances that will be permitted. The utility allowance is to be approved on a project-by-project basis. If the allowances are reasonable for the project, the Exhibit F-5A will be approved. The allowable amounts will be indicated in each lease agreement between the owner and tenant.

C. *Changes in Allowances:* The utility allowance may be adjusted to reflect substantial changes in utility and public service rates. Normally, allowances will be adjusted on an annual basis if necessary when the owner submits a new budget for approval. Changes in utility allowance which will result in increasing the amount of the rent paid by tenants will be processed in accordance with Part 1802 Subpart G (FmHA Instruction 430.2).

IX. *Terms of the Rental Assistance Agreement.*

A. *Effective Date.* The effective date of the Agreement will be the 1st day of the month it is executed unless assistance is granted under appeal in accordance with paragraph XII of this Exhibit; then, the effective date will be retroactive to the first of the month in which assistance was denied.

B. *Term.*

1. *For New Construction.* The term of the agreement shall be for a period of twenty (20) years from the effective date of the agreement. (A new construction project is one in which no unit has been occupied.) Upon expiration of the twenty year period, a new agreement may be executed. If a new agreement is considered, it will be made for a period not to exceed five (5) years.

2. *For Existing.* The term of the agreement shall be for a period of five (5) years from the effective date of the agreement. (An existing project is one in which one or more units have been occupied.) Prior to the termination date of any agreement a new Form FmHA 444-25, "Request for Rental Assistance," may be submitted. (Exhibit R-1 of this Subpart will be used until the Form FmHA 444-25 is available.) If a new agreement is consummated, it will be made for a period not to exceed five (5) years.

X. *Processing of Rental Assistance Applications.* All requests for rental assistance will be processed in accordance with this paragraph and may be approved by the State Director.

A. *Existing Projects.*

1. A borrower with an eligible project in which there are tenants paying in excess of 25 percent of their adjusted income for rent is encouraged to file Form FmHA 444-25, "Request for Rental Assistance," with the County Supervisor. A separate Form FmHA 444-25 will be submitted for each project. (Exhibit R-1, of this Subpart will be used until the Form FmHA 444-25 is available.) The borrower should include the following with each request.

a. Form FmHA 444-29, "Project Worksheet for Interest Credit and Rental Assistance" with columns 1 through 12 completed for each tenant in the project. (Exhibit J-2 of this Subpart will be used until the Form FmHA 444-29 is available.)

b. Approved or proposed budget for the year with Exhibit F-5A of this Subpart attached when applicable.

2. The County Supervisor will review the budget, Exhibit F-5A, and Form FmHA 444-25 submitted by the borrower to assure that the items are complete and accurate. The County Supervisor will complete Form FmHA 444-25 and submit all data provided by the borrower to the State Director.

B. *Projects to be Funded.*

1. Applicants requesting funding under the RRH or LH programs planning to utilize the rental assistance program should submit a completed Form FmHA 444-25, "Request for Rental Assistance," to the County Supervisor when submitting a preapplication or application for funding.

2. The number of units of rental assistance requested should be based on the market data for the area, the proposed rental rates as reflected in a budget for the project, and the income levels of the prospective tenants.

C. *State Director Action on Requests for Rental Assistance.*

1. If the State director determines that rental assistance can be granted, Form FmHA 444-26, "Request for Obligation of Rental Assistance," will be prepared. Exhibit R-4 of this Subpart may be used until Form FmHA 444-26, "Request for Obligation of Rental Assistance," is available. Form FmHA 444-26 will be prepared and distributed in accordance with the Forms Manual Insert. *The Form-FmHA 444-27, "Rental Assistance Agreement," will not be executed until the Request for Obligation of Rental Assistance has been returned from the Finance Office indicating that the requested number of units have been obligated for the project.*

2. Once rental assistance has been obligated by the Finance Office, the State Director will prepare an original and three copies of Form FmHA 444-7, "Interest Credit and Rental Assistance Agreement," and an original and two copies of Form FmHA 444-27. The State Director will keep one copy of the Forms in the State Office borrower file. The original and two copies of Form FmHA 444-7 and the original and one copy of Form FmHA 444-27 will be sent to the County Office with a covering memorandum authorizing the County Supervisor to execute the agreements. Both originals and copies will be executed by the borrower and County Supervisor. The County Supervisor will retain the original of Form FmHA 444-27 in the borrower file and the executed copy will be given to the borrower. The County Supervisor will send the original of Form FmHA 444-7 to the Finance Office, retain a copy in the borrowers file and an executed copy will be given to the borrower.

3. If rental assistance cannot be provided, the State Director will by letter, through the County Supervisor, inform the borrower in writing of the reasons.

XI. *Method of Payment of Rental Assistance to Borrower.* The borrower will prepare a separate report for the project using Form FmHA 444-29. (Exhibit J-2 of this Subpart may be used until Form FmHA 444-29 is available.) The worksheet will be prepared and distributed in accordance with the instructions for preparation or the Forms Manual Insert. This information will be used by the County Supervisor in preparation of Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal." The form must be completed in accordance with the FMI. The required payment will be transmitted with the form to the Finance Office. The rental assistance payment will be mailed by the Finance Office directly to the borrower within 15 working days of receipt of a properly completed Form FmHA 444-9. Since the check will be sent directly to the borrower, the County Supervisor must be sure that the borrower's address on Forms FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request," and 450-14, "Annual Statement of Loan Account," are correct. If the address shown on these forms is not correct, the County Supervisor will complete Form FmHA 450-10, "Advise of Borrower's Change of Address or Name," prior to any request for payment of rental assistance. However, when a borrower has more than one project within a county, all checks must be sent to the same address.

XXI. *Rights for Appeal if Rental Assistance is not Granted by Farmers Home Administration.*

A. Families who have requested rental assistance in writing but have been denied such assistance (whether in whole or in part) either by the borrower or County Supervisor are to be notified in writing of the specific reasons why they have been denied rental assistance. If a family has requested rental assistance directly to the borrower in writing, the borrower is responsible for notifying the family in writing of the reasons why rental assistance was not made available.

B. Borrowers who have requested rental assistance and are denied such assistance, in whole or in part by the Farmers Home Administration, will be notified in writing of the specific reasons why such assistance was denied. The letter informing the borrower of the denial will advise the borrower that it may appeal the decision by writing to the Administrator.

C. The letter informing the family or borrower of the denial of assistance and the reasons therefor must include:

1. In case the determination was made by the borrower, that the decision is subject to appeal to the FmHA County Supervisor giving name and address.

2. In case the decision was made by the County Supervisor, that an appeal may be made to the State Director giving name and address.

3. In case the decision was made by the State Director, that an appeal may be made to the Administrator giving name and address.

4. A statement that "any appeal must be filed within 45 days of the date of this notice of denial of assistance."

D. If the State Director denies an appeal for assistance, the borrower or family may appeal that decision to the Administrator, Farmers Home Administration, Washington, D.C. 20250. The Administrator upon review of the appeal shall either affirm or reverse the decision.

E. If at any time, it is determined that a borrower or a family was eligible to receive assistance after the effective date of this exhibit and assistance could have been made available in accordance with this exhibit, the provision of the assistance will be retroactive to the first of the month in which assistance was initially denied.

F. All actions by FmHA officials must be within 30 days of receipt of an appeal.

XIII. *Forms and Exhibits.* Incorporated as a part of this regulation are Exhibits R-1, R-2, R-4, F-5A, J-2, and Form FmHA 444-7.

Authorities: 42 U.S.C. 1480; 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 this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 OMB Circular A-107.

Dated: June 7, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-16536 Filed 6-14-78; 8:45 am]

[3410-07]

SUBCHAPTER J—LOAN AND GRANT PROGRAMS (GROUP)

[FmHA Instruction 1933-A]

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart A—Community Facility Loans

APPLICATION REVIEW AND APPROVAL

AMENDMENT AND ADDITION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning the obligation of loan and grant funds under the community facilities and water and waste disposal programs. As a result of congressional contact and contact from borrowers/applicants concerning the time required to obligate such funds, the administration has determined amendments are needed to reduce the time required to obligate such funds. The intended effect of this action is to reduce the time required to obligate loan and grant funds under the community facilities and water and waste disposal programs by implementing a telephone obligation process. However, comments are requested and must be received on or before July 17, 1978.

EFFECTIVE DATE: June 15, 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:

Sewell Feddiman, 202-447-5718.

SUPPLEMENTARY INFORMATION: Section 1933.5(d) of Subpart A of Part 1933, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 24233), is

amended to revise subparagraph (3) and add subparagraph (4) through (8). These changes will reduce the time necessary to obligate loan and grant funds under the community facilities and water and waste disposal programs. 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 amendment, however, is not published for proposed rulemaking since it only involves changes in the internal operations of Farmers Home Administration and therefore publication for proposed rulemaking is unnecessary.

Accordingly, as amended and added, § 1933.5(d) paragraphs (3) through (8) read as follows:

§ 1933.5 Application review and approval.

* * * * *

(d) *Obligating funds.* * * *

* * * * *

(3) The State Director will prepare and sign Form FmHA 440-1 in an original and two copies. The State Director or a designee will telephone the Finance Office Check Request Station requesting that loan and/or grant funds for a particular project be obligated.

(4) Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation: After the security code is furnished, all information contained on the Form FmHA 440-1 will be furnished the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of request.

(5) The individual making the request will record the date and time of request and sign Form FmHA 440-1 in section 37.

(6) The Finance Office will terminally process telephone obligation requests. Those requests for obligation received before 2:30 p.m., central time, will be processed on the date of the request. Requests received after 2:30 p.m. central time, to the extent possible, will be processed on the date received; however, there may be instances in which a request will be processed on the next working day.

(7) Each working day the Finance Office will notify the State Office by telephone of all projects for which funds were reserved during the previous night's processing cycle and the date of obligation. If funds cannot be reserved for a project, the Finance Office will notify the State Office that funds are not available within the State allocation. The obligation date will be 6 working days from the date the request for obligation is processed in the Finance Office. The Finance Office will mail to the State Offices a Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request," confirming the reservation of funds with the obligation date inserted as required by item 9 on the FMI for Form FmHA 440-57.

(8) After notification by the Finance Office that the funds have been reserved, the original only of Form FmHA 442-14 will be mailed to the Finance Office. Forms FmHA 440-1 for those obligations requested by telephone will not be mailed to the Finance Office. Immediately after notification by telephone of the reservation of funds, the State Director will call the Information Division in the National Office as required by FmHA Instruction 2015—C. Notice of approval to the applicant will be accomplished by mailing the applicant's signed copy of Form 440-1 on the obligation date. The State Director or the State Director's designee will record the actual date of applicant notification on the original of Form FmHA 440-1 and include the original of the form as a permanent part of the County Office Project File with a copy in the State Office file.

(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 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 17, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-16535 Filed 6-14-78; 8:45 am]

[3410-07]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-E]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Program

MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to expedite its procedures for obligating its funding authority for loan applications and to make specific reference to a new Field Visit Review form used internally for monitoring its loans. Prior obligation procedures were cumbersome and included a 15 day obligation period which delayed lenders from closing their loans. The intended effect of these changes is to provide a reduction in the overall processing time for the applicants and lender.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION, CONTACT:

Darryl H. Evans, Loan Specialist, telephone 202-447-4150.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration is revising § 1980.452, paragraph D 5 under the heading "Administrative" and Section 1980.469, paragraphs F 2 and G 4 under the heading "Administrative" of Subpart E, Part 1980, Chapter XVIII, Title 7 in the Code of Federal Regulations. Section 1980.452 is revised to permit FmHA to immediately obligate its funding authority for loan applications that have been approved, thus permitting the lender to close its loans in a more timely manner. The revised change will utilize the telephone for the reservation of funds for a loan application. Previous procedures required a 15 working day processing cycle which delayed the overall approval of the loans.

Section 1980.469, paragraphs F 2 and G 4 under the heading "Administrative" are revised to make the specific reference to a Form FmHA 449-39, "Field Visit Review," which will be used by FmHA field personnel when they make periodic field inspections with the lender to the borrower's place of business. These field visits are to monitor the borrowers operations and do not usurp the lender's responsibilities for servicing its loans. Previous procedures only made general reference to a field visit report since the FmHA form had not been fully developed when the regulations were published.

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. These amendments, however, are not published for proposed rulemaking since the amendments are administrative in nature and make no substantive change.

Accordingly, as revised, Section 1980.452, paragraph D 5 under "Administrative", and Section 1980.469, paragraphs F 2 and G 4 under "Administrative," read as follows:

§ 1980.452 FmHA evaluation of application.

* * * * *

ADMINISTRATIVE

* * * * *

D. * * *

5. The State director will prepare an original and two copies of Form FmHA 440-1 for each loan to be obligated. The State Director will sign the original and one copy and conform the second copy. Form FmHA 440-1 will not be mailed to the Finance Office. Notice of approval to applicant or lender will be accomplished by providing or sending the applicant or lender the signed copy of Form FmHA 440-1 by obligation date and a Form FmHA 449-14, unless the National Office has given prior written authorization to the State Director to forward Form FmHA 449-14 to the applicant or lender in advance of issuance of Form FmHA 440-1. The State Director or designee will record the actual date of applicant notification on the original of the Form FmHA 440-1 and retain the original of the form as a permanent part of the county office case file. The State Director may retain the remaining conformed copy of Form FmHA 440-1. The State Director or designee will telephone the Finance Office Check Request Station requesting that the loan funds for a particular project be obligated.

a. Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation. After the security code is furnished, all pertinent information contained on Form FmHA 440-1 will be furnished to the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of the request.

b. The individual making the telephone request will record the date and time of the telephone request and place their signature in section 37 of Form FmHA 440-1.

c. The Finance Office will terminally process telephone obligation requests. Those requests for obligation received before 2:30 p.m. Central Time will be processed on the date of the request. Requests received on or after 2:30 p.m. Central Time to the extent possible will be processed on the date received; however, there may be instances in which the obligation will be processed on the next working day.

d. Each working day the Finance Office will notify the State Office by telephone of all projects for which funds were obligated during the previous night's processing cycle. If funds cannot be obligated for a project, the Finance Office will notify the State Office that funds are not available within the State allocation. The obligation date will be the date the request for obligation is processed in the Finance Office. The Finance Office will mail to the State Offices Form FmHA 440-57, "Acknowledgment of Obligated Funds/Check Request," prepared in duplicate confirming the obligation of funds, with the obligation date inserted as required by item No. 9 on the FMI for Form FmHA 440-57.

e. Immediately after notification by telephone of the obligation of funds, the State Director will submit the report to the National Office as required by FmHA Instruction 2015-C (available in any FmHA office).

* * * * *

§ 1980.469 Loan servicing.

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ADMINISTRATIVE

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F. * * *

2. Will make periodic field inspections (with the lender, if possible) to borrower's place of business in accordance with a preestablished schedule. The County Supervisor will complete for each field visit Form FmHA 449-39, "Field Visit Review," and transmit it with any recommendations through the District Director to the State Director.

* * * * *

G. * * *

4. Will review all field visit reviews and make recommendations or comments and transmit to the State Director.

* * * * *

(7 U.S.C. 1989; order of Secretary of Agriculture, 7 CFR 2.23; order of Assistant Secretary of Agriculture 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 17, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-16534 Filed 6-14-78; 8:45 am]

[4410-10]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[File No. CO 845-P]

PART 214—NONIMMIGRANT CLASSES

Nonimmigrant Alien Physicians (H-1); Patient Care Incidental to Teaching and Research

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service which pertain to the admission of alien physicians as H-1 nonimmigrants. This amendment is necessary because the regulations which the Service published implementing the Health Professions Educational Assistance Act of 1976 restricted the admission of alien physicians as H-1 nonimmigrants to those coming to the United States "solely" to teach or conduct research. It has now been determined that use of the word "solely" is too restrictive and not in line with Congressional intent in that patient care activities incidental to teaching and research are indispensable in many instances. For that reason, the Service is amending the regulation to substitute the word "primarily" for the word "solely", and a sentence will be added to provide that the petitioner establish by appropriate documentation that any patient care activities conducted in connection with the teaching or research, be incidental to that work. This amendment is intended to bring our regulation into conformity with the intent of the Congress.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: For the reasons stated in the above summary, Chapter I of Title 8 is hereby amended to read as follows:

8 CFR 214.2(h)(2)(iii) is amended by amending the second sentence and adding a new third sentence to the end thereof. As amended § 214.2(h)(2)(iii) reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) *Temporary employees.*

* * * * *

(2) *Petition for alien of distinguished merit and ability.* * * *

(iii) *Physicians.* * * * Additionally, the petitioner shall establish that the beneficiary is coming to the United States primarily to teach or conduct research, or both, at or for a public or nonprofit private educational or research institution or agency at the invitation of such institution or agency. It must also be established documentarily that any patient care activities by the beneficiary are incidental to his/her teaching or research at or for the educational or research institution or agency.

* * * * *

(Title VI of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-

484; 90 Stat. 2303); secs. 103 and 214, Immigration and Nationality Act (8 U.S.C. 1103 and 1184).)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because this amendment effectuates the intent of Congress in enacting the Health Professions Educational Assistance Act of 1976 which became effective on January 10, 1977; and because this amendment relieves a restriction imposed by the current regulation.

Effective date: This amendment is effective as of August 11, 1977.

Dated: June 12, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-16595 Filed 6-14-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17946, Amdt. 39-3237]

PART 39—AIRWORTHINESS DIRECTIVES

British Aerospace, HS-125 Series 700A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires replacement of the electrical power cable for the beacon lights on early production British Aerospace (formerly Hawker Siddeley) Model HS-125 Series 700A airplanes. It has been determined that a wrong size cable was installed during manufacture and if left in service could result in an electrical overload and, possibly, a fire.

DATES: Effective date: June 26, 1978. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aerospace, Inc., U.S.A. Spares Department, 13850 McClearen Road, Herndon, Va. 22070. A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that during manufacture the wrong size cable was installed in the electrical circuitry for the beaconlights on certain early production British Aerospace (formerly Hawker Siddeley) Model HS-125 series 700A airplanes. It has been established that the associated circuit-breaker will not provide suitable protection and an electrical overload could occur. This could lead to a fire. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued to require replacement of the original cable with one of proper size on British Aerospace Model HS-125 Series 700A airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BRITISH AEROSPACE, INC. Applies to (Hawker Siddeley) Model HS-125 Series 700A airplanes, serial Nos. NA 0201 through NA 0210 and NA 0218, certificated in all categories.

Compliance is required as indicated unless already accomplished.

To prevent electrical overload and possible fire, accomplish the following in accordance with section 2, "Accomplishment Instructions," of British Aerospace (formerly Hawker Siddeley Aviation, Ltd.) Service Bulletin 24-203 (2653), dated December 14, 1977, or an FAA-approved equivalent:

(a) Within 10 hours' time in service after the effective date of this AD, replace the existing Minyvin 20 beacon light cable and associated marker sleeves and terminal lugs with Minyvin 16 cable and associated B25Y marker sleeves and 36151 terminal lugs or with parts specified in paragraph (b) of this AD.

(b) Nyvin 16 or MIL-W-5086 Series 2 cable may be used as alternate replacement cables. Also, FAA-approved equivalent marker sleeves including single sleeves with indelible coding may be used in lieu of B25Y sleeves.

This amendment becomes effective June 26, 1978.

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

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

Issued in Washington, D.C., on June 5, 1978.

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

[FR Doc. 78-16357 Filed 6-14-78; 8:45 am]

[4910-13]

[Docket No. 17945; Amdt. 39-3236]

PART 39—AIRWORTHINESS DIRECTIVES

Short Brothers, Ltd., Model SD3-30 Airplanes

AGENCY: Federal aviation administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires replacement of the rod end bearing of the steering actuator on Short Brothers, Ltd., Model SD3-30 airplanes. As a result of the landing gear manufacturer's fatigue testing program, it has been established that failure of the rod end bearing of the nose wheel steering actuator could occur if it is left in service beyond 4,000 landings. Failure of the component could result in loss of nose wheel steering capability.

DATES: Effective date: June 26, 1978. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from Manager—Spare Support, Product Support Department, Short Brothers, Ltd., P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. Copies of the service bulletins are contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certi-

fication Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that failure of the rod end bearing of the nose wheel steering actuator on Short Brothers, Ltd., SD3-30 airplanes could occur if left in service beyond 4,000 landings. The life limit has been established by the manufacturer of the nose landing gear components (Menasco Manufacturing). Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is being issued to require replacement of the rod end bearing at regular intervals on Short Brothers, Ltd., Model SD3-30 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this amendment are F. J. Karnowski, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

SHORT BROTHERS, LTD. Applies to Model SD3-30 airplanes certificated in all categories.

Compliance is required prior to the accumulation of 4,000 landings or prior to accumulating 25 landings after the effective date of this AD, whichever occurs later, unless already accomplished, and thereafter at intervals not to exceed 4,000 landings.

To prevent failure of the rod end bearing of the nose wheel steering actuator, replace the rod end bearing, P/N MS 21242S8K, with a new part of the same part number in accordance with section 10, "Accomplishment Instructions," of Menasco Manufacturing Service Bulletin 32-21, dated January 11, 1978, or an FAA-approved equivalent.

NOTE.—Short Brothers, Ltd., Service Bulletin SD3-32-37 covers this same subject.

This amendment becomes effective June 26, 1978.

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

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

Issued in Washington, D.C., on June 5, 1978.

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

[FR Doc. 78-16358 Filed 6-14-78; 8:45 am]

[4910-13]

[Docket No. 77-NE-10; Amdt. 39-3240]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Models S-61L, S-61N, S-61NM, and S-61A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive 77-16-06, applicable to Sikorsky Models S-61L, S-61N, S-61NM, and S-61A helicopters, which required the inspection of certain landing gear fitting assemblies and the replacement of other landing gear fittings. This amendment revises the wording of the AD, deletes a paragraph, adds inspections of several landing gear components, and requires the replacement of some tube assemblies in accordance with recently developed engineering data.

EFFECTIVE DATE: June 15, 1978. Compliance schedule: As prescribed in the body of the AD.

ADDRESS: To obtain copies of the service bulletin referenced in the AD, contact Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602.

FOR FURTHER INFORMATION CONTACT:

William E. Garlock, Airframe Section, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803; telephone: 617-273-7336.

SUPPLEMENTARY INFORMATION: The failure of a main landing gear fitting caused the collapse of the landing gear and resulted in an S-61L helicopter rolling over on its side. Therefore, a telegraphic airworthiness directive was issued on May 19, 1977, requiring inspections of landing gear fittings of Sikorsky S-61L, S-61N, and S-61A helicopters. Then, Airworthiness Directive 77-16-06 was issued, effective August 18, 1977, requiring new inspections and the removal from service of certain fittings, based upon engineering evaluation of the inboard fitting assemblies.

This amendment supersedes Amendment 39-2997 (42 FR 39377) which currently requires these inspections and the replacement of certain landing gear fittings on Sikorsky Models S-61L helicopters and any S-61N, S-61NM, or S-61A models with fixed landing gear installed. After issuing Amendment 39-2997, the FAA has determined, based upon recently completed engineering analysis and service history evaluation, that inspections are required for additional landing gear components, and some tube assemblies must be replaced after a specified number of landings. The wording of some paragraphs of the AD has been changed to make them more concise. The paragraph requiring the initial inspections has been deleted because it has been determined that these inspections have been completed by all operators having aircraft with the S-61L type landing gear.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are William E. Garlock, Engineering and Manufacturing Branch, Flight Standards Division, and George L. Thompson, Associate Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Applies to Sikorsky Models S-61L, S-61N, S-61NM, and S-61A helicopters with fixed S-61L type landing gears. After the effective date of this AD, compliance is required as indicated below in accordance with the designated paragraphs of Section 2 of Sikorsky Service Bulletin No. 61B25-6C, dated March 8, 1978, or later FAA approved revisions.

1. Within the next 10 landings, remove from service all S6125-50312 series and S6125-50313 series fitting assemblies and replace them in accordance with Paragraph C.

2. Within 15 hours time in service, and thereafter at intervals not to exceed 15 hours time in service, inspect, and replace if cracked, fitting assemblies S6125-50333-1, S6125-50333-2, S6125-50334-1, and S6125-50334-2 in accordance with Paragraph B.

3. Within 120 landings, and thereafter at intervals not to exceed 120 landings or 15 flight hours from the last inspection, whichever results in longest calendar interval, inspect, and replace if cracked, fitting assemblies S6125-50333-1, S6125-50333-2, S6125-50334-1, and S6125-50334-2 with 7,000 or more landings in accordance with Paragraph D.

NOTE.—If the number of landings cannot be determined, the fitting assemblies shall

be considered to have more than 7,000 landings.

4. Within 15 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection, inspect, and replace if cracked, fitting assemblies, P/Ns S6180-63151 series, S6180-63161 series, S6125-50314 series, S6125-50315 series, S6125-50317 series, and the attachment lugs of S6125-50304-1 and S6125-50304-2 cylinder assemblies in accordance with Paragraph E.

5. Within 10 landings, unless already accomplished, and thereafter at intervals not to exceed 400 landings from the last inspection, inspect, and replace if cracked, tube assemblies, P/Ns S6125-50310-3, S6125-50310-4, S6125-50311-6, and S6125-50311-7, with 1,100 or more landings in accordance with Paragraph F.

NOTE.—If number of landings cannot be determined, fitting assemblies shall be considered to have more than 1,100 landings.

6. Within 10 landings unless already accomplished, and thereafter at intervals not to exceed 1,200 landings from the last inspection, inspect, and replaced if cracked, tube assemblies, P/Ns S6125-50310-3, S6125-50310-4, S6125-50311-6, and S6125-50311-7, with 2,300 or more landings in accordance with Paragraph G.

7. Within 50 landings, unless already accomplished, and thereafter at intervals not to exceed 670 landings from the last inspection, inspect, and replace if cracked, fitting assemblies, P/N S6180-63161 series, with 126,000 or more landings, in accordance with Paragraph H.

8. Daily or at 50 landing intervals, whichever comes first, inspect and replace if cracked, fitting assemblies, P/N S6180-63151 series, with 75,000 or more landings in accordance with Paragraph I.

9. Within 50 landings after effective date of this AD and not to exceed 2,000 landings from last inspection, inspect, and replace if cracked, cylinder assemblies, P/Ns S6125-50304-1 and S6125-50304-2, with 170,000 or more landings in accordance with Paragraph J.

10. Within 50 landings after effective date of this AD and not to exceed 2,000 landings from last inspection, inspect, and replace if cracked, cylinder assemblies, P/Ns S6125-50304-1 and S6125-50304-2, with 390,000 or more landings in accordance with Paragraph K.

11. Within 50 landings, remove from service all main landing gear upper tube assemblies, P/Ns S6125-50338-1 and S6125-50338-2, and lower tube assemblies, P/Ns S6125-50337-1 and S6125-50337-2, that have been in service for more than 32,000 landings.

NOTE.—If the number of landings specified in Paragraphs 7, 8, 9, 10, and 11 above cannot be determined, an estimate of the number of landings based upon the past operation of the part may be made and submitted for approval to the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Mass.

This amendment supersedes AD 77-16-06, Amendment 39-2997.

This amendment becomes effective June 15, 1978.

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

Issued in Burlington, Mass., on June 7, 1978.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

ROBERT E. WHITTINGTON,
Director, New England Region.

[FR Doc. 78-16350 Filed 6-14-78; 8:45 am]

[4910-13]

[Docket No. 78-EA-31; Amdt. 39-3234]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft of Canada, Ltd. and Pratt & Whitney Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment (AD) adopts a new airworthiness directive applicable to Pratt & Whitney Aircraft of Canada, Ltd., and Pratt & Whitney Aircraft PT6A type aircraft engines and requires replacement of a No. 2 bearing pressure oil transfer tube P/N 3019268 and 3027054 with P/N 3030150. The older design tubes permitted leakage within the engine cowling which eventually could lead to engine shutdown and a non-scheduled landing.

EFFECTIVE DATE: June 19, 1978. Compliance is required within 50 hours in service.

ADDRESS: Service Bulletins may be obtained from the manufacturer at Pratt & Whitney Aircraft of Canada, Ltd., P.O. Box, Longueuil, Quebec, Canada J4K 4X9.

FOR FURTHER INFORMATION CONTACT:

J. Kiselica, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There have been reports of older designed No. 2 bearing oil transfer tube assemblies causing oil leaks within the engine cowlings with potential engine shutdowns. Since this deficiency can exist or develop in engine of similar type design, an airworthiness directive is being issued which requires replacement of the assembles. Since a situation exists which requires the immediate adoption of this amendment it is found that notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are J. Kiselica, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive as follows:

Applies to all Pratt & Whitney Aircraft of Canada, Limited PT6A-38 engines prior to Serial Number PCE-79179, PT6A-41 engines prior to Serial Number PCE-80718, PT6A-45A engines prior to Serial Number PCE-84108 and Pratt & Whitney Aircraft PT6A-38 engines prior to Serial Number P-79179 with Part Number 3019268 or 3027054 No. 2 bearing pressure oil transfer tube assembles.

Compliance required within the next 50 hours in service, after the effective date of this AD, unless already accomplished.

To preclude oil leakage from the No. 2 bearing pressure oil transfer tube assembly replace the Part Number 3019268 and 3027054 tube assemblies with Part Number 3030150 tube assembly in accordance with Paragraph 2, accomplishment instructions in Pratt & Whitney Aircraft of Canada, Limited Service Bulletin No. 3099 or approved equivalent parts.

Aircraft may be flown to a base for performance of maintenance required by this AD per FAR 21.197 or FAR 21.199.

All equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch of the Eastern Region of the FAA.

Effective Date: This amendment is effective June 19, 1978.

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

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

Issued in Jamaica, N.Y., on June 5, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-16352 Filed 6-14-78; 8:45 am]

[4910-13]

[Docket No. 78-EA-33; Amdt. 39-3235]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule

SUMMARY: This amendment (AD) adopts a new airworthiness directive applicable to Piper PA-30 and PA-39 type airplanes and requires replacement of a right fuel selector valve P/N 492137 (Airborne P/N 1H7-8) containing a "4C" designation in the valve serial number. The replaced valve restricted fuel flow which in turn could cause engine failure.

EFFECTIVE DATE: June 19, 1978. Compliance is required before further flight.

ADDRESS: Piper Service Bulletins may be obtained from the manufacturer at Piper Aircraft Corp., 820 East Bald Eagle Street, Lock Haven, Pa. 17745.

FOR FURTHER INFORMATION CONTACT:

F. Covelli, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430; telephone 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been a report of restricted fuel flow on a PA-30 or PA-39 airplane. An investigation disclosed the presence of defective fuel selector valves. Since this is a deficiency which can exist in similar type design airplanes, an AD is being issued which requires removal of the defective valves. This matter was first published to all known owners or operators of the subject airplanes by means of an airmail letter dated May 3, 1978, and amended on May 9, 1978. Since the same hazardous situation still exists, it is found that notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are F. Covelli, Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive as follows:

Applies to Piper Aircraft PA-30 and PA-39 with Serial Numbers 30-1 through 30-2000 and 39-1 through 39-155 which have had a right fuel selector valve P/N 492137 (Airborne P/N 1H7-8) changed since April 1977, with a valve containing the designation "4C" in the valve serial number.

Compliance required before further flight unless already accomplished:

1. Replace any right fuel selector valve, Piper P/N 492137 (Airborne P/N 1H7-8) containing the designation "4C" in the valve serial number with a serviceable valve without the "4C" designation.

2. The replacement fuel selector valve shall be installed and adjusted in accordance with PA-30/39 Service Manual.

(Piper Service Bulletin No. 597 dated April 19, 1978, pertains to this subject).

Effective Date: This amendment is effective June 19, 1978.

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

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 Jamacia, N.Y., on June 5, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-16514 Filed 6-14-78; 8:45 am]

[1505-01]

[Docket No. 78-CE-8-AD; Amdt. 39-3225]

PART 39—AIRWORTHINESS DIRECTIVES

CESSNA MODELS 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A AND 421C AIRPLANES

Correction

NOTE.—This document originally appeared in the FEDERAL REGISTER for Tuesday, June 13, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

In FR Doc. 78-14895 appearing on page 22934 in the issue of Tuesday, May 30, 1978, in the 3rd column, the 7th line should read, "on these airplanes be made inoperative * * *".

[4910-13]

[Docket No. 78-SO-36]

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

Alteration of Fort Rucker, Ala., Control Zone

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Fort Rucker, Ala., control zone. The U.S. Army has requested that the control zone be reduced in size and this reduction requires that the new dimensions be reflected in the control zone description.

EFFECTIVE DATE: 0901 G.m.t., September 7, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The U.S. Army is the principal user of the Fort Rucker, Ala., control zone and has requested that the present area be reduced in size to better accomplish their training mission. Therefore, it is necessary to alter the description of the Fort Rucker, Ala., control zone, to reflect the new dimensions. Since this alteration reduces the burden upon the public, notice and public procedure hereon are not necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Keith S. May, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., September 7, 1978, as hereinafter set forth:

In Subpart F, § 71.171 (43 FR 355), the Fort Rucker, Ala., control zone, is amended as follows:

The present description is deleted and "* * * Within a 5-mile radius of Latitude 32°18'30" N., Longitude 85°42'20" W.; 3 miles each side of Cairns VOR 233° radial, extending from the 5-mile radius to 8.5 miles southwest of the VOR; within 2 miles

each side of Cairns Army Air Field Runway 36 extended centerline, extending from the 5-mile radius to 5 miles south of the runway end * * *" is substituted therefor.

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

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

Issued in East Point, Ga., on June 2, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-16351 Filed 6-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-10]

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

Designation of Transition Area: Afton, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Afton, Okla. The intended effect of the action is to provide controlled airspace for aircraft executing proposed instrument procedures to the Shangri-La Airport. The circumstance which created the need for the action was the establishment of a navigation facility on the airport to provide capability for flight under instrument flight rules (IFR) procedures to the airport.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On April 13, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 15434) stating that the Federal Aviation Administration proposed to designate the Afton, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Afton, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Shangri-La Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., July 13, 1978, as follows.

In Subpart G, § 71.181 (43 FR 440), the following transition area is added:

AFTON, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Shangri-La Airport, Afton, Okla. (latitude 36°34'45" N., longitude 94°51'40" W.); within 3.5 miles each side of a 176° bearing from the Shangri-La NDB (latitude 36°34'38" N., longitude 94°51'38" W.) extending from the 8.5-mile radius area to 11.5 miles south of the NDB.

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

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

Issued in Fort Worth, Tex., on May 15, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-16354 Filed 6-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ANW-03]

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

Alteration of Controlled Airspace, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the designation of controlled airspace in the vicinity of Pasco, Wash. This rule designates additional 700 foot transition area to provide controlled airspace protection for aircraft executing a standard instrument approach to the Tri-Cities Airport.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Dale C. Jepsen, Airspace Specialist (ANW-533), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Wash., 98108, telephone 206-767-2610.

SUPPLEMENTARY INFORMATION:

HISTORY

A Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER on April 13, 1978 (43 FR 15435) which described the proposed Pasco. Wash., transition area. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The one comment received was from the Aircraft Owners and Pilots Association (AOPA) which voiced no objection to the proposal.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR) designates additional 700 foot transition area at Pasco, Wash., as controlled airspace to encompass aircraft complying with missed approach instructions while executing a standard instrument approach at the Tri-Cities Airport.

DRAFTING INFORMATION

The principal authors of this document are Dale C. Jepsen, Airspace Specialist, Operations, Procedures and Airspace Branch, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administra-

tor, the Pasco, Wash., Transition Area in § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901, G.m.t., September 7, 1978, as follows:

PASCO, WASH.

That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046 and 226 radials extending from 23 miles northeast to 12 miles southwest of the VOR; within 9.5 miles northeast and 7 miles southwest of the Pasco VOR 131 radial extending from the VOR to 30.5 miles southeast of the VOR; within 3 miles north and 7.5 miles south of the Pasco VOR 288 radial extending from 8 miles west of the VOR to 18 miles west of the VOR.

That airspace extending upward from 1200 feet above the surface, southwest of Pasco, Washington, bounded on the north by the south edge of V-298, on the east by the west edge of V-112W and on the southwest by the northeast edge of V-4.

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

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 Seattle, Wash., on June 6, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc. 78-16513 Filed 6-14-78; 8:45 am]

[4910-13]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 17966, Amdt. No. 95-279]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

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

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

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

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective: July 13, 1978.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 25 FR 6489 and Paragraph 802 of Order FSP 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this amendment 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 June 6, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

FROM	TO	MEA
Austin, Tex. VOR	Lockhart INT, Tex	*2500
*1500—MOCA		
Leon INT, Tex.	Waco, Tex. VOR	
	E-bound only	2000
Victoria, Tex. VOR	Bayside INT, Tex.	1600
Knoxville, Tenn. VOR-TAC	Henderson, W. Va. VORTAC	18000
		MAA—34000
Henderson, W. Va. VORTAC	Bellaire, Ohio VORTAC	18000
		MAA—45000
Sugarloaf Mtn., N.C. VOR	INT-084 M rad Sugarloaf Mtn. VOR & 347 M rad Fort Mill VOR	6000
Tigerville INT, N.C.	Broad River, N.C. LF RBN	5000
*Gaminson, Colo. VORTAC	Jarvis INT, Colo.	**17000
*12900—MCA Gaminson VORTAC N-bound		
**16300—MOCA		
Jarvis INT, Colo.	*Kremmling, Colo. VORTAC	**17000
*12500—MCA Kremmling VORTAC S-bound		
**14000—MOCA		

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

FROM	TO	MEA
Dogwood, Mo. VOR	Cavel INT, Mo.	*3800
*2800—MOCA		

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

Minot, N.D. VOR	U.S. Canadian Border	18000
		MAA—45000
Little Rock, Ark. VOR	Memphis, Tenn. VOR	*4000
*1700—MOCA		
Pine Bluff, Ark. VOR	Memphis, Tenn. VOR	*4000
*1700—MOCA		
Block INT, Pa.	Jaxon INT, Pa.	7000
Jaxon INT, Pa.	Lancaster, Pa. VOR	3000

Atlantic Routes

FROM	TO	MEA
R54 is amended to delete:		
INT 125 M rad Newark NDB & 180 M rad Rainbow NDB	Gibbs INT, Offshore Atlantic	25000 MAA—45000
R56 is amended by adding:		
INT 135 M leg Newark NDB & 142 M rad Kennedy VORTAC	Polly INT, Offshore Atlantic	25000 MAA—45000
AR1 is amended to read in part:		
Biscayne Bay, Fla. VORTAC	Bluh INT, Fla.	5000 MAA—45000
Bluh INT, Fla.	Tarpo INT, Fla.	18000 MAA—45000

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	CHANGEOVER POINT FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J804R is deleted:						
J807R is deleted:						
J813R is deleted:						
J814R is deleted:						
J816R is deleted:						
J821R is deleted:						
J822R is deleted:						
J823R is deleted:						
J824R is deleted:						
J826R is deleted:						
J827R is deleted:						
J830R is deleted:						
J834R is deleted:						
J835R is deleted:						
J837R is deleted:						
J838R is deleted:						
J839R is deleted:						
J846R is deleted:						
J847R is deleted:						
J849R is deleted:						

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	CHANGEOVER POINT FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J913R is deleted:						
J916R is deleted:						
J923R is deleted:						
J925R is deleted:						
J926R is deleted:						
J927R is deleted:						
J928R is deleted:						
J931R is deleted:						
J935R is deleted:						
J936R is deleted:						
J942R is deleted:						
J950R is deleted:						
J951R is deleted:						
J954R is deleted:						
J956R is deleted:						
J969R is deleted:						
J970R is deleted:						
J971R is deleted:						
J972R is deleted:						
J973R is deleted:						
J975R is deleted:						
J977R is deleted:						
J978R is deleted:						
J982R is deleted:						
J987R is deleted:						
J988R is deleted:						
J989R is deleted:						
J991R is deleted:						
J992R is deleted:						
J996R is added to read:						
Cape Newenham, Alas. W/P	108				25000	45000
Nerka, Alas. W/P				047/227 to Nerka		
Nerka, Alas. W/P	129				18000	45000
Clark, Alas. W/P				047/227 to Clark		
Clark, Alas. W/P	117	11	Clark	046/228 to COP	18000	45000
Amott, Alas. W/P				048/226 to Amott		

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE	CHANGEOVER POINT FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J850R is deleted:						
J852R is deleted:						
J854R is deleted:						
J856R is deleted:						
J857R is deleted:						
J858R is deleted:						
J859R is deleted:						
J860R is deleted:						
J866R is deleted:						
J867R is deleted:						
J869R is deleted:						
J871R is deleted:						
J872R is deleted:						
J874R is deleted:						
J876R is deleted:						
J877R is deleted:						
J878R is deleted:						
J879R is deleted:						
J881R is deleted:						
J888R is added to read:						
Amott, Alas. W/P	109	77	Amott	245/065 to COP	28000	45000
Molos, Alas. W/P				243/063 to Molos		
Molos, Alas. W/P	59	32	Molos	243/063 to COP	28000	45000
Mousy, Alas. W/P				241/061 to Mousy		
Mousy, Alas. W/P	141				28000	45000
Kulik, Alas. W/P				243/063 to Kulik		
Kulik, Alas. W/P	73				28000	45000
Rhode, Alas. W/P				244/044 to Rhode		
J882R is deleted:						
J885R is deleted:						
J890R is deleted:						
J891R is deleted:						
J894R is deleted:						
J897R is deleted:						
J901R is deleted:						
J902R is deleted:						
J904R is deleted:						
J905R is deleted:						
J908R is deleted:						
J909R is deleted:						
J911R is deleted:						

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part

FROM	TO	MEA
Dickinson, N.D. VOR	[illegible] Dmd. F. & N.D.	4600
Spicer DME Fix, N.D.	Bismarck, N.D. VOR	
	[illegible]	4600
	[illegible]	3000
Dickinson, N.D. VOR	Hebron Dmd. F. & N.D.	
	[illegible]	4300
Hebron Dmd. F. & N.D.	Bismarck, N.D. VOR	
	[illegible]	4300
	[illegible]	4600
Bismarck, N.D. VOR	Jovel Dmd. F. & N.D.	
	[illegible]	3600
	[illegible]	2900
Bismarck, N.D. VOR	Tuttle INT, N.D.	
	[illegible]	2900
Abercrombie, N.D. VOR	*Chaska INT, N.D.	2300
*2400—MEA		
Chaska INT, N.D.	Fargo, N.D. VOR	*2300
*2200—MOCA		
Madison, Wis. VOR	Badger, Wis. VOR	*2800
*2200—MOCA		
Badger, Wis. VOR	*Seawood INT, Wis.	2900
*2500—MRA		
Badger, Wis. VOR	Spark INT, Mich.	
Via S alter.	Via S alter.	2900
Spark INT, Mich.	Muskegon, Mich. VOR	
Via S alter.	Via S alter.	*2700
*2900—MOCA		

§95.6003 VOR FEDERAL AIRWAY 3
is amended to read in part:

FROM	TO	MEA
Yale INT, Conn.	Hartford, Conn. VOR	2700

§95.6004 VOR FEDERAL AIRWAY 4
is amended to delete:

FROM	TO	MEA
Neah Bay, Wash. LF RBN	Port Angeles, Wash. VOR	*7000
*4000—MOCA		

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

FROM	TO	MEA
Lexington INT, Mo.	Moline INT, Mo.	*3500
*2290—MOCA		
Moline INT, Mo.	Stoffenville, Mo. VOR	*2500
*2200—MOCA		

§95.6004 VOR FEDERAL AIRWAY 4
is amended by adding:

FROM	TO	MEA
Tatoosh, Wash. VOR	Port Angeles, Wash. VOR	*5000
*4100—MOCA		

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

FROM	TO	MEA
Athens, Ga. VOR	Jasper INT, Ga.	3000
Jasper INT, Ga.	Cairo INT, Ga.	3800

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

FROM	TO	MEA
Int 083 M rad Alliance VOR & 235 M rad Hayes Center VOR	Hayes Center, Neb. VOR	
Via S alter.	Via S alter.	*7000
*6000 MOCA		

§95.6009 VOR FEDERAL AIRWAY 9
is amended to read in part

FROM	TO	MEA
Rosiclare, Ill.	Bloomington, Ind. VOR	2900
Badger, Wis. VOR	Dickinson, Wis. VOR	3000

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part

FROM	TO	MEA
Humble, Tex. VOR	Montgomery, Tex. VOR	1900

§95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part

FROM	TO	MEA
Catulla, Tex. VOR	Millet INT, Tex.	*2500
1800 MOCA		
Millet INT, Tex.	Somerset INT, Tex.	*4000
2000 MOCA		
Somerset INT, Tex.	San Antonio, Tex. VOR	*3000
2400 MOCA		
Catulla, Tex. VOR	Millet INT, Tex.	
Via E alter.	Via E alter.	*2500
1800 MOCA		
Millet INT, Tex.	Lenny INT, Tex.	
Via E alter.	Via E alter.	*2500
1900 MOCA		
Lenny INT, Tex.	San Antonio, Tex. VOR	
Via E alter.	Via E alter.	3000

§95.6018 VOR FEDERAL AIRWAY 18
is amended to read in part:

FROM	TO	MEA
Cairo INT, Ga.	Moultrie INT, Ga.	
Via N alter.	Via N alter.	3800
Moultrie INT, Ga.	Athens, Ga. VOR	*
Via N alter.	Via N alter.	3000

§95.6020 VOR FEDERAL AIRWAY 20
is amended to read in part:

FROM	TO	MEA
Palacios, Tex.	Ezzy INT, Tex.	1800
Ezzy INT, Tex.	Hobby, Tex. VOR	2500

§95.6026 VOR FEDERAL AIRWAY 26
is amended to read in part:

FROM	TO	MEA
Nora INT, Wis.	Watersville INT, Mich.	*5000
2400 MOCA		
Eau Claire, Wis. VOR	*Cedar INT, Wis.	3000
1500 MRA		
Cedar INT, Wis.	Edgar INT, Wis.	3000
		MAA—34000

§95.6031 VOR FEDERAL AIRWAY 31
is amended to read in part:

FROM	TO	MEA
Badger, Wis. VOR	Spark INT, Mich.	2900
Badger, Wis. VOR	Pilot INT, Wis.	
Via S alter.	Via S alter.	2700

§95.6045 V08 FEDERAL AIRWAY 45
is amended to read in part:

FROM	TO	MEA
Newell INT, N.C.	Raleigh-Durham, N.C. VOR	3600

§95.6051 V08 FEDERAL AIRWAY 51
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Intersection Ga.	3000
Intersection Ga.	Macon INT Ga.	2800

§95.6055 V08 FEDERAL AIRWAY 55
is amended to read in part:

FROM	TO	MEA
Muskegon INT, Mich.	Intersection Wis.	*5000
*2400-MOCA		

§95.6063 V08 FEDERAL AIRWAY 63
is amended to read in part:

FROM	TO	MEA
Janesville, Wis. VOR	Badger, Wis. VOR	3000
Badger, Wis. VOR	Oshkosh, Wis. VOR	3000

§95.6066 V08 FEDERAL AIRWAY 66
is amended to read in part:

FROM	TO	MEA
Junction, Tex. VOR	Center Point, Tex. VOR	
Via S alter.	Via S alter.	*4000
*3680-MOCA		
Center Point, Tex. VOR	Medina INT, Tex.	
Via S alter.	Via S alter.	*3800
*3200-MOCA		
Medina INT, Tex.	San Antonio, Tex. VOR	
Via S alter.	Via S alter.	*3800
*2810-MOCA		

§95.6091 V08 FEDERAL AIRWAY 91
is amended to read in part:

FROM	TO	MEA
Knoxville, Tenn. VOR	Harris INT, Tenn.	3000

§95.6114 V08 FEDERAL AIRWAY 114
is amended to read in part:

FROM	TO	MEA
Quitman, Tex. VOR	*Gladewater INT, Tex.	2400
*6000-MRA		
Gladewater INT, Tex.	Gregg Co., Tex. VOR	2400

§95.6116 V08 FEDERAL AIRWAY 116
is amended by adding:

FROM	TO	MEA
Excel INT, Mo.	Macon, Mo. VOR	*3000
*2200-MOCA		

§95.6116 V08 FEDERAL AIRWAY 116
is amended to delete:

FROM	TO	MEA
Excelsior INT, Mo.	*Tarkio INT, Mo.	**3000
*4000-MRA		
**2300-MOCA		
Tarkio INT, Mo.	Macon, Mo. VOR	*3600
*2000-MOCA		

§95.6132 V08 FEDERAL AIRWAY 132
is amended to read in part:

FROM	TO	MEA
Cheyenne, Wyo. VOR	Boyer INT, Wyo.	8000
Boyer INT, Colo.	*Fowls INT, Colo.	6600
*8000-MRA		
Fowls INT, Colo.	Akron, Colo. VORTAC	*6600
*5800-MOCA		

§95.6134 V08 FEDERAL AIRWAY 134
is amended to read in part:

FROM	TO	MEA
Boston INT, Colo.	Harris INT, Colo.	
	1 Inbound	16000
	4 Inbound	14000

§95.6141 V08 FEDERAL AIRWAY 141
is amended to read in part:

FROM	TO	MEA
Concord, N.H. VOR	Lebanon, N.H. VOR	5000

§95.6151 V08 FEDERAL AIRWAY 153
is amended to read in part:

FROM	TO	MEA
Sarjo INT, N.H.	Lebanon, N.H. VOR	4500

§95.6161 V08 FEDERAL AIRWAY 161
is amended by adding:

FROM	TO	MEA
Three Rivers, Tex. VOR	Lonestar INT, Tex.	2000
Lonestar INT, Tex.	Center Point, Tex. VOR	*4000
*3200-MOCA		
Center Point, Tex. VOR	Llano, Tex. VOR	4000

§95.6163 V08 FEDERAL AIRWAY 163
is amended to read in part:

FROM	TO	MEA
Lonestar INT, Tex.	San Antonio, Tex. VOR	
Via W alter.	Via W alter.	3000

§95.6166 V08 FEDERAL AIRWAY 166
is amended to read in part:

FROM	TO	MEA
Clarksburg, W. Va. VOR	Tygart INT, W. Va.	3400
Tygart INT, W. Va.	Taylor INT, W. Va.	4400

§95.6169 V08 FEDERAL AIRWAY 169
is amended to read in part:

FROM	TO	MEA
Hugo, Colo. VOR	Thurman, Colo. VOR	*7200
6600 MOCA		

§95.6170 V08 FEDERAL AIRWAY 170
is amended to read in part:

FROM	TO	MEA
Delta, Wis. VOR	Badger, Wis. VOR	3000
Badger, Wis. VOR	Leach INT, Mich.	2500

§95.6181 V08 FEDERAL AIRWAY 181
is amended to read in part:

FROM	TO	MEA
Watertown, S.D. VOR	Bonny INT, N.D.	3600

§95.6187 V08 FEDERAL AIRWAY 187
is amended to read in part:

FROM	TO	MEA
Albuquerque, N.M. VOR	Cuba INT, N.M.	9000
Cuba INT, N.M.	Mesa INT, N.M.	*11000
9200 MRA		
9800 MOCA		

§95.6191 V08 FEDERAL AIRWAY 191
is amended to read in part:

FROM	TO	MEA
Northbrook, Ill. VOR	Badger, Wis. VOR	2000
Badger, Wis. VOR	Oshkosh, Wis. VOR	3000

§95.6210 V08 FEDERAL AIRWAY 210
is amended to read in part:

FROM	TO	MEA
Falls INT, N.M.	Farmington, N.M. VOR	8700
14500 MRA		
Farmington, N.M. VOR	Early INT, N.M.	
Via S alter.	Via S alter.	9600
Early INT, N.M.	Mesa INT, N.M.	
Via S alter.	Via S alter.	
	5 Inbound	*13000
	8 Inbound	9600

§95.6217 V08 FEDERAL AIRWAY 217
is amended to read in part:

FROM	TO	MEA
Pine INT, Wyo.	Badger, Wis. VOR	2700
*9800 MCA Pine INT, S-bound		
Badger, Wis. VOR	Chelsea INT, Wis.	1800

§95.6220 V08 FEDERAL AIRWAY 220
is amended to read in part:

FROM	TO	MEA
Akron, Colo. VOR	280 M-rad Akron VOR & 255 M-rad Hugo, Colo. VOR	6200
5600 MOCA		

§95.6236 V08 FEDERAL AIRWAY 236
is amended to read in part:

FROM	TO	MEA
Zenia DME Fix, Colo.	Bennett INT, Colo.	
10000 MRA		
7100 MOCA		
Bennett INT, Colo.	Hugo INT, Colo.	*15000
9700 MOCA		

§95.6322 V08 FEDERAL AIRWAY 322
is amended to read in part:

FROM	TO	MEA
Sealy INT, Tex.	Humble, Tex. VOR	2000

§95.6267 V08 FEDERAL AIRWAY 267
is amended to read in part:

FROM	TO	MEA
Athens, Ga. VOR	Intersection Ga.	3500
Intersection Ga.	Macon INT Ga.	3800

§95.6282 V08 FEDERAL AIRWAY 282
is amended to delete:

FROM	TO	MEA
Port Angeles, Wash. VOR	Point Roy, Wash. LF RBN	1000
8000 MOCA		

§95.6283 V08 FEDERAL AIRWAY 283
is amended by adding:

FROM	TO	MEA
Port Angeles, Wash. VOR	Tatoosh, Wash. VOR	5000
3100 MOCA		

§95.6293 V08 FEDERAL AIRWAY 293
is amended to read in part:

FROM	TO	MEA
Yelm INT, Conn.	Hartford, Conn. VOR	2700

§95.6436 V08 FEDERAL AIRWAY 436
is amended to read in part:

FROM	TO	MEA
Newcastle, Wyo. VOR	Hot Springs, S.D. VOR	
Via S alter.	Via S alter.	9500

§95.6351 V08 FEDERAL AIRWAY 351
is amended to read in part:

FROM	TO	MEA
Laurel INT, Del.	Smyrna, Del. VOR	
	5 Inbound	3000
	8 Inbound	2000

§95.6395 V08 FEDERAL AIRWAY 395
is amended to read in part:

FROM	TO	MEA
Rockford, Wash. VOR	Alkali INT, Wash.	5000
Alkali INT, Wash.	Colby, Wash. VOR	8500
Hugo INT, Colo.	Cheyenne, Wyo. VOR	9000
12000 MRA		
2000 MOCA		

§95.6350 V08 FEDERAL AIRWAY 350
is amended to read in part:

FROM	TO	MEA
Stonewall, Tex. VOR	Longhorn, Tex. VOR	3800
3000 MOCA		

§95.6402 HAWAII V08 FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Lanai, Hawaii VOR	Molokai INT, Hawaii	5000

§95.6427 HAWAII V08 FEDERAL AIRWAY 27
is added to read:

FROM	TO	MEA
Hana INT, Hawaii	Maui, Hawaii VOR	6000

§95.6421 HAWAII V08 FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Lanai, Hawaii VOR	Hana INT, Hawaii	5000
8500-MCA Hana INT, E-bound		

§95.6425 V08 FEDERAL AIRWAY 425
is amended by adding:

FROM	TO	MEA
Akron, Colo. VOR	Akron INT, Colo.	
	S-bound	13000
	N-bound	12000
*12000-MCA Akron, Colo. VOR, N-bound		
Akron INT, Colo.	Jarre INT, Colo.	*13000
*14300-MOCA		
Jarre INT, Colo.	Hardin INT, Colo.	*14000
*14300-MOCA		
Hardin INT, Colo.	Hugo INT, Colo.	*16000
14300 MOCA		
Hugo INT, Colo.	Kiowa Jct., Colo. VOR	
	SW-bound	16000
	NE-bound	14000

§95.6430 V08 FEDERAL AIRWAY 430
is amended to read in part:

FROM	TO	MEA
Devils Lake, N.D. VOR	Grand Forks, N.D. VOR	3000
Grand Forks, N.D. VOR	Drayton, Minn. VOR	2200

§95.6440 V08 FEDERAL AIRWAY 440
is amended to read in part:

FROM	TO	MEA
Sandspit, B.C. VOR	Machrihanish, Alas.	*48000
48000 MOCA		
*For that airspace over U.S. territory		
Mitchell INT, Alas.	Leitch DME Fix, Alas.	*413000
*40000 MOCA		
NMEA is established with a gap in navigation signal coverage		
Leitch DME Fix, Alas.	Burke Island, Alas. VOR	4500
Burke Island, Alas. VOR	Seitz DME Fix, Alas.	5200
Seitz DME Fix, Alas.	*Hagar INT, Alas.	**49500
*15000-MRA		
**20000-MOCA		
NMEA is established with a gap in navigation signal coverage		
Hagar INT, Alas.	Cosna DME Fix, Alas.	*9000
*2000-MOCA		

§95.6453 V08 FEDERAL AIRWAY 453
is amended to read in part:

FROM	TO	MEA
Ring Salmon, Alas. VOR	Dillingham, Alas. VOR	*2000
*1600-MOCA		

§95.6477 V08 FEDERAL AIRWAY 477
is amended to read in part:

FROM	TO	MEA
Mumble, Tex. VOR	Navasota	
Via W alter	Via W alter	*908

§95.6497 V08 FEDERAL AIRWAY 497
is added to read

FROM	TO	MEA
Kimberly, Ore. VOR	*Reese INT, Ore.	*208
10000 MRA		
Reese INT, Ore.	The Dalles, Ore. VOR	*780

§95.7016 JET ROUTE NO. 16 is amended to read in part:

FROM	TO	MEA	MAA
Mason City, Iowa VORTAC	Badger, Wis. VORTAC	18000	45000
Badger, Wis. VORTAC	Peck, Mich. VORTAC	18000	45000

§95.7034 JET ROUTE NO. 34 is amended to read in part:

FROM	TO	MEA	MAA
Nodine, Minn. VORTAC	Badger, Wis. VORTAC	18000	45000
Badger, Wis. VORTAC	Carleton, Mich. VORTAC	18000	45000

§95.7036 JET ROUTE NO. 36 is amended to read in part:

FROM	TO	MEA	MAA
Nodine, Minn. VORTAC	Badger, Wis. VORTAC	18000	45000
Badger, Wis. VORTAC	Flint, Mich. VORTAC	18000	45000

§95.7068 JET ROUTE NO. 68 is amended to read in part:

FROM	TO	MEA	MAA
Badger, Wis. VORTAC	Flint, Mich. VORTAC	18000	45000

§95.7070 JET ROUTE NO. 70 is amended to read in part:

FROM	TO	MEA	MAA
Minneapolis, Minn. VORTAC	Badger, Wis. VORTAC	18000	45000
Badger, Wis. VORTAC	Pullman, Mich. VORTAC	18000	45000

§95.7089 JET ROUTE NO. 89 is amended to read in part:

FROM	TO	MEA	MAA
Northbrook, Ill. VORTAC	Badger, Wis. VORTAC	18000	45000
Badger, Wis. VORTAC	Duluth, Minn. VORTAC	18000	45000

§95.7101 JET ROUTE NO. 101 is amended to read in part:

FROM	TO	MEA	MAA
Northbrook, Ill. VORTAC	Badger, Wis. VORTAC	18000	45000
Badger, Wis. VORTAC	Green Bay, Wis. VORTAC	18000	45000

§95.7105 JET ROUTE NO. 105 is amended to read in part:

FROM	TO	MEA	MAA
Bradford, Ill. VORTAC	Badger, Wis. VORTAC	18000	45000

§95.7138 JET ROUTE NO. 138 is amended to read in part:

FROM	TO	MEA	MAA
Fort Stockton, Tex. VORTAC	Center Point, Tex. VORTAC	18000	45000
Center Point, Tex. VORTAC	San Antonio, Tex. VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 V08 FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-2 is amended by adding:			
Badger, Wis. VOR	Muskegon, Mich. VOR	58	Badger
V-2 is amended to delete:			
Milwaukee, Wis. VOR	Muskegon, Mich. VOR	58	Badger
V-141 is amended to delete:			
Concord, N.H. VOR	Lebanon, N.H. VOR	10	Concord

[FR Doc. 78-16515 Filed 6-14-78; 8:45 am]

[4910-13]

[Docket No. 17956, Amdt. No. 1113]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

FOR EXAMINATION

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

FOR PURCHASE

Individual SIAP copies may be obtained from:

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

BY SUBSCRIPTION

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

FOR FURTHER INFORMATION CONTACT:

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

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

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

This amendment to Par 97 is effective on June 15, 1978, and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIPA amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

The principal authors of this document are Rudolph L. Fioretti, Flights Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

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

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

* * * Effective September 7, 1978:

Newark, N.J.—Newark Int'l, VOR Rwy 11, Amdt. 3, cancelled.
Newark, N.J.—Newark Int'l, VOR/DME Rwy 22L & R, Original.

* * * Effective July 27, 1978:

Hot Springs, Ark.—Memorial Field, VOR-1, Rwy 5, Amdt. 12.
Hot Springs, Ark.—Memorial Field, VOR-2, Rwy 5, Original.
Washington, D.C.—Dulles International, VOR/DME or TACAN Rwy 12, Amdt. 3.
Middletown, Del.—Summit Airpark, VOR-B, Amdt. 4.
Plymouth, Mass.—Plymouth Muni., VOR-A, Original.
Plymouth, Mass.—Plymouth Muni., VOR/DME Rwy 15, Original.
Thief River Falls, Minn.—Thief River Falls Regional, VOR/DME Rwy 13, Original.
Thief River Falls, Minn.—Thief River Falls Regional, VOR/DME Rwy 31, Original.
Natchez, Miss.—Hardy-Anders Field Natchez-Adams County, VOR Rwy 17, Amdt. 7.
Havre, Mont.—Havre City-County, VOR Rwy 7, Amdt. 4.
Havre, Mont.—Havre City-County, VOR Rwy 25, Amdt. 4.
Raleigh, N.C.—Raleigh-Durham, VOR Rwy 5, Amdt. 11.
Raleigh, N.C.—Raleigh-Durham, VOR Rwy 23, Amdt. 12.
Raleigh, N.C.—Raleigh-Durham, VOR Rwy 32, Amdt. 1.
Grand Forks, N. Dak.—Grand Forks Intl, VOR/DME or TACAN Rwy 17, Amdt. 8.
Grand Forks, N. Dak.—Grand Forks Intl, VOR/DME or TACAN Rwy 35, Amdt. 8.
Skaneateles, N.Y.—Empire Aero Services, VOR-A, Original, cancelled.
Afton, Okla.—Shangri-La, VOR/DME-A, Original.
Cleveland, Ohio—Cuyahoga County, VOR Rwy 23, Original.
Annville, Pa.—Millard, VOR Rwy 11, Original, cancelled.
Doylestown, Pa.—Doylestown, VOR Rwy 23, Amdt. 5.
Galveston, Tex.—Scholes Field, VOR Rwy 13, Amdt. 14.
Sherman-Denison, Tex.—Grayson County, VOR/DME-A, Amdt. 4.
Olympia, Wash.—Olympia, VOR Rwy 17, Amdt. 9.

Olympia, Wash.—Olympia, VOR/DME Rwy 35, Amdt. 9.

* * * Effective July 13, 1978:

Kahului, Hawaii—Kahului, VOR Rwy 2 (TAC), Amdt. 3.
Marquette, Mich.—Marquette County, VOR Rwy 8, Amdt. 13, cancelled.
Marquette, Mich.—Marquette County, VOR Rwy 26, Amdt. 10, cancelled.
Marquette, Mich.—Marquette County, VOR-A, Original.
Rochester, Minn.—Rochester Muni., VOR Rwy 2, Amdt. 12.
Rochester, Minn.—Rochester Muni., VOR/DME Rwy 20, Amdt. 10.

* * * Effective June 6, 1978:

Cable, Wis.—Cable Union, VOR/DME-A, Amdt. 2.

* * * Effective June 2, 1978:

Hanford, Calif.—Hanford Municipal, VOR-A, Amdt. 4.

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

* * * Effective July 27, 1978:

Flint, Mich.—Bishop, LOC BC Rwy 27, Amdt. 10.
Natchez, Miss.—Hardy-Anders Field Natchez-Adams County, LOC Rwy 17, Amdt. 1.
Grand Forks, N. Dak.—Grand Forks Intl, LOC BC Rwy 17, Amdt. 4.
Laconia, N.H.—Laconia Muni., LOC Rwy 8, Amdt. 4.
Portland, Oreg.—Portland International, LOC/DME Rwy 20, Amdt. 3.
Reedsville, Pa.—Mifflin County, LOC Rwy 6, Amdt. 2.

* * * Effective July 13, 1978:

Marquette, Mich.—Marquette County, LOC BC Rwy 26, Amdt. 3.

* * * Effective June 29, 1978:

Dayton, Ohio—James M. Cox—Dayton International, LOC Rwy 24R, Amdt. 1.

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

* * * Effective September 7, 1978:

Umiat, Alaska—Umiat, NDB-A, Amdt. 1.
Umiat, Alaska—Umiat, NDB-B, Amdt. 1.
Olathe, Kans.—Johnson County Industrial, NDB Rwy 35, Original.
Newark, N.J.—Newark Int'l, NDB Rwy 4L, Amdt. 5.
Newark, N.J.—Newark Int'l, NDB Rwy 4R, Amdt. 1.
Newark, N.J.—Newark Int'l, NDB Rwy 22R, Amdt. 5, cancelled.

* * * Effective July 27, 1978:

Sanford, Fla.—Sanford, NDB Rwy 9, Amdt. 7.
Cairo, Ill.—Cairo, NDB Rwy 20, Amdt. 3.
Windom, Minn.—Windom Municipal, NDB Rwy 17, Amdt. 2.
Natchez, Miss.—Hardy-Anders Field Natchez-Adams County, NDB Rwy 17, Amdt. 1.
Raleigh, N.C.—Raleigh-Durham, NDB Rwy 5, Amdt. 17.
Raleigh, N.C.—Raleigh-Durham, NDB Rwy 23, Amdt. 1.
Laconia, N.H.—Laconia Muni., NDB Rwy 8, Amdt. 4.
Afton, Okla.—Shangri-La, NDB Rwy 35, Original.
Doylestown, Pa.—Doylestown, NDB Rwy 23, Amdt. 1.
Sherman-Denison, Tex.—Grayson County, NDB Rwy 17L, Amdt. 3.

* * * Effective July 13, 1978:

Marquette, Mich.—Marquette County, NDB Rwy 8, Original.
Duluth, Minn.—Duluth International, NDB Rwy 9, Amdt. 18.
Columbus, Ohio—Ohio State University, NDB Rwy 9R, Original.
Columbus, Ohio—Ohio State University, NDB Rwy 27L, Amdt. 4.
Columbus, Ohio—Ohio State University, NDB-A, Amdt. 6, cancelled.

* * * Effective June 29, 1978:

Dayton, Ohio—James M. Cox Dayton International, NDB Rwy 6L, Amdt. 2.
Dayton, Ohio—James M. Cox Dayton International, NDB Rwy 6R, Amdt. 2.

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

* * * Effective September 7, 1978:

Olathe, Kans.—Johnson County Industrial, ILS Rwy 35, Original.
Newark, N.J.—Newark Int'l, ILS Rwy 4L, Amdt. 5.
Newark, N.J.—Newark Int'l, ILS Rwy 4R, Amdt. 2.
Newark, N.J.—Newark Int'l, ILS Rwy 22L, Amdt. 4.

* * * Effective July 27, 1978:

Hot Springs, Ark.—Memorial Field, ILS Rwy 5, Amdt. 6.
Thief River Falls, Minn.—Thief River Falls Regional, MLS Rwy 31 Interim, Amdt. 1.
Raleigh, N.C.—Raleigh-Durham, ILS Rwy 5, Amdt. 20.
Raleigh, N.C.—Raleigh-Durham, ILS Rwy 23, Amdt. 1.
Galveston, Tex.—Scholes Field, ILS Rwy 13, Amdt. 2.
Olympia, Wash.—Olympia, ILS Rwy 17, Amdt. 6.

* * * Effective July 13, 1978:

Kahului, Hawaii—Kahului, ILS Rwy 2, Amdt. 12.
Marquette, Mich.—Marquette County, ILS Rwy 8, Amdt. 5.
Duluth, Minn.—Duluth International, ILS Rwy 9, Amdt. 13.
Columbus, Ohio—Ohio State University, ILS Rwy 9R, Amdt. 2.

* * * Effective June 29, 1978:

Dayton, Ohio—James M. Cox-Dayton International, ILS Rwy 6L, Amdt. 1.
Dayton, Ohio—James M. Cox-Dayton International, ILS Rwy 18, Amdt. 4.
Dayton, Ohio—James M. Cox-Dayton International, ILS Rwy 24L, Amdt. 2.

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

* * * Effective June 29, 1978:

Dayton, Ohio—James M. Cox-Dayton International, RADAR-1, Original.

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

* * * Effective July 27, 1978:

Rochester, N.Y.—Rochester-Monroe County, RNAV Rwy 22, Amdt. 1.
Harrisburg, Pa.—Capital City, RNAV Rwy 26, Original.
Sherman-Denison, Tex.—Grayson County, RNAV Rwy 35R, Original.

* * * Effective July 13, 1978:

Columbus, Ohio—Ohio State University, RNAV Rwy 27L, Amdt. 3.

* * * Effective June 29, 1978:

Dayton, Ohio—James M. Cox-Dayton International, RNAV Rwy 24L, Amdt. 2.
Dayton, Ohio—James M. Cox-Dayton International, RNAV Rwy 6R, Amdt. 3.

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

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 June 9, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 78-16516 Filed 6-14-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8843]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Georgia-Pacific Corp.

AGENCY: Federal Trade Commission.

ACTION: Order modifying final order.

SUMMARY: This is an order modifying an order to cease and desist issued December 26, 1972, by changing paragraphs 6 and 7 to permit acquisitions of $1,000,000 or less without prior Commission approval, and by substituting for paragraph 10, one that limits reporting obligations to those corporate alterations that may have a significant affect on compliance.

DATES: Final order issued December 26, 1972, order modifying final order issued May 12, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

Alfred F. Dougherty, Jr., Director, Bureau of Competition, Federal

[1] Copies of the modifying order filed with the original document.

Trade Commission, 6th Street at Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: In the Matter of Georgia-Pacific Corp., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, remain unchanged and appear in 38 FR 1581.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

The order modifying final order is as follows:

ORDER MODIFYING ORDER TO CEASE AND DESIST

By a petition filed March 31, 1978, and revised by a petition filed April 26, 1978, respondent Georgia-Pacific Corp. asked the Commission to reopen this proceeding to modify paragraphs 6, 7, and 10 of the consent order issued by the Commission on December 26, 1972.

Paragraph 7 of the consent order requires *inter alia* that Georgia-Pacific obtain Commission approval before purchasing non-softwood plywood assets when the seller is engaged in softwood plywood manufacturing. Georgia-Pacific contends that this reporting requirement is overbroad because the consent order was aimed at preventing Georgia-Pacific from increasing its market power in the softwood plywood industry, and it is unlikely that its ability to control price or entry in the relevant market would be affected when the acquisition is of non-softwood plywood assets.

Respondent also requests modification of paragraphs 6 and 7 of the order so that it need not obtain approval of acquisitions of softwood-plywood assets where the purchase price is less than 1 million dollars. Respondent believe that purchases of this size are *de minimis* and "would not undercut the effectiveness of the consent order, but it would reduce needless administrative burdens arising from compliance with the consent order * * *." More precisely, respondent contends that it is unable to bid at auctions for softwood plywood equipment owned by softwood plywood firms, as these auctions often take place upon relatively short notice which precludes the soliciting and receiving of prior approval from the Commission. Because of their *de minimis* nature, these asset acquisitions, respondent believes, would likely be approved by the Commission.

The final modification sought by Georgia-Pacific relates to paragraph 10 of the consent order. This paragraph requires respondent to notify the Commission of the creation or dissolution of subsidiaries even if the corporate change does not affect compliance obligations arising from the order. Respondent is a large, multi-national corporation which periodically must, it represents, "make various adjustments in its corporate structure which do not or would not affect its compliance obligations." The modification proposed by respondent will limit its reporting obligations under paragraph 10 to those corporate alterations that may have significance from a compliance standpoint.

The Bureau of Competition filed on May 1, 1978, an answer to respondent's petition. The Bureau does not oppose the modifications.

We agree that the petition should be granted. The modifications proposed by respondent should not affect adversely the purpose of the order, which, is to say, the aspects of the order complained of by respondent are either unnecessary or overbroad, and they are, therefore, unwarranted.

Accordingly, it is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist be, and it hereby is, modified by substituting for Paragraphs 6, 7 and 10 of the order, the following:

PARAGRAPH 6

It is further ordered, That for ten (10) years from the effective date, respondent shall cease and desist from acquiring, directly or indirectly through subsidiaries, or otherwise, for its use in the manufacture of softwood plywood, from any person, firm or corporation other than the manufacturer thereof or a regular dealer or distributor of such equipment in the ordinary course of such dealer's or distributor's business:

(A) Any equipment specifically designed for the manufacture of softwood plywood;

(B) Any equipment specifically designed and theretofore used in the manufacture of softwood plywood; and

(C) Any equipment thereafter converted by respondent, directly or indirectly, into equipment specifically designed for the manufacture of softwood plywood; unless such acquisitions amount to $1,000,000 or less from any one person, firm or corporation in any twelve month period in the absence of prior Federal Trade Commission approval of such acquisition.

PARAGRAPH 7

It is further ordered, That for a period of ten (10) years from the effective date, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries, or otherwise, the whole or any part of the share capital or assets of, or any other interest in, any other person, firm or corporation engaged in the manufacture of softwood plywood in the United States immediately prior to such acquisition, unless such asset acquisitions amount to $1,000,000 or less from any one person, firm or corporation in any twelve month period, in the absence of prior Federal Trade Commission approval of such acquisition: *Provided, however,* That nothing contained in this paragraph shall preclude or be deemed to preclude respondent from acquiring timberlands or any interest therein or timber in any form (including but not limited to stumpage, logs, veneers, chips, sawdust and cores): *And, further provided,* That nothing contained in this paragraph shall apply to purchases of lumber, plywood, machinery, or any other product, by respondent in the regular conduct of its business from suppliers in the regular conduct of their businesses, or to sales made by respondent in the regular conduct of its business.

PARAGRAPH 10

It is further ordered, That for a period of ten (10) years from the effective date of the order entered by the Commission on December 26, 1972, respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of the order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or joint ventures.

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-16506 Filed 6-14-78; 8:45 am]

[4810-22]

Title 19—Customs Service

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

[T.D. 78-164]

Countervailing Duties on Certain Products From Spain

AGENCY: Customs Service, Department of the Treasury.

ACTION: Method of Calculation of "Net Amount" of Bounty or grant in determining countervailing duties.

SUMMARY: Treasury Decisions (T.D.'s) 78-165, 78-166, and 78-167, which are published elsewhere in this issue of the FEDERAL REGISTER deal with imports of certain products from Spain, and set forth determinations that the Treasury Department should impose a countervailing duty on those

products, and the amount of duty to be imposed.

A countervailing duty is imposed when the Treasury Department determines that a bounty or grant is being paid to producers and exporters of merchandise. This notice is to advise the public of the method by which the Treasury Department determines the "net amount" of bounties or grants with respect to those products found in T.D.'s 78-165, 78-166, and 78-167.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, United States Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-8585.

SUPPLEMENTARY INFORMATION: Three Notices published contemporaneously establish rates for countervailing duties applicable to certain products imported from Spain. These rates have been determined by subtracting from the aggregate amounts of the Desgravacion Fiscal paid to exporters of the products in question, those amounts paid by the producers of those products in indirect taxes.

In previous Treasury Decisions with respect to products imported from countries remitting or rebating value added taxes on exports, it has been determined that the remission or rebate of the full amount of such value added taxes is not to be regarded as a "bounty" or "grant" within the meaning of the countervailing duty law. The turnover tax system, such as is used in Spain, is in its economic effects, similar to a system using taxes on "value added". Accordingly, it has been determined in these cases that if the full amount of value added tax rebated or remitted to the exporter of merchandise from one country is not a "bounty" or "grant", it is inappropriate to deny to an exporter in a country using a cascade turnover tax system similar treatment with respect to individual indirect taxes paid on or in the production of the exported merchandise.

In the three determinations published herewith, taxes paid on or in the manufacture of the products exported have been allowed as offsets in calculating the "net amount" by which the Desgravacion Fiscal may be treated as a "bounty" or "grant". On the other hand, no offset has been allowed with respect to the delayed receipt of rebates by the exporters, since it has not been demonstrated that such delays are required under Spanish law. Moreover, a variety of so-called para-fiscal taxes have not been allowed as offsets since they are both denominated and in fact charges for services rendered, such as sanitary inspections. As such they are properly treated as business expenses whose rebate constitutes a "bounty".

Dated: June 10, 1978.

PETER D. EHRENHAFT,
Deputy Assistant Secretary of the Treasury.

[FR Doc. 78-16756 Filed 6-14-78; 8:45 am]

[4810-22]

[T.D. 78-167]

PART 159—LIQUIDATION OF DUTIES

Bottled Green Olives from Spain—New Rate of Countervailing Duty Declared

AGENCY: Customs Service, United States Treasury Department.

ACTION: Modification of Countervailing Duty Declared for Bottled Green Olives from Spain.

SUMMARY: This notice is to advise the public of the new rate of countervailing duty applicable to imports of bottled green olives from Spain. A countervailing duty is imposed when the Treasury Department determines that a bounty or grant is being paid to producers and exporters of merchandise. Based upon a review of further information received, the net amount of benefits given by the Government of Spain, which constitute bounties or grants upon the manufacture, production or exportation of bottled green olives, within the meaning of the countervailing duty law, has been determined to be 1.14 percent of the f.o.b. or ex-works price to the United States. Accordingly, effective today, bottled green olives from Spain will be subject to countervailing duty in accordance with this determination.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Director, Office of Tariff Affairs, United States Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-8585.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 12, 1974 (39 FR 32904), notice was given (T.D. 74-234) that it had been determined that exports of bottled green olives from Spain are subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

At that time, notice was given that bottled green olives imported directly or indirectly from Spain, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed. In accordance with section 303, the amount of the bounties or grants, under the information then available, was determined to be 2.9 percent of the f.o.b. or ex-works price to the United States.

On the basis of a review of all of the information developed, the amount of indirect taxes directly related to the product or its components has been found to be 10.86 percent *ad valorem*. Accordingly, it has been determined that the net amount of bounty or grant being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Act, upon the exportation of bottled green olives from Spain is 1.14 percent. This amount represents the difference between the Desgravacion Fiscal rebate on 12 percent and the amount of indirect taxes found to be directly related to the product or its components.

Effective on June 15, 1978, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable bottled green olives imported directly or indirectly from Spain which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such bottled green olives from Spain.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect of the commodity "Bottled green olives" and of the country "Spain", the number of this Treasury Decision in the column headed "Treasury Decision" and the words "new rate" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2049, 19 U.S.C. 66, 1303, as amended, 1624).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47) insofar as they pertain to the issuance of a countervailing duty determination by the Commissioner of Customs, are hereby waived.

PETER D. EHRENHAFT,
Deputy Assistant Secretary of the Treasury.

JUNE 10, 1978.

[FR Doc. 78-16550 Filed 6-14-78; 8:45 am]

[4810-22]

[T.D. 78-166]

PART 159—LIQUIDATION OF DUTIES

Unwrought Zinc from Spain—Declaration of Net Amount of Bounty or Grant

AGENCY: Customs Service, United States Treasury Department.

ACTION: Net Amount of Bounty or Grant Declared.

SUMMARY: This notice is to advise the public of the net amount of benefits given by the Government of Spain, which constitute bounties or grants upon manufacture, production or exportation of unwrought zinc within the meaning of the countervailing duty law. A countervailing duty law. a countervailing duty is imposed when the Treasury Department. determines that a bounty or grant is being paid to producers and exporters of merchandise. Based upon a review of information received, the net amount of such bounties or grants has been determined to be 1.29%. Accordingly, estimated countervailing duties previously deposited in amounts in excess of this determination will be refunded and entries of unwrought zinc from Spain will be subject to countervailing duties in accordance with this determination.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Director, Office of Tariff Affairs, United States Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-8585.

SUPPLEMENTARY INFORMATION: A notice of "Countervailing Duties—Unwrought Zinc from Spain", Treasury Decision 77-102, was published in the FEDERAL REGISTER on April 8, 1977 (42 FR 18587). This notice stated that it had been determined "that bounties or grants are paid or bestowed, directly or indirectly, on exports of unwrought zinc from Spain within the meaning of section 303 of the Act."

The notice further stated that "[u]nwrought zinc receives a Desgravacion Fiscal rebate of 12 percent. Included in the rebate are indirect taxes which appear to be directly related to the final product or its components. The Treasury Department does not consider the rebate of such indirect taxes to be bounties or grants within the meaning of section 303 of the Act. The amount of these taxes is approximately 8 percent, therefore the bounty or grant would be 4 percent. Further information may modify the amount of the bounty or grant."

In addition to suspending the liquidation of all entries for consumption, or withdrawal from warehouse for consumption, of such dutiable unwrought zinc and requiring a deposit of 4 percent *ad valorem* as the estimated countervailing duty, the notice further stated that "[d]eclarations of the net amount of the bounties or grants determined to have been paid, directly or indirectly, upon the manufacture, production, or exportation of unwrought zinc from Spain will be published in subsequent issues of the FEDERAL REGISTER."

On the basis of a review of all of the information developed, the amount of indirect taxes directly related to the product or its components has been found to be 10.1% *ad valorem*. Accordingly, it has been determined that the net amount of bounty or grant being paid or bestowed, directly or indirectly, within the meaning of Section 303 of the Act, upon the exportation of unwrought zinc from Spain is 1.29%. This amount represents the difference between the Desgravacion Fiscal rebate on 12% and the amount of indirect taxes found to be directly related to the product or its components.

Therefore, the net amount of the bounty or grant paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of unwrought zinc from Spain has been finally determined and declared to be 1.29% of the f.o.b. or ex-works price to the United States.

Accordingly, notice is hereby given that, countervailing duties in the amount ascertained in accordance with the above declaration will be collected upon the liquidation of all entries of the subject merchandise for consumption or withdrawals thereof from warehouse for consumption during the period April 8, 1977 to the present. Customs officers are instructed to proceed with liquidation of all entries of unwrought zinc from Spain in accordance with the terms of this order.

Effective June 15, 1978, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such dutiable unwrought zinc imported directly or indirectly from Spain, which benefits from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such merchandise has been or will be paid or credited, directly or indirectly upon the manufacture, production, or exportation of such unwrought zinc from Spain.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect of the commodity "Unwrought Zinc" and of the country "Spain", the number of this Treasury Decision in the column headed "Treasury Decision" and the words "Final Rate Declared" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2049, 19 U.S.C. 66, 1303, as amended, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47) insofar as they pertain to the issuance of a countervailing duty determination by the Commissioner of Customs, are hereby waived.

PETER D. EHRENHAFT,
Deputy Assistant Secretary of the Treasury.

JUNE 10, 1978.

[FR Doc. 78-16551 Filed 6-14-78; 8:45 am]

[4810-22]

[T.D. 78-165]

PART 159—LIQUIDATION OF DUTIES

Non-Rubber Footwear from Spain—New Rate of Countervailing Duty Declared

AGENCY: Customs Service, United States Treasury Department.

ACTION: Modification of Countervailing Duty Declared for Non-Rubber Footwear from Spain.

SUMMARY: This notice is to advise the public of the new rate of countervailing duty applicable to imports of non-rubber footwear from Spain. A countervailing duty is imposed when the Treasury Department determines that a bounty or grant is being paid to producers and exporters of merchandise. Based upon a review of further information received, the net amount of benefits given by the Government of Spain, which constitute bounties or grants upon manufacture, production or exportation of non-rubber footwear, within the meaning of the countervailing duty law, has been determined to be 0.91% of the f.o.b. or ex-works price to the United States. Accordingly, effective today, non-rubber footwear from Spain will be subject to countervailing duty in accordance with this determination.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Director, Office of Tariff Affairs, United States Treasury Department, 15th and Pennsyl-

vania Avenue NW., Washington, D.C. 20220, telephone 202-566-8585.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 12, 1975 (39 FR 32904), notice was given (T.D. 74-235) that it had been determined that exports of non-rubber footwear from Spain benefit from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

At that time, notice was given that non-rubber footwear imported directly or indirectly from Spain, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed. In accordance with section 303, the amount of the bounties or grants, under the information then available, was determined to be 3.0 percent of the f.o.b. or ex-works price to the United States.

On the basis of a review of all of the information developed, the amount of indirect taxes directly related to the product or its components has been found to the 9.09% *Ad valorem*. Accordingly, it has been determined that the net amount of bounty or grant being paid or bestowed, directly, or indirectly, within the meaning of section 303 of the Act, upon the exportation of non-rubber footwear from Spain is 0.91%. This amount represents the difference between the Desgravacion Fiscal rebate of 10% and the amount of indirect taxes found to be directly related to the product or its components.

Effective on June 15, 1978, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable non-rubber foorwear imported directly or indirectly from Spain which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such non-rubber footwear from Spain.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(b)) is amended by inserting in respect of the commodity "Non-Rubber Footwear" and of the country "Spain", the number of this Treasury Decision in the column headed "Treasury Decision" and the words "new rate" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2049, 19 U.S.C. 66, 1303, as amended, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and Section 159.47 of the Customs Regulations (19 CFR 159.47) insofar as they pertain to the issuance of a countervailing duty determination by the Commissioner of Customs, are hereby waived.

PETER D. EHRENHAFT,
Deputy Assistant Secretary of the Treasury.

JUNE 10, 1978.

[FR Doc. 78-16552 Filed 6-14-78; 8:45 am]

[4110-07]

Title 20—Employees' Benefits

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

[Reg. Nos. 4, 16]

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

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Extension of Special Age 72 Payments and Supplemental Security Income Benefits to the Northern Mariana Islands

Correction

In FR Doc. 78-15792, appearing at page 25090 in the issue for Friday, June 9, 1978, on that page, second column, twelfth line of the SUMMARY, insert after "Constitution", the following: "of the NMI and certain aliens of the NMI will be"; also, in the SUMMARY, second line from the bottom, "Convenant" should read "Covenant".

[4210-01]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R-78-546]

PART O—STANDARDS OF CONDUCT

Miscellaneous Amendments

AGENCY: Department of Housing and Urban Development—Office of the Secretary.

ACTION: Final rule.

SUMMARY: These amendments will permit the Department's employees to serve as officers and directors of Federal credit unions which engage in the financing of realty transactions including those credit unions which are HUD approved mortgagees. This rule, authorized by Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees", is necessary to enable the HUD Credit Union to service its members more effectively.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Jocelyn Schaffer, Office of General Counsel, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5272.

SUPPLEMENTAL INFORMATION: Because these amendments relate to agency management and personnel, notice and public procedure are unnecessary. In addition, good cause exists for making the changes effective upon publication in the FEDERAL REGISTER.

A finding of inapplicability regarding Environmental Impact has been prepared in accordance with the National Environmental Policy Act of 1969 and HUD Handbook 1390.1.

Accordingly, 24 CFR Part O is amended by adopting the following changes:

1. Section 0.735-204(f) is amended by adding a new subparagraph (3) which reads as follows:

§ 0.735-204 Outside employment and other activity.

* * * * *

(f) * * *

(3) Participation as an officer or director of a Federal credit union which engages in the financing of realty transactions including credit unions which are HUD approved mortgagees.

2. Section 0.735-205(a)(7) is amended to read as follows:

§ 0.735-205 Financial interests.

(a) * * *

(7) Be an officer or director of any organization which is an FHA approved mortgagee or lending institution or which services mortgages or other securities for the Department. An employee may hold stock or shares in such organizations provided his official duties are such that the holding will not create or tend to create a conflict of interest. The prohibitions of this paragraph do not apply to Federal credit unions.

(AUTHORITY: 18 U.S.C. 201; E.O. 11222 of May 8, 1965, 30 FR 6469; 5 CFR 735.104).

Issued at Washington, D.C., June 8, 1978.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc. 78-16486 Filed 6-14-78; 8:45 am]

[4510-27]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: Under the Fair Labor Standards Act, minimum wage rates in American Samoa are set by a special industry committee appointed by the Secretary of Labor. After such a committee has investigated conditions in American Samoa, it recommends minimum wage rates which must be published in the FEDERAL REGISTER and which become the new wage rates. Industry Committee No. 13 for American Samoa has completed its review and established new minimum wage rates, which are published herewith.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Josephine C. Stein, Director, Division of Industry Committees, Wage and Hour Division, U.S. Department of Labor, 200 Consitituion Avenue NW., Room N4428, Washington, D.C. 20210, 202-523-8720.

SUPPLEMENTARY INFORMATION: Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 653 (43 FR 2461-2462), the Secretary of Labor appointed and convened Industry Committee No. 13 for Industries in American Samoa, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 13 are hereby published, revising § 697.1 and 697.3 of Part 697, Title 29, Code of Federal Regulations.

The publication of wage rates for government employees should not be construed as a definitive opinion by the U.S. Department of Labor as to the applicability of the Supreme Court's decision in *National League of Cities* v. *Usery*, 426 U.S. 833 (1976), to employees of the Government of American Samoa or its political subdivisions. In *National League of Cities* the Supreme Court held that the minimum wage and overtime provisions of the Fair Labor Standards Act are not constitutionally applicable to the integral operations of the States and their political subdivisions in areas of traditional governmental functions. According to the Court, such functions include, among others, schools and hospitals, fire prevention, police protection, sanitation, public health, and parks and recreation. Nontraditional functions, however, continue to be covered by the Fair Labor Standards Act. While this decision dealt with the 50 States and their political subdivisions, it is apparent, as a matter of statutory interpretation, that the restrictions imposed by *National League of Cities* should be the same in American Samoa.

Determinations of whether particular functions are traditional or nontraditional will be made by the Courts or by the U.S. Department of Labor on a case-by-case basis. Determinations that particular functions are non-traditional will be published in the FEDERAL REGISTER in the form of amendments to Title 29, CFR, § 775.3. At the time this wage order was prepared there were unresolved questions involving a number of government agencies in American Samoa. The rates set forth herein for government workers apply only to such activities as are determined to be non-traditional. This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Wage and Hour Division.

As amended, § 697.1 reads as follows:

§ 697.1 Wage rates.

* * * * *

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.81 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.96 an hour thereafter.

* * * * *

(b) *Shipping and transportation industry.* (1) The minimum wage for this industry is $1.82 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.95 an hour thereafter.

* * * * *

(c) *Tour and travel service industry.* (1) The minimum wage for this industry is $1.57 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.64 an hour thereafter.

* * * * *

(d) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.82 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.95 an hour thereafter.

* * * * *

(e) *Construction industry.* (1) the minimum wage for this industry is $1.52 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.60 an hour thereafter.

* * * * *

(f) *Hotel industry.* (1) The minimum wage for this industry is $1.22 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.30 an hour thereafter.

* * * * *

(g) *Retailing, wholesaling and warehousing industry.* (1) The minimum wage for this industry is $1.42 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.49 an hour thereafter.

* * * * *

(h) *Laundry and dry cleaning industry.* (1) The minimum wage for this industry is $1.05 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.10 an hour thereafter.

* * * * *

(i) *Bottling and dairy products industry.* (1) The minimum wage for this

industry is $1.32 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.39 an hour thereafter.

* * * * *

(j) *Printing and publishing industry.* (1) The minimum wage for this industry is $1.50 an hour for a period ending 1 year from the date specified in § 697.3 and $1.60 an hour thereafter.

* * * * *

(k) *Finance and insurance industry.* (1) The minimum wage for this industry is $1.70 an hour for a period ending 1 year from the date specified in § 697.3 and $1.80 an hour thereafter.

* * * * *

(l) *Private hospital and educational institutions industry.* (1) The minimum wage for this industry is $1.35 an hour for the period ending 1 year from the date specified in § 697.3 and $1.42 an hour thereafter.

* * * * *

(m) *Government employees industry (nontraditional activities).* (1) The minimum wage for this industry is $1.40 an hour for the period ending 1 year from the date specified in § 697.3 and $1.50 an hour thereafter.

* * * * *

(n) *Miscellaneous activities industry.* (1) The minimum wage for this industry is $1.25 an hour for the period ending 1 year from the date specified in § 697.3 and $1.35 an hour thereafter.

* * * * *

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective July 1, 1978.

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

XAVIER M. VELA,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 78-16608 Filed 6-14-78;8:45 am]

[4910-61]

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, DEPARTMENT OF TRANSPORTATION

PART 401—SEAWAY REGULATIONS

Required Maneuvering Data and Equipment and Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Seaway regulations. These amendments prescribe certain minimum standards of procedure and equipment for self-propelled vessels of 1,600 tons or more while navigating in the U.S. waters of the St. Lawrence Seaway. They are intended to reduce potential hazards to other vessels, persons, property, and the environment.

EFFECTIVE DATE: June 15, 1978.

ADDRESS: Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, N.Y. 13662.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederick A. Bush, General Counsel, 315-764-0271, extension 245.

SUPPLEMENTARY INFORMATION: On March 29, 1978 (43 FR 13075), the FEDERAL REGISTER published proposed amendments to the Seaway regulations (33 CFR Part 401) pertaining to required maneuvering data and equipment and other miscellaneous provisions. On June 1, 1977, the U.S. Coast Guard made effective certain regulations pertaining to navigation safety for self-propelled vessels of 1,600 tons or more when operating in or on the navigable waters of the United States. The St. Lawrence Seaway was exempted from those regulations; however, it is felt that similar regulation is desirable for vessels transiting the Seaway in order to keep to a minimum the number of vessel incidents. It has been determined that these regulations do not conflict with the Canadian Shipping Act and will impose no additional burden on vessel owners or operators. These amendments require that larger vessels follow certain navigation procedures, that necessary equipment is on board and that all essential equipment is operating properly when those vessels are navigating in the U.S. waters of the St. Lawrence Seaway. Other miscellaneous amendments are being adopted in order to make the Seaway regulations consistent with actual operating procedures in effect this date.

After a thorough review, it has been determined that these amendments will not result in any added cost to or impact on the private sector, consumers, or Federal, State, and local governments.

No comments were received in response to the Corporation's request for comments. In view of the fact that no comments were received to the contrary, the amendment as published in the notice of proposed rulemaking (43 FR 13075, March 29, 1978) is hereby issued as a final rule.

As these amendments should not require any action by interested parties but are substantially informational in nature, I find that good cause exists for making them effective in less than 30 days. Therefore the Seaway regulations are amended as follows:

1. In § 401.3, paragraph (a) is amended to read as follows:

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than 222.5 meters (730 feet) in overall length or 23.16 meters (76 feet) in extreme breadth shall transit.

* * * * *

2. Section 401.5 is revised to read as follows:

§ 401.5 Required equipment.

(a) No vessel shall transit unless it is (1) Propelled by motor power that is adequate in the opinion of an officer; and (2) Marked and equipped in accordance with the requirements of sections 401.6 to 401.21.

(b) No vessel of 1,600 gross tons or more shall transit the U.S. waters of the St. Lawrence Seaway unless it is equipped with the following maneuvering data and equipment:

(1) Charts of the Seaway which are currently corrected and of large enough scale and sufficient detail to enable safe navigation. These may be published by a foreign government if the charts contain similar information to those published by the U.S. Government.

(2) U.S. Coast Guard Light List, currently corrected.

(3) Current Seaway Notices Affecting Navigation.

(4) The following maneuvering data prominently displayed on a fact sheet in the wheelhouse:

(i) For full and half speed, a turning circle diagram to port and starboard that shows the time and distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings;

(ii) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder;

(iii) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds;

(iv) For each vessel that is fitted with an auxiliary propeller, a table of control settings for a representative range of speeds;

(v) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel;

(vi) The maneuvering information for the normal load and normal ballast condition for:

(A) Calm weather—wind 10 knots or less, calm sea;

(B) No current;

(C) Deep water conditions—water depth twice the vessel's draft or greater; and

(D) Clean hull;

(vii) At the botton of the fact sheet, the following statement:

WARNING

The response of the (name of the vessel) may be different from that above if any of the following conditions, upon which the maneuvering is based, are varied:

(a) Calm weather—wind 10 knots or less, calm sea;

(b) No current;

(c) Deep water conditions—water depth twice the vessel's draft or greater;

(d) Clean hull;

(e) Intermediate drafts or unusual trim.

(5) Illuminated magnetic compass at main steering station with compass deviation table, graph or record.

(6) Gyro-compass with illuminated gyro-repeater at main steering station.

(7) Marine radar system for surface navigation.

(8) Efficient echo sounding device.

(9) Illuminated indicator showing the operating mode of that device when vessel is equipped with auxiliary maneuvering devices.

(10) The rudder angle indicator which is required by § 401.21 shall be illuminated.

3. Section 401.20 is revised to read as follows:

§ 401.20 Oily water extractors.

Every vessel that is unable to contain all the waste oil products or bilge water containing waste oil products that may be on board the vessel shall be equipped with a device for the extraction of all oil products from waste water before discharge.

4. In § 401.31, paragraph (b) is amended to read as follows:

§ 401.31 Meeting and passing.

* * * * *

(b) No vessel shall meet another vessel within the limit of approach signs or caution signs at bridges or within any area that is designated as a "no meeting area" by signs erected by the Authority or the Corporation in that area.

* * * * *

5. In § 401.40, paragraph (a) is amended to read as follows:

§ 401.40 Entering a lock.

(a) No vessel shall proceed into a lock in such a manner that the stem passes the stop sign on the lock wall nearest the closed gates.

* * * * *

6. Section 401.51 is revised to read as follows:

401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing signal light, three distinct blasts shall be sounded on the vessel's whistle when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between 670.56 meters and 1,500 meters (2,200 feet and 4,921 feet) upstream and downstream from moveable bridges at sites other than lock sites.

§ 401.63 [Amended]

7. The table to § 401.63 is amended by substituting the name "Cross Over Island" for "Whaleback Shoal" where it appears in the column headed "Sector Limits" opposite the name "Seaway Iroquois" and opposite the name "Seaway Clayton" in the column headed "Station".

The table to § 401.63 is further amended by substituting "Ch. 13" for "Ch. 16" in the sixth column under the heading "Listening Watch", opposite "Seaway Clayton" in the first column under the heading "Station".

8. In § 401.64, paragraph (b) is amended to read as follows:

§ 401.64 Calling in.

* * * * *

(b) Changes in information provided under paragraph (a), including updated ETA's that vary from the ETA's provided under that paragraph by 30 minutes or more, shall be reported to the appropriate Seaway station.

* * * * *

9. Schedule I of the Seaway regulations is amended by numbering the items thereof from 1 to 16 respectively.

10. Items 3 to 5 of Schedule I are amended to read as follows:

From	To	Maximum speed over the bottom (knots)	
		Column III	Column IV
* *	* *	*	* *
3. Upper entrance, Beauharnois lock	Lake St. Francis, buoy D3	8.6 (10 mph upb) 10.4 (12 mph dnb).	8.6 (10 mph upb) 10.4 (12 mph dnb).
4. Lake St. Francis, buoy D3	Lake St. Francis, buoy D49	15.5 (18 mph)	15.5 (18 mph).
5. Lake St. Francis buoy D49	Snell lock	8.6 (10 mph upb) 10.4 (12 mph dnb).	7.7 (9 mph upb) 10.4 (12 mph dnb).
* *	* *	*	* *

11. Item 1 of Schedule II is amended to read as follows.

Schedule II is further amended by substituting the name "Cross Over Island" for the name "Whaleback Shoal" where it appears in Column III of Items 12, 37, and 38 and in Column I of Items 13, 14, 39 and 40.

Schedule II is further amended by adding, immediately after Item 47, the following item and by renumbering Items 48 to 53 as 49 to 54 respectively.

SCHEDULE II.—*Calling-in Table*

C.I.P. and check point	Station to call	Message content
Upbound vessels:		
1. C.I.P. 2—Entering sector 1 (order of passing through established).	Seaway Beauharnois channel 14	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario. 7. Pilot Requirement—Upper Beauharnois lock (inland vessels only).
• • • •		• **
12. Exiting Iroquois lock	Seaway Iroquois channel 11	1. Name of vessel. 2. Location.
13. Cross Over Island leaving sector 3	....do	3. ETA Cross Over Island. 1. Name of vessel. 2. Location.
14. Cross Over Island entering sector 4	Seaway Clayton channel 13	1. Name of vessel. 2. Location. 3. ETA Cape Vincent or River Port. 4. Confirm pilot requirement—Lake Ontario.
• • • • •		• •
37. Cape Vincent	Seaway Clayton channel 13	1. Name of vessel. 2. Location. 3. ETA Cross Over Island or River Port.
38. Wolfe Island cut (Quebec Head) vessels entering main channel.	....do	1. Name of vessel. 2. Location. 3. ETA Cross Over Island or River Port.
39. Cross Over Island leaving sector 4	....do	1. Name of vessel. 2. Location.
40. Cross Over Island entering sector 3	Seaway Iroquois channel 11	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
• • • • •		• •
48. Buoy D47, Lake St. Francis	Seaway Eisenhower channel 12	1. Name of vessel. 2. Location. 3. Pilot requirement—Upper Beauharnois lock.
• • • • •		• •

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended and sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943).)

NOTE.—The Corporation 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.

Saint Lawrence Seaway Development Corporation.

D. W. OBERLIN, *Administrator.*

[FR Doc. 78-16591 Filed 6-14-78; 8:45 am]

[3640-01]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 67—POSTAL SERVICE

International Surface Postage Rates; Increases

AGENCY: Canal Zone Government.

ACTION: Final rule.

SUMMARY: This document increases Canal Zone international surface postage rates. The purpose of the amendment is to retain the long-established comparability between Canal Zone Postal Service international surface fees and those established by the United States Postal Service. The revision of these rates is due to an increase in postage rates in the United States as published in U.S. Special Postal Bulletin No. 21146 dated May 19, 1978, which became effective on May 29, 1978. This amendment, which will be effective June 5, 1978, will bring the Canal Zone postal rates in line with those recently effected by the United States Postal Service.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas M. Constant, Secretary, Panama Canal Company, Room 312, Penn. Building, 425 13th Street NW., Washington, D.C. 20004, telephone 202-724-0104.

35 CFR Part 67 is amended as follows:

1. Paragraphs (b) and (c) of § 67.591 are revised to read as follows:

§ 67.591 Surface mails.

• • • • •

(b) *Postal Union mail.* (1) Surface rates for letter mail, except letter mail destined to Panama which is subject to the rates established by § 67.91, printed matter, and small packets are as follows:

Ounces	Letter mail	Printed matter	Small packets
1	$0.20	$0.20	$0.20
2	.36	.20	.20
4	.48	.40	.40
8	.98	.66	.66
16	1.84	1.05	1.05
32	3.20	1.26	1.26
64	5.20	1.68	.....
Each additional 32 oz.	.....	.84	.....

(2) Surface rates for post cards are as follows:

	Cents each
Panama	10
All other countries	14

(3) Surface rates for books and sheet music and publisher's second-class matter to all countries are as follows:

Ounces	Books and sheet music	Publisher's 2d class
2	$0.48	$0.08
4	.48	.11
8	.48	.20
16	.48	.36
32	.66	.60
64	.84	.84
Each additional 32 oz.	.42	.42

(4) Matter for the blind is accepted free of postage for surface mail.

(c) *Parcel Post.* Surface rates are as follows:

Classifications	Surface rates
Panama	Domestic 1st and 2nd Zone Fourth-class rate.
Zone 1—North Amercia, Caribbean Islands, Bahamas, Bermuda, St. Pierre, Miquelon and Central America, exceptr Panama..	$2.19 first two pounds, 52 cents each additional pound or fraction thereof.
Zone 2—All other countries.	$2.34 first 2 lb. 59 cents each additional pound or fraction thereof.

* * * * *

This amendment is effective June 5, 1978.

(2 C.Z.C. 1131-1143, 76A Stat. 38-40)

Dated: June 1, 1978.

H. R. PARFITT,
Governor of the Canal Zone.

[FR Doc. 78-16517 Filed 6-14-78; 8:45 am]

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-036]

PART 4—MARINE INVESTIGATION REGULATIONS

Vessel Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the Marine Investigation regulations in order to eliminate dual reporting requirements imposed upon certain vessels. Vessels that do not hold a Certificate of Inspection, and that are either numbered under the provisions of the Federal Boat Safety Act of 1971, or used by their operators for recreational purposes are presently subject to dual reporting requirements for accidents or casualties. This amendment will eliminate the undue burden currently imposed upon the owners of these vessels.

EFFECTIVE DATE: This amendment is effective on July 15, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On March 6, 1978, the Coast Guard published a proposed rule (43 FR 9165) concerning this amendment. Interested persons were given until April 23, 1978, to submit comments. Three comments were received, and they all supported the proposal. One comment recommended a different wording of the regulation. This recommended wording was incomplete, and a complete rewording of the regulation would make it confusing and unwieldy. Therefore, the recommendation was not incorporated.

This amendment has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). An evaluation of the amendment has been prepared, and included in the public docket.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lt. Anthony Regalbuto, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

Accordingly, Part 4 of Title 46 of the Code of Federal Regulations is amended by adding a new § 4.01-3 to read as follows:

§ 4.01-3 Reporting exclusion.

Vessels subject to 33 CFR 173.51 are excluded from the requirements of subpart, 4.05.

(Sec. 10, 18 Stat. 128, as amended (33 U.S.C. 361); R.S. 4462, as amended (46 U.S.C. 416); Sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

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

Dated: June 7, 1978.

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

[FR Doc. 78-16609 Filed 6-14-78; 8:45 am]

[6730-01]

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 78-11]

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Exemption of Certain Collective Bargaining Agreements

AGENCY: Federal Maritime Commission.

ACTION: Interim policy statement.

SUMMARY: As a result of comments received in response to an Advance Notice of Proposed Rulemaking in Docket No. 78-11, *Exemption of Certain Collective Bargaining Agreements,* published in the FEDERAL REGISTER on April 26, 1978, the Federal Maritime Commission intends to issue a Proposed Rule regarding the exemption or approval of certain collective bargaining agreements between labor unions and maritime multi-employer bargaining units. This Policy Statement is to notify the public of the treatment the Commission will accord such agreements during the period prior to adoption of a final rule. Agreements which are to become effective after June 9, 1978, and are submitted to the Commission will be considered for temporary exemption from the filing and approval requirements of Section 15, Shipping Act, 1916, or interim approval under that Section, pending FEDERAL REGISTER notice and opportunity for comment, and subsequent action by the Commission.

DATE: This interim policy is effective for all agreements which are to become effective after June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, telephone 202-523-5725.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On April 26, 1978 the Federal Maritime Commission published in the FEDERAL REGISTER an Advance Notice of Proposed Rulemaking in Docket No. 78-11, *Exemption of Certain Collective Bargaining Agreements,* to solicit public comments on the nature, scope and operation of the Commission's proposal either to exempt certain collective bargaining agreements between labor unions and maritime multi-employer bargaining units from the pre-implementation approval requirements of Section 15, Shipping Act, 1916, or to grant such agreements interim, conditional, or final approval under that section.

Public comments have been received and as a result of those comments the Commission intends to publish a proposed rule under Sections 15, 35 and/or 43 of the Act. The purpose of this Policy Statement is to notify the public of the action the Commission will take with regard to collective bargaining agreements between labor unions and maritime multi-employer bargaining units which are filed with the Commission during the period prior to adoption of a final rule. This is particularly important since certain existing collective bargaining agreements are due to expire and to be renegotiated in the immediate future and the Commission wishes to dis-

charge its regulatory responsibilities as expeditiously as possible, especially in this important area.

This Policy Statement applies only to new agreements which are to become effective after June 9, 1978. Existing agreements, which were reached before June 9, 1978 and are filed with the Commission for consideration, will be published in the FEDERAL REGISTER for comment and will be processed as expeditiously as possible.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814 and 841a), Part 530 of Title 46, Code of Federal Regulations, is amended by the addition of § 530.9 as set forth below:

§ 530.9 Interim policy statement—collective bargaining agreements.

(a) Immediately upon request of a party filing a new collective bargaining agreement between a labor union and a maritime multi-employer bargaining unit, the Commission, through authority delegated to the Managing Director, will make a determination whether the agreement (or any specific provision thereof) is temporarily exempt from the filing and approval requirements of Section 15, Shipping Act, 1916 (46 U.S.C. 814), or whether the agreement (or any specific provision thereof) is entitled to interim approval, pending FEDERAL REGISTER notice, opportunity for comment, and subsequent determination by the Commission that the agreement (or any specific provision thereof) should be permanently exempt from the filing and approval requirements of section 15 or should be approved, disapproved or modified under that section.

(b) A determination that the agreement (or any specific provision thereof) be temporarily exempt from the filing and approval requirements of section 15 because of labor policy considerations, or that the agreement (or any specific provision thereof) be approved on an interim basis, will not be made:

(1) If the agreement or provision does not fall within the guidelines established by the Commission in *United Stevedoring Corp.* v. *Boston Shipping Association*, 16 F.M.C. 7, 12-13 (1972):

(i) The collective bargaining which gives rise to the activity in question must be in good faith. Other expressions used to characterize this element are "arms-length" or "eyeball to eyeball;"

(ii) The matter is a mandatory subject of bargaining, e.g., wages, hours or working conditions. The matter must be a proper subject of union concern, i.e., it is intimately related or primarily and commonly associated with a bona fide labor purpose;

(iii) The result of the collective bargaining does not impose terms on entities outside of the collective bargaining group;

(iv) The union is not acting at the behest of or in combination with nonlabor groups, i.e., there is no conspiracy with management; or,

(2) If the agreement or provision thereof is inconsistent with Commission precedent, or otherwise appears to be violative of the Commission-administered statutes or Commission policies.

(c) The Commission, however, will consider any questionable provisions as severable from the remainder of the agreement and may, upon the filing of that agreement, grant temporary exemption or interim approval to the agreement, or any specified provision thereof as requested by the filing party, except for the questionable provisions. Thereafter, the entire agreement, specifying those provisions for which the filing party seeks approval, will be noticed in the FEDERAL REGISTER. After receipt of comments and protests, if any, the Commission will expeditiously process all provisions of an agreement and consider their exemption or approval under the standards of section 15.

(d) In order to assist the Commission to analyze and process these agreements expeditiously when filed, the parties shall state whether and for which provisions a temporary exemption or interim approval is sought and shall specify, by sworn affidavit of a responsible representative of the parties to the agreement, those provisions of the agreement which, to the best of the knowledge and belief of that representative, satisfy the requirements for temporary exemption or interim approval under the criteria discussed in this Policy Statement and which provisions do not.

(e) It is anticipated that, as in the past, agreements funding fringe benefits imposed under collective bargaining agreement may be granted approval conditioned upon retroactive adjustments if necessary, following expedited FEDERAL REGISTER notice and opportunity for comment.

(f) The Commission has delegated to the Managing Director authority, consistent with the policy and criteria discussed herein, to grant temporary exemption or interim approval to collective bargaining agreements or specified provisions thereof filed for consideration under Section 15. It should be noted that the Commission requires that fifteen (15) copies of such agreements be filed.

(g) This policy statement will become effective immediately and applies only to new agreements which are to become effective after June 9, 1978. It will remain in effect until a final rule is promulgated in Docket No. 78-11, *Exemption of Certain Collective Bargaining Agreements.*

Since the matters set forth in this Interim Policy Statement concern procedural matters limited to the processing of agreements under Section 15 of the Shipping Act, 1916 (46 U.S.C. 814), their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently, no environmental impact statement will be issued with respect to this Interim Policy Statement.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16505 Filed 6-14-78; 8:45 am]

[6712-01]

Title 47— Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20735; RM-1974; RM-2655; FCC 78-386]

PART 1—PRACTICE AND PROCEDURE

Changes in Processing of FM Noncommercial Educational Stations Applications

AGENCY: Federal Communications Commission.

ACTION: First Report and Order; final rule.

SUMMARY: Action taken imposes "freeze" on acceptance of low power educational noncommercial FM applications pending resolution of issues about efficiency of such operations raised in the Docket 20735 proceeding.

DATE: Effective June 15, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Jonathan David, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

FIRST REPORT AND ORDER

Adopted: June 7, 1978.

Released: June 12, 1978.

By the Commission:

1. As discussed at length in the Notice of Proposed Rule Making (41 FR 16973, April 23, 1976) in this proceeding, the Commission has under consideration a large number of issues relating to improving the efficiency of

the use of the FM channels reserved for noncommercial educational purposes.[1]

2. Among the main issues the Commission is exploring is the treatment to be given to Class D (10 watt) stations. It has been argued that such low power operations represent a highly inefficient use of the limited spectrum space available for educational FM. The Commission agreed that this was an area of concern and it proposed steps to respond to any problems in this area.

3. At the time the Notice was issued, we stated "We do not believe that a 'freeze' on 10-watt operations is required or that action on pending applications would have to be withheld." However, we also added "if we learn otherwise, we are prepared to take either step promptly."[2] It has become clear that a "freeze" is required. In a Second Report and Order we have adopted a series of rule changes affecting 10-watt stations. In essence, we are requiring them to change channel wherever possible. They would move to a commercial channel if possible, if not to newly created FM Channel 200 or if not to the best educational channel. Through this process, which is to begin in 1980, we hope to bring significant improvements in efficiency of channel use. If this process is to be administered in a fair and orderly manner, we cannot accept further applications of this sort.[3] Accepting new applications could only disrupt the process and adversely affect the rights of existing stations.

4. Accordingly, we shall amend the applicable processing rule (§ 1.573) to impose a "freeze" to take effect upon its publication in the FEDERAL REGISTER. No application tendered after that date will be accepted for filing. Ordinarily, a rule change such as this would not become effective until 30 days from its publication in the FEDERAL REGISTER. However, rather than wait this long, we believe it is necessary to make it effective earlier to avoid the danger that there otherwise would be a large flow of applications occasioned solely by a "freeze".[4]

5. Because the "freeze" will take effect without delay, we believe we can process all applications now on file and those to be filed before the "freeze" takes effect under the present rules. Then, as with other existing stations, they will be required to propose a change in channel in connection with their application for renewal of license.

6. Accordingly, *it is ordered*, effective June 15, 1978, That § 1.573 of the Commission's rules *is amended* by adding Note 3 which reads as follows:

§ 1.573 Processing of FM and noncommercial educational FM applications.

NOTE 3.—Processing of applications for new low power educational FM stations.

Pending the Commission's restudy of the impact of the rule changes pertaining to the allocations of 10-watt and other low power educational FM stations applications for such new stations or major changes in existing ones will be considered as set forth below, notwithstanding any provision of this chapter to the contrary, and will be accepted for filing only if they specify facilities of at least 100 watts effective radiated power.

7. Authority for this action is found in sections 4(i), 303 (g) and (r) and 309(g) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 309, 48 Stat., as amended, 1066, 1082 1085; 47 U.S.C. 154, 303, 309.)

FEDERAL COMMUNICATIONS COMMISSION.
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16549 Filed 6-14-78; 8:45 am]

[4910-59]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 77-5; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Lighting

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This action is taken in response to a petition for rulemaking from the G.E. Co. It amends color specifications for motor vehicle signaling devices. This change is adopted to facilitate manufacturer conformance with OSHA requirements. The change slightly modifies the acceptable color coordinates for yellow (amber).

DATES: Effective date: January 1, 1979, with optional compliance permitted as of June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2720.

SUPPLEMENTARY INFORMATION: On October 25, 1976, the General Electric Co. (G.E.) petitioned for an initiation of rulemaking to amend Federal Motor Vehicle Safety Standard No. 108 to substitute SAE Standard J578b, "Color Specification for Electric Signal Lighting Devices", September 1974, as the color standard for motor vehicle lighting equipment. G.E. has been confronted with an OSHA proposal to lower the maximum permissible level of arsenic used in glass making, and on that basis intended to eliminate arsenic entirely from its production. Clear glass made with a substitute for arsenic apparently absorbs yellow dye in a manner that differs from glass made with arsenic, with the result that yellow light emitted through it no longer conforms to the color coordinates for yellow (amber) of SAE J578a, but would be within those for J578b. The NHTSA deferred immediate action because of the imminence of SAE J578c which contains color coordinates that are internationally accepted. On February 10, 1977, G.E. modified its petition, asking only for a definition of the color yellow (amber) identical to that specified in J578c.

Notice of the proposal was published on June 30, 1977, and an opportunity afforded for comment 942 FR 33354. Seven comments were received on the proposal, all of which concurred with it. The amendment is therefore adopted.

In consideration of the foregoing paragraph S4.1.5 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 is amended as follows:

§ 571.108 [Amended]

S4.1.5 The color in all lighting equipment covered by this standard shall comply with SAE Standard J578c, February 1977, "Color Specification for Electric Signal Lighting Devices," except that the color in lighting equipment manufactured on or before December 31, 1978, may comply with SAE Standard J578a, April 1965.

Because of the need for industry to comply with OSHA requirements, upon their adoption, it is found for good cause shown that an immediate effective date is in the public interest.

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[1] In the 48 contiguous states, FM Channels 201-220 are set aside for noncommercial educational use.

[2] In our view this statement provides adequate notice that a rule embodying a "freeze" might be adopted. Moreover, as concluded by the Commission in like situations, since such a "freeze" is a matter of Commission practice and procedure, prior notice is not required before such a rule could be adopted. See 5 U.S.C. 553(b)(3)(A). See also *e.g., AM Freeze*, 44 FCC 2927 (1962).

[3] We believe it is necessary to include within the "freeze" all applications not specifying at least minimum Class A facilities, that is an effective radiated power of at least 100 watts. Even though not all of the affected applications are Class D proposals, we believe that all such applications raise a question of efficiency and thus, need to be included in the "freeze".

[4] We believe that these facts provide good cause within the terms of 5 U.S.C. 553(d)(3) for ordering such an early effective date.

Optional compliance with SAE J578a is permitted until January 1, 1979.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1302, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 8, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-16322 Filed 6-14-78; 8:45 am]

[1505-01]

[Docket No. 78-04, Notice 2; Docket No. 78-03, Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires—Passenger Cars

Correction

In FR Doc. 78-15414, appearing at page 24310 in the issue of Monday, June 5, 1978, amendatory paragraphs 5. and 6. and the tables following them on page 24314 should read as follows:

5. The table of loads immediately following S5.4.2.3. is amended to read:

Maximum permissible inflation pressure	Loads for—		
	4 hours	6 hours	24 hours
	Loads from table I (listed in specified psi or kPa column)		
32 psi	24	28	32
36 psi	28	32	36
40 psi	32	36	40
240 kPa	180	220	240
280 kPa	220	260	280
300 kPa	180	220	240
	Load as specified percentage of maximum load rating marked on tire sidewall		
60 psi	85	92	100

6. The table in S5.5.1 is revised to read:

A	B
Maximum permissible inflation pressure	Load from table I
32 psi	24 psi col.
36 psi	28 psi col.
40 psi	32 psi col.
240 kPa	180 kPa col.
280 kPa	220 kPa col.
300 kPa	180 kPa col.
	Load as specified percentage of maximum load rating marked on tire sidewall
60 psi	85

[4310-55]

Title 50—Wildlife and Fisheries

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

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

PART 10—GENERAL PROVISIONS

List of Addresses of Law Enforcement District Offices; Amendment

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Amendment.

SUMMARY: This amendment shows changes within the list of addresses of the district offices of the Division of Law Enforcement, U.S. Fish and Wildlife Service. The changes are necessary to update the regulations.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Marshall L. Stinnett, Special Agent in charge, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19183, Washington, D.C. 20236, 202-343-9242.

SUPPLEMENTARY INFORMATION: In Subpart C of Part 10, Title 50 of the Code of Federal Regulations, § 10.22, the address list for Law Enforcement district offices, is amended to show a new telephone number for Portland, Oreg., and a new telephone number and address for Anchorage, Alaska. This section is also amended to show the reassignment of the State of North Dakota to the jurisdiction of the Denver, Colo., district office.

Since it merely makes changes within a list of addresses in this Part, the amendment's effect is administrative and does not change agency procedure, and therefore the "notice" requirements of 5 U.S.C. 553(b) are not applicable. In addition, it is not a substantive rule requiring a delayed effective date pursuant to 5 U.S.C. 553(d).

This amendment was prepared by Margaret C. Cash, Regulations Coordinator, Division of Law Enforcement.

Section 10.22 of Subpart C, Part 10, Title 50 of the Code of Federal Regulations, is amended by making the following changes:

§ 10.22 [Amended]

1. In the column headed "Address of district office":

(a) The telephone number for the Portland, Oreg., district office is changed to read "503-231-6125", and

(b) The address and telephone number for the Anchorage, Alaska, district office is changed to read "1011 E. Tudor Road, Anchorage, Alaska 99503, 907-276-3800."

2. In the column headed "Area of jurisdiction", North Dakota is removed from the jurisdiction of the Independence, Missouri, district office and is added to those areas that come under the jurisdiction of the Denver, Colo., district office.

NOTE.—The Service has determined that this document does not contain a major action requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: June 9, 1978.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 78-16592 Filed 6-14-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of the Red Rock Lakes National Wildlife Refuge, Montana to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of the Red Rock Lakes 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: Hunting season from September 15, 1978 through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Mont. 59739, phone 406-276-3347; or Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101, phone 406-657-6115.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game bird hunting is permitted on the Red Rock Lakes National Wildlife Refuge, Montana, only on areas designated by signs as being open to migratory game bird hunting. This area comprises approximately 10,000 acres.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game hunting is permitted on the Red Rock Lakes National Wildlife

Refuge, Montana, only on areas designated by signs as being open to big game hunting. These areas comprise approximately 20,000 acres.

Hunting areas are delinated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101. Hunting shall be in accordance with all applicable State regulations.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. 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.

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge, Lima, Mont. 59739.

JUNE 7, 1978.

[FR Doc. 78-16594 Filed 6-14-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Upper Mississippi River Wild Life and Fish Refuge, Iowa, Illinois, Minnesota and Wisconsin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prohibits the use or possession of 12-gauge shot shells loaded with lead or other toxic shot pellets while hunting waterfowl or coots on all lands within the Upper Mississippi River Wild Life and Fish Refuge. The intended effect is to minimize the adverse impact on waterfowl by reducing the potential for lead poisoning which exists when waterfowl ingest spent lead pellets.

DATES: In accordance with State and Federal Regulations applicable to the 1978 migratory game bird hunting seasons.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Schotzko, Refuge Manager, 122 West Second Street, Winona, Minn. 55987, 507-452-4232 or John W. Ellis, Migratory Bird Coordinator, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111, 612-725-3315.

SUPPLEMENTARY INFORMATION: On December 30, 1977, a document was published in the FEDERAL REGISTER (42 FR 65214) proposing to amend 50 CFR 32.12 Special Regulations; Migratory game birds; for the Upper Mississippi River Wild Life Refuge to read as follows: It is prohibited to use or possess 12-gauge shot shells loaded with any shot other than steel or such material as may be approved by the Director of the U.S. Fish and Wildlife Service pursuant to the procedures set forth in 50 CFR 20.134, while hunting waterfowl or coots on the Upper Mississippi River Wild Life and Fish Refuge.

BACKGROUND

The initial background information relating to the problems associated with the use of lead shot nationwide is presented in the November 23, 1977, issue of the FEDERAL REGISTER (42 FR 59987-59988). That proposal was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

Information concerning the use of lead shot specifically on the Upper Mississippi River Wild Life and Fish Refuge follows: This refuge has an estimated 25,000,000 waterfowl use days (1975) and 413,000 waterfowl hunter activity hours (1975) during the October through December period. The combination of high waterfowl concentrations and heavy deposition of lead pellets from intense hunting can lead to substantial waterfowl loss through lead poisoning.

In 1977 steel shot regulations varied from state to state resulting in conflicting regulations along state borders on the upper Mississippi River. Wisconsin and Illinois State regulations required the use of steel shot in 12-gauge guns used for waterfowl hunting along the Mississippi River, while State regulations in Minnesota and Iowa permitted the use of lead shot in all gauges. This lack of uniformity resulted in problems of credibility, and resentment among hunters who could not understand why steel shot was needed along one shore and not along the other. The poor relations which developed while enforcing these regulations can be avoided in 1978 by standardizing the non-toxic shot regulations along the river. Since the Upper Mississippi River Wild Life and Fish Refuge covers most of this area, a refuge regulation would standardize the requirement and alleviate most of the problems. For these reasons this final regulation is being issued.

The 1978 regulations for the Upper Mississippi River Wild Life and Fish Refuge will require the use of steel shot in 12-gauge guns for hunting waterfowl and coots. The use and possession of lead shot shells or shells loaded with other types of shot will be permitted in gauges other than 12-gauge in 1978. This exemption is made because non-toxic ammunition is not expected to be widely available in shells larger or smaller than 12-gauge during the 1978 waterfowl hunting season. Approximately 85 percent of the waterfowl hunters on the refuge use 12-gauge shotguns. The use of non-toxic shot in these guns will eliminate the deposition of most lead shot on the refuge. As non-toxic shot becomes available for other shell gauges, it will be desirable to utilize such shot and eliminate all deposition of lead from shots fired by waterfowl hunters.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

During the comment period, 21 letters were received. The following is a summary of some of the comments listed according to frequency mentioned in the letters. Each issue is followed by a Service response.

1. Steel shot is not as ballistically effective as lead shot and will result in increased crippling of waterfowl by hunters.

Response: This is a common complaint and the response following is from the February 28, 1968, final rule on non-toxic shot as published in the FEDERAL REGISTER (43 FR 8144-8149). Comparative tests of steel and lead shot have been conducted since 1959. Nine of these tests were reported in the Final Environmental Statement. Generally the performance of 1¼-ounce loads of lead and 1⅛-ounce loads of steel are very similar with respect to birds bagged and birds downed but not retrieved. This has been demonstrated in controlled shooting tests as well as in the actual hunting situations. Based on a review of these studies the Service has concluded that there is not significant difference in the effectiveness of lead shot loads and steel shot loads at reasonable shooting ranges.

2. Why isn't steel shot required for all shotgun gauges? This is discriminatory against those who use 12-gauge shotguns.

Response: Surveys conducted in the Mississippi Flyway have found that approximately 85 percent of all waterfowl hunters use 12-gauge shotguns. This shows that with the elimination of lead shot in 12-gauge shotguns, the problem of lead poisoning will be greatly decreased. The Service is very concerned that the manufacturers of shells have not as yet produced effective 16- and 20-gauge shells. Because of this and the fact that only a very small percentage of hunters use other than 12-gauge shotguns, the Service is

exempting these hunters from being required to use non-toxic shot. However, the Service will propose to drop this exemption in 1979.

3. There is no lead poisoning problem on the upper Mississippi River.

Response: This is not true. In the spring of 1977 there were confirmed cases of lead poisoning of scaup and golden-eye ducks and Canada geese in Pool 8.

Also, a study was made of the gizzards from mallard ducks obtained from the Mississippi River in the States of Illinois, Iowa, Minnesota and Wisconsin during the 1967 waterfowl season. In this study, 3.6 percent of all mallards examined were found to have spent shot in their gizzards.

4. Steel shotshells are too expensive and this discriminates against the poor.

Response: The following response is from the February 28, 1978, Final Rule on non-toxic shot as published in the FEDERAL REGISTER (43 FR 8144-8149). Surveys of retail stores in the fall of 1977 indicated that shot-shells loaded with steel were being offered in a wide range of prices. These prices varied from $5.70 per box to $13.75 per box, depending upon location, brand and shell length. The 1⅛-ounce steel shot was generally priced at $6.75 to $9.00 per box. Heavier loads cost more. These prices are $2 to $4 more per box than the price of lead loads used for waterfowl hunting. As with any new product that is not being produced in large volume and is not widely distributed, the costs of steel shot-shells are higher than the cost of items that have been produced and distributed for years. The retail store frequently discounts lead shotshell loads while steel shotshell loads are not being discounted. The difference in price between lead and steel loaded shotshells is a matter of concern to the U.S. Fish and Wildlife Service; however, the Service does not believe the price of steel shot shells is a justification for further delays in reducing lead poisoning among waterfowl. Delays in implementing steel shot regulations would have the effect of maintaining differences in price between steel shot and lead shot, rather than reducing these differences. The Service has discussed with the manufacturers of components the non-availability of components for hand-loading steel shot. This production is not within the control of the Service, but ammunition manufacturers indicate that such components will be available soon.

5. Steel shot causes damage to gun barrels.

Response: This response is from the February 28, 1978, Final Rule on non-toxic shot as published in the FEDERAL REGISTER (43 FR 8144-8149). Steel shot is known to cause choke expansion in certain types and models of shotguns. Manufacturer's test results made available to the Service show that there has been very limited choke expansion with most shotguns and this expansion has been sufficiently slight (0.002 to 0.006 inch) as to have no effect on gun performance.

Split or burst barrels can result from the discharge of shot into an obstructed barrel or from a defective shell. This may occur with either lead or steel shot ammunition.

EFFECTS ON ENDANGERED SPECIES

Another concern is the designation on March 16, 1978, of the Northern Bald Eagle as a threatened and endangered species. Waterfowl are a primary food source for eagles during migration and on wintering areas.

The gradual conversion to the use of non-toxic shot for waterfowl hunting is consistent with the protection of eagles from lead poisoning resulting from eating waterfowl which died from lead poisoning or which were carrying lead shot when preyed upon by eagles. In converting to non-toxic shot the incidence of lead shot in the environment will be reduced and will result on fewer waterfowl eating and carrying lead shot in their bodies. A reduction will therefore occur in the amount of lead that eagles ingest while eating the waterfowl.

Because of the biological validity of the use of non-toxic shot and its positive effect in stemming lead poisoning in waterfowl and other wildlife the Service hereby issues the following regulations as provided by 50 CFR 32.12:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

It is prohibited to use or possess 12-gauge shot shells loaded with any shot other than steel or such material as may be approved by the Director of the U.S. Fish and Wildlife Service pursuant to the procedures set forth in 50 CFR 20.134, while hunting waterfowl or coots on the Upper Mississippi River Wildlife and Fish Refuge.

This special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

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 11939 and OMB Circular A-107.

Dated: June 6, 1978.

JACK E. HEMPHILL,
Regional Director.

[FR Doc. 78-16510 Filed 6-14-78; 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.

[3410-08]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 415]

FORAGE PRODUCTION CROP INSURANCE

Proposed Regulations for the 1979 and Succeeding Crop Years

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes regulations to prescribe procedures for insuring forage production effective with the 1979 crop year. These regulations are proposed under authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted by July 17, 1978, to be sure of consideration.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), it is proposed that there be hereby established a new Part 415 of Chapter IV in Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 415, Forage Production Crop Insurance.

This part is entirely new and is issued by the Corporation to provide the regulations for insuring forage production effective with the 1979 and succeeding crop years. This part is subject to amendment from time to time in the light of insuring experience under the Federal Crop Insurance Act, as amended. Any such amendments will be published in the FEDERAL REGISTER and codified in Title 7 of the Code of Federal Regulations.

In establishing these provisions, the Corporation has determined that the closing date for accepting applications for forage production crop insurance shall be September 15 in all States. Such regulations as are promulated in this part, and any amendments thereto, must be placed on file in the office for the county by not later than September 1 in any given year in order to be effective for that crop year. The Corporation, in accordance with the provisions of the Administrative Procedure Act (7 U.S.C. 553 (b) and (c), relative to notice and public participation, has determined that such regulations as are printed below shall be published in the FEDERAL REGISTER as a notice of proposed rulemaking. The public is invited to submit written data, comments, or views for consideration in connection with the proposed amendment to James D. Deal, Manager Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions must be delivered or postmarked not later than July 17, 1978, to be sure of consideration. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1.27(b)).

PROPOSED RULE

Accordingly, the Federal Crop Insurance Corporation proposes to issued a new Part 415 in Chapter IV of Title 7 of the Code of Federal Regulations effective with the 1979 crop year as follows:

PART 415—FORAGE PRODUCTION CROP INSURANCE

Subpart—Regulations for the 1979 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation hereby issues the provisions of this subpart which shall apply, until amended or superseded, to all forage production effective with the 1979 and succeeding crop years.

Sec.

415.1 Availability of forage production insurance.
415.2 Premium rates, production guarantees, and prices at which indemnities shall be computed.
415.3 Application for insurance.
415.4 Public notice of indemnities paid.
415.5 Creditors.
415.6 Good faith reliance on misrepresentation.
415.7 The contract.
415.8 The policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 415.1 Availability of forage production insurance.

Insurance shall be offered under the provisions of this subpart on forage production in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this section the name of the county and the crops on which insurance will be offered.

§ 415.2 Premium rates, production guarantees, and prices at which indemnities shall be computed.

The Manager shall establish premium rates, production guarantees, and prices at which indemnities shall be computed for forage production. Such premium rates, production guarantees, and prices at which indemnities shall be computed shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

§ 415.3 Application for insurance.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date set forth below preceding the first crop year for which insurance is to be in effect.

(CLOSING DATES)

All States—September 15.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Applications for initial insurance shall be made on the following form:

U.S. DEPARTMENT OF AGRICULTURE, FEDERAL CROP INSURANCE CORPORATION

APPLICATION FOR FEDERAL CROP INSURANCE FOR 19—— AND SUCCEEDING CROP YEARS

———— (name and address), ——— (zip code), ———— (contract number), ———— (county), ———— (state), ———— (identification number).

A. The undersigned applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his share (for cotton, peanut, and tobacco insurance, on his sharecropper or share tenant shares as specified in paragraph B below) in the crops stated below that are insurable crops planted on insurable acreage as shown on the applicable county actuarial table of the Corporation for the above-stated county. The applicant elects each plan of insurance, amount of insurance, or price at which indemnities shall be computed, shown below which in each case shall be an electable plan, amount, or price, as provided on the applicable county actuarial table on file in the Corporation's office for the above county. The premium rates and production guarantees shall be those shown on the applicable county actuarial table for each crop year.

———— crops,———— elections, ——— (A), ——— (P).

B. Applicable only to cotton, peanut, and tobacco:

If the applicant intends to insure only the shares of his sharecroppers or share tenants who have no insurance on the crop with the Corporation, "(SC-Int.)" shall be entered following the name of the crop. If the applicant intends to insure both his individual share and the shares of his sharecroppers or share tenants, "(Comb. Int.)" shall be entered following the name of the crop. Insurance for sharecroppers and share tenants shall be provided in accordance with the regulations of the Corporation (7 CFR Part 401, 103(b)).

C. Upon acceptance of this application by the Corporation, the contract shall be in effect for the first crop year specified above, except on any crop on which the time for the filing of applications has passed at the time this application is filed, and shall continue for each succeeding crop year until cancelled or terminated as providied in the contract. This application, the insurance policy, endorsements, and the county actuarial tables shall constitute the contract. Any changes in the contract shall be on file in the Corporation's office for the county at least 15 days prior to the applicable cancellation date.

D. This application, when executed by a person as an individual, shall not cover his share in a crop produced by a partnership or other legal entity.

The applicant is a————————(type of entity).

All natural persons in whose behalf this application is made are over 18 years of age———(yes or no).

E. PREMIUM NOTE.—In consideration hereof, the insured promises to pay to the order of the Corporation each crop year of the contract the annual premiums. It is agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

————, 19——(date).

————.

(Signature of applicant.)

————.

(Witness of signature.)

Code————.

Address of office for county: ————. Phone: ————.

Location of farm(s) or headquarters: ————. Phone: ————.

§ 415.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 415.5 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in sections 13 and 14 of the policy set forth in § 415.8.

§ 415.6 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the insurance contract, whenever an insured person under any contract of crop insurance entered into under these regulations has suffered a loss to a crop which is not insured, or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, because of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation and the Board of Directors of the Corporation, or the Manager in cases involving not more than $5,000, finds (a) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (b) that said insured person relied thereon in good faith, and (c) that to deny said insured's claim for indemnity would not be fair and equitable, such insured person shall be entitled to such indemnity the same as if otherwise entitled thereto.

§ 415.7 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the forage crop which is provided in and covered by the policy when insurance is accepted on the forage crop by the Corporation pursuant to a duly submitted application. The contract shall consist of the policy, the endorsements, the actuarial table as defined in the policy, and the application. Any changes made in the contract shall not affect the continuity from year to year.

§ 415.8 The policy.

The provisions of the forage production insurance policy for the 1979 and succeeding crop years are as follows:

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production due to causes of loss insured against that are specified in this policy. No term or condition of the contract shall be waived or changed on behalf of the Corporation, except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. Meaning of terms. For the purposes of insurance on forage the terms:

(a) "Actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information regarding forage production crop insurance in the county.

(b) "Alfalfa" means a pure stand of alfalfa or a stand of alfalfa and any other forage in which 60 percent or more of the ground cover is alfalfa.

(c) "Alfalfa-grass mixtures" means a mixed stand of alfalfa and grass or other forage in which alfalfa comprises more than 25 percent but less than 60 percent of the ground cover.

(d) "Contract" means the accepted application, this policy, the endorsements, and the actuarial table.

(e) "County" means the county shown on the application and any additional insurable land located in a local production area bordering on the county, as shown on the actuarial table.

(f) "Loss ratio" means the ratio of indemnity(s) paid to premium(s) earned.

(g) "Crop year" means the period from October 16 until harvest is normally completed and shall be designated by the calendar year in which the forage is normally harvested.

(h) "Harvest" means the mechanical severance of the forage plants from the ground for the purpose of livestock feed.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" or "insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the share of the insured as landlord, owner-operator, or tenant in the forage crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share

shall be deemed to be insured. *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of: (1) the date of final harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(m) "Unit" means all insurable acreage of the insured crop in the county on the date insurance attaches for the crop year: (1) in which the insured has a 100-percent share; (2) which is owned by one person and operated by the insured; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

(n) "Year of establishment" for spring-seeded forage means the calendar year in which the forage is seeded, and for fall-seeded forage means the calendar year immediately following the year in which the forage is seeded.

2. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from drought, earthquake, excessive rain, fire, flood, freeze, frost, hail, hurricane, insect infestation, lightning, plant disease, snow, tornado, wildlife, wind, winterkill, and any other unavoidable cause of loss due to adverse weather conditions occurring within the insurance period, subject however, to any exceptions, exclusions, or limitations with respect to such causes of loss that are set forth on the county actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss due to: (1) the neglect or malfeasance of the insured, any member of his household, his tenants, sharecroppers, or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of the water by any governmental or public utilities dam or resevoir project, (4) damage occurring after removal from the windrow or from the field, or (5) any cause not specified as an insured cause in this policy as limited by the applicable actuarial table.

3. *Crop and acreage insured.* (a) The insured crop is forage: (1) intended for harvest as livestock feed, (2) for which the insured has applied for insurance, (3) of a variety, type, and/or mixture as determined by the Corporation for which the actuarial table shows a production guarantee per acre and a premium rate, and (4) which is grown on insured acreage: *Provided,* That where premium rates are established by farming practies on the actuarial table, the farming practices carried out on any acreage are among those for which a premium rate has been established.

(b) The acreage insured for each crop year shall be that acreage in the county of forage grown on insurable acreage, as shown on the actuarial table, as reported by the insured or as determined by the Corporation whichever the Corporation shall elect.

(c) Insurance shall not attach: (1) prior to October 16 of the year of establishment, (2) when forage ground cover is less than 75 percent at the beginning of the insurance period as determined by the Corporation, (3) the fourth and subsequent crop years after the year of establishment for alfalfa or the sixth and subsequent crop years after the year of establishment for alfalfa-grass mixtures, unless otherwise approved by the Corporation, (4) on any acreage not designated for insurance as provided in section 4 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, or (5) on any acreage of a type or variety not established as adapted to the area or shown as noninsurable on the actuarial table.

4. *Responsibility of insured to report acreage and share.* (a) The insured shall submit to the Corporation at the office for the county, on a form prescribed by the Corporation, a report showing all acreage of forage in the county (including a designation of any acreage of forage to which insurance does not attach) in which the insured has a share and the insured's share therein at the time insurance attaches. Such report shall be submitted not later than the calendar date for the beginning of the insurance period. If the insured does not have a share in any insured acreage in the county for any year, he shall submit a report so indicating. Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by the insured.

(b) If the insured does not submit an acreage report by the beginning of the insurance period for each crop year, the Corporation may elect to determine by insurance units the insured acreage and the share or declare the insured acreage on any insurance unit(s) to be "zero."

5. *Irrigated acreage.* (a) Where the actuarial table provides for insurance on acreage on which an irrigated practice is being carried out, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of the insurance period, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

6. *Production guarantees and prices at which indemnities shall be computed.* (a) For each crop year of the contract, the production guarantees and prices at which indemnities shall be computed shall be those shown on the actuarial table. The production guarantee shall be decreased 20 percent for any unharvested acreage.

(b) At the time application for insurance is made, the applicant shall elect a price at which indemnities shall be computed from among those shown on the actuarial table. If the insured has not elected a price or the price elected is not shown on the actuarial table for the crop year, the applicable price under the contract and which the insured shall be deemed to have elected, shall be the price provided on the actuarial table for such purposes. The insured may with the consent of the Corporation change the price election for any crop year by the closing date for submitting applications for that year.

7. *Annual premium.* (a) The annual premium is earned and payable at the time insurance attaches and shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time insurance attaches, and applying the premium adjustment herein provided.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Adjustments for favorable continuous experience

	Number years continuous experience through previous crop year								
	0	1	2	3	4	5	6	7	8 or more
Loss ratio through previous crop year:	[Percentage adjustment factor for current crop year]								
0 to .49	100	100	95	95	90	85	80	75	70
0.50 to .89	100	100	100	100	95	90	85	80	75
0.90 to 1.09	100	100	100	100	100	100	100	100	100

Adjustments for unfavorable insurance experience

Loss ratio through previous crop year:	Number of years indemnified through previous crop year									
	1	2	3	4	5	6	7	8	9	10 or more
	[Percentage adjustment factors for current crop year]									
1.10 to 1.19	100	100	100	103	104	106	108	110	112	115
1.20 to 1.39	100	100	103	106	109	112	116	120	125	130
1.40 to 1.69	100	102	105	109	113	118	124	130	137	145
1.70 to 1.99	100	103	107	112	118	124	132	140	150	160
2.00 to 2.49	100	104	109	115	122	130	140	150	162	175
2.50 to 3.24	100	105	111	118	127	136	148	160	175	190
3.25 to 3.99	100	106	113	121	131	142	156	170	187	205
4.00 to 4.99	100	107	115	124	136	148	164	180	200	220
5.00 to 5.99	100	108	117	127	140	154	172	190	212	235
6.00 up	100	110	120	130	145	160	180	200	225	250

(d) If there is no break in the continuity of participation, any premium adjustment applicable under subsection (c) of this section shall be transferred to: (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured in operating only the same farm or farms, if such person had previously actively participated in the farming operation; or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(e) If there is a break in the continuity of participation, any reduction in premium earned under subsection (c) of this section shall not thereafter apply; however, any increase in premium shall apply.

(f) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation, or from any loan payment to the insured under any act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

8. *Insurance period.* Insurance on insured acreage shall attach on October 16 and cease in the following calendar year upon the earliest of: (1) final adjustment of indemnity; (2) removal of the forage from the windrow or the field following final harvest; or (3) October 15.

9. *Notice of damage or loss.* (a) The insured shall promptly give written notice of damage to the Corporation at the office for the county if, before the end of the insurance period, the forage on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or he wants the consent of the Corporation to put the acreage to another use.

(b) No insured acreage shall be put to another use before the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. The insured shall notify the Corporation when such acreage has been put to another use.

(c) If a loss occurs on any harvested acres before forage is removed from the windrow or the field, the insured shall promptly give written notice thereof to the Corporation at the office for the county.

(d) In addition to the notices required in paragraphs (a), (b), and (c) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county promptly after all harvesting is completed on the unit, but not later than 30 days after final harvesting is completed: *Provided, however,* That if harvesting is not completed by the calendar date for the end of the insurance period, the notice shall be given not later than 30 days after such calendar date.

(e) The Corporation shall reject any claim for indemnity if any of the requirements of this section are not met. The Corporation shall not be liable for any claim for indemnity on abandoned acreage.

10. *Claim for indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) It shall be a condition precedent to the payment of any indemnity that the insured establish the total production of the insured forage on the unit and that any loss of production has been directly caused by one or more of the causes insured against during the insurance period for the crop year for which the indemnity is claimed, and furnish any other information regarding the amount of production as may be required by the Corporation.

(c) Indemnities shall be determined separately for each unit. The amount of indemnity with respect to any unit shall be determined by: (1) multiplying the insured acreage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit; (2) subtracting therefrom the total production to be counted for the unit; (3) multiplying the remainder by the applicable price for computing indemnities; and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the determined acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the determined acreage and share and then reduced proportionately.

(d) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested production and any appraisals made by the Corporation for: (1) potential production not harvested; (2) poor farming practices; (3) other uninsured causes of loss; or (4) acreage abandoned or put to another use without the written consent of the Corporation: *Provided,* That the total production to be counted on any acreage which is abandoned, put to another use without prior written consent of the Corporation, or which is damaged solely by an uninsured cause shall not be less than the applicable production guarantee provided for such acreage.

(e) The amount of indemnity on any insured acreage which, with the consent of the Corporation, is planted to any crop, including forage, insurable on such acreage (excluding small grains normally maturing for harvest in the following crop year) shall be 50 percent of the amount of indemnity determined in subsection (c) of this section.

(f) Notwithstanding the provisions of subsection (c) of this section, when forage is harvested as other than air-dry hay, the production to be counted shall be adjusted to the equivalent of air-dry hay as determined by the Corporation.

(g) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within 1 year after the date notice of denial of the claim is mailed to and received by the insured.

11. *Acreage appraised to be put to another use.* The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of indemnity. However, if consent is given and the Corporation determines that any such acreage is not put to another use before the end of the insurance period, or if the Corporation determines that additional damage by an insured cause occurs before the acreage is put to another use, the indemnity with respect to the unit shall be determined without regard to such consent and appraisal.

12. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

13. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

14. *Other insurance against fire.* If the insured has other insurance, whether valid or not, against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of either: (1) the amount of indemnity determined pursuant to this contract without regard to any other insurance, or (2) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

15. *Collateral assignment.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit

the loss notices and forms as required by the contract.

16. *Transfer of insured share.* If the insured transfers all or any part of the insured share during the crop year, the Corporation will, upon approval of a form prescribed by the Corporation, continue to provide protection according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the transferor for the current crop year.

17. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

18. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipments, sale, or other disposition of all forage produced on each unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of forage in the county in which he has an interest. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

19. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

20. *Contract changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the applicable cancellation date, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 21.

21. *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the crop year specified on the application, and may not be canceled for such crop year. Thereafter, either party may cancel insurance for any crop year by giving written notice to the other by the cancellation date shown in this section.

(b) If the premium for any crop year is not paid by the termination date for indebtedness shown in this section, the contract shall terminate: *Provided,* That the date of payment for premium: (1) deducted from an indemnity claim shall be the date the insured signs such claim, or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) For each year of the contract, the cancellation date and termination date for indebtedness shall be the September 15 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(d) If no premium is earned for 3 consecutive years, the contract shall terminate.

(e) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(f) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (b), (c), (d), and (e) of this section, the contract shall continue in force for each succeeding crop year.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.

JUNE 2, 1978.

[FR Doc. 78-16546 Filed 6-14-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 17948]

AIRWORTHINESS DIRECTIVES

Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require repetitive inspections for cracks, and, if necessary, repair of the vertical tail fin of Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The AD is needed to prevent possible failure of the vertical fin which could result in the loss of the tail rotor and loss of control of the helicopter.

DATES: Comments must be received on or before August 14, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 17948, 800 Independence Avenue SW., Washington, D.C. 20591. The applicable service bulletin may be obtained from:

Construzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

It has been determined that certain areas of the vertical fin on Agusta Model A109A helicopters are subject to cracking. This could result in failure of the fin, the possible loss of the tail rotor, and the possible loss of directional control of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require repetitive inspection and, if necessary, repair of the vertical tail fin of the Agusta Model A109A helicopter.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

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

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA. Applies to Model A109A helicopters, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible structural failure of the vertical tail fin, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, inspect the inner skin and the forward spar (LH side) of the fin area for cracks, with fairing assembly P/N 109-0370-07 removed, in accordance with Part I of the "Description" paragraph of Agusta Bollettino Tecnico No. 109-6, dated August 30, 1977, or an FAA-approved equivalent (hereinafter referred to as Service Bulletin).

(b) After initial compliance with paragraph (a) of this AD—

(1) Inspect the outer skin (LH side) of the fin in accordance with Part II of the Service Bulletin after the last flight of each day in which the helicopter is operated; and

(2) Continue to inspect, in accordance with paragraph (a) of this AD, at intervals not to exceed 25 hours time in service since the previous inspection.

(c) If any crack is found in a spar, or if any crack is found elsewhere that exceeds 25.4 mm (1 in.) in length, during any inspection required by this AD, before further flight, except as provided in paragraph (e) of this AD, repair the helicopter in accordance with data approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region.

(d) If, during an inspection required by this AD, a crack is found, other than in a spar, that does not exceed 25.4 mm (1 in.) in length, before further flight, except as provided in paragraph (e) of this AD, stop drill the crack. Thereafter, continue to inspect in accordance with paragraph (b) of this AD, and in addition, inspect the crack for lengthening after the last flight of each day in which the helicopter is operated, and comply with paragraph (c) of this AD, if necessary.

(e) Helicopters may be flown in accordance with FAR 21.197 and 21.199 to a base where the required work can be performed.

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

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 Washington, D.C. on June 5, 1978.

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

[FR Doc. 78-16360 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17947]

AIRWORTHINESS DIRECTIVES

Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require replacement of the engine failure indicator, and a related flight manual change on Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The design of the currently-installed indicators is such that they can, under certain circumstances, provide an unreliable indication of engine operation that could, if relied upon by the pilot, result in insufficient power to maintain safe flight.

DATES: Comments must be received on or before: August 14, 1978.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 17947, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from:

Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

It has been determined that the engine failure indicators, P/N 109-0729-22-3, on Agusta Model A109A helicopters, under certain circumstances, provide ambiguous or incorrect indications of engine power. When relied upon by a pilot, these indications could result in insufficient power to maintain safe flight. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require replacement of the installed engine failure indicator with an improved indicator, and a related flight manual change, on Agusta Model A109A helicopters.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

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

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA. Applies to Agusta Model A109A helicopters, certificated in all categories, that have engine failure indicator, P-N 109-0729-22-3, installed.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To prevent ambiguous or incorrect indication of engine operating condition, replace the engine failure indicator, P/N 109-0729-22-3, with a new indicator, P/N 109-0729-22-5, and revise the Rotorcraft Flight Manual, in accordance with Agusta Bollettino Tecnico No. 109-9, dated February 23, 1978.

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

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 Washington, D.C. on June 5, 1978.

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

[FR Doc. 78-16359 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 78-CE-10-AD]

AIRWORTHINESS DIRECTIVES

Cessna 140A, 150, A150, 170, 172, 175, P172, 177, 180, 182, 185/A185, 188/A188, 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210, 336, and 337/T337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD), applicable to the above Cessna series airplanes, which would require installation of vented fuel caps to provide alternate fuel tank venting. This action is proposed because of several instances of fuel tank vent system obstruction by foreign material and/or sticking of the fuel vent valve in the existing fuel tank vent system. These conditions have caused loss of engine power and resulted in aircraft accidents.

DATES: Comments must be received on or before August 19, 1978.

ADDRESS: Send comments on the proposal to: FAA Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 78-CE-10-AD, 601 East 12th Street, Kansas City, Mo. 64106. Cessna service letter No. SE77-6, dated March 4, 1977, applicable to this proposal may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201. A copy of the service instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591, and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the AD docket number, and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments received 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 NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of advisory circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA has received several reports of either power loss, engine stoppage, fuel tank collapse and/or accidents on Cessna Models 150, 172, 177, 182, 210, and 337 series airplanes, resulting from sticking of the fuel vent valve or blockage of the fuel vent system. The reports indicate that the most frequent cause of fuel vent blockage was either insects or insect nests (mud daubers) in the fuel vent line. These obstructions were so located as to make their detection difficult during the preflight inspection. No definite cause of fuel vent valve sticking could be established. The manufacturer has developed a vented fuel cap that provides an alternate vent source for the fuel tanks which, when installed, precludes the hazards attributable to fuel vent valve sticking or fuel vent system blockage. The manufacturer has also recommended that on those airplanes not incorporating these vented caps, a placard bearing the words "Assure Fuel Vent Line Is Open Prior to Flight" be fabricated and installed on the instrument panel to encourage effective inspection of the fuel vent system during aircraft preflight. The FAA has heretofore taken action through its inspection aids system to improve the effectiveness of the preflight inspection in detecting vent obstructions but the desired results have not been obtained. The FAA now believes that the service history and findings during the investigations of the reported incidents establishes the need for installation of vented fuel caps on all applicable Cessna airplanes not so equipped. Accordingly, since the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being proposed that would require installation of vented fuel caps on Cessna 140A, 150, A150, 170, 172, 175, P172, 177, 180, 182, 185/A185, 188/A188, 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210, 336, and 337/T337 series airplanes.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) by adding the following new airworthiness directive:

CESSNA. Applies to the following series and serial number airplanes certified in all categories:

Series and Serial Numbers

140A—15200 through 15724.
150—17001 through 17999 and 15059001 through 15077005.
A150—A1500001 through A1500609.
170—18730 through 27169.
172—28000 through 29999; 36000 through 36999; and 17246001 through 17265684.
175—17555001 through 17557119.
P172—P17257120 through P17257189.
177—17700001 through 17701597.
180—30000 through 32999 and 18050001 through 18052202.
182—33000 through 34999 and 18251001 through 18260638.
185/A185—18500001 through 18501896.
188/A188—With wing tanks; serials 18800001 through 18800762.
205—205-0001 through 205-0577.
206—206-0001 through 206-0275.
U206/TU206—U20600276 through U20601666.
P206/TP206—P20600001 through P20600647.
207T207—20700001 through 20700203.
210/T210—21057001 through 21059361 and T210-0001 through T210-0454.
336—336-0001 through 336-0195.
337/T337—33700001 through 33701405.

Compliance: Required as indicated unless already accomplished.

To provide an alternate source of fuel tank venting, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Install applicable vented fuel cap(s) with related adapters and placards in accordance with Cessna service letter SE77-6, dated March 4, 1977, or later revisions.

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

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 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 Kansas City, Mo., on June 1, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-16355 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 78-WE-8-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-9 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 modification of the stall warning installation on DC-9 series airplanes. The proposed AD is needed to prevent unnecessary rejected takeoffs after rotation due to false stall warning which could result in the airplane running off the runway.

DATES: Comments must be received on or before August 16, 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 service bulletin may be obtained from: McDonnell Douglas Corp., Douglas Aircraft Co., 3855 Lakewood Boulevard, Long Beach, Calif., 90846, Attention: L. A. Eisenberg CI-750, 54-60.

Also, a copy of this service bulletin may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA, Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, Telephone, 213-536-6398.

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 including economic, inflationary, environmental and energy considerations, communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the rules docket.

During the past four years, 16 reported false stall warning annunciations have occurred on model DC-9 series airplanes during takeoff at rotation. Although the false stall warnings have occurred above the normal critical engine failure speed, (V_1), these occurrences have resulted in two unnecessary rejected takeoffs, causing severe damage to the the airplanes and endangering passengers and crew. The McDonnell Douglas Corp. has developed a modification to the stall warning system circuitry which will inhibit the stall warning system for a period of four seconds after nose wheel lift-off.

The four second time delay will normally ensure that the airplane is airborne before a stall warning can occur. This will reduce the probability of rejected takeoffs due to false stall warnings. The four second time delay is only effected immediately after takeoff. An approach to stall will have a normal undelayed stall warning annunciation any time after nose wheel lift-off plus four seconds, throughout the flight regime to touchdown.

Since this condition is likely to occur in other airplanes of the same type design, the proposed AD would require installation of the necessary hardware to add a nominal four second time delay to the stall warning initiation circuitry.

DRAFTING INFORMATION

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

PROPOSED AMENDMENT

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

MCDONNELL DOUGLAS DC-9, -10, -20, -30, -40, -50 series airplanes, including the military versions, all serial numbers, certified in all categories.

Compliance is required within one year after the effective date of this AD.

To reduce the probability of an unnecessary rejected takeoff due to a false stall warning, modify the stall warning system to add a four second time delay between nose gear lift-off and the initiation of stall warning, by accomplishing the following:

(a) Modify the stall warning circuitry in accordance with McDonnell Douglas DC-9 Service Bulletin 34-131 Dated January 10, 1978.

(b) Equivalent modifications, procedures, or revisions may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) 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 modification required by this AD.

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

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 June 2, 1978.

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

[FR Doc. 78-16356 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 78-SO-41]

AIRWORTHINESS DIRECTIVE

Grumman American Aviation Corp.—Model G-159

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend existing Airworthiness Directive (AD) 74-03-01 applicable to Grumman American Aviation Corp. (GAAC) Model G-159 to establish a replacement requirement for "Grumman" engine mount assemblies. The proposed amended AD is needed to prevent possible failure of the "Grumman" engine mount due to corrosion and/or fatigue damage in conjunction with water methanol (wet) takeoff power overtorqueing. It is proposed to amend AD 74-03-01 rather than issue a new AD since it is preferable to maintain inspection requirements for the "Grumman" and Vickers mounts and replacement requirements for the "Grumman" mount in only one AD.

DATE: Comments must be received by July 17, 1978.

ADDRESSES: Send comments on this proposal in duplicate to Chief, Engineering and Manufacturing Branch, ASO-210, Southern Region, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. The applicable Customer Bulletins and Quality Control Test Procedures may be obtained from Grumman American Aviation Corp., P.O. Box 2206, Savannah, Ga. 31402.

A copy of each of the Customer Bulletins and Quality Control Test Procedure is contained in Room 275, Engineering and Manufacturing Branch, ASO-210, Southern Region, Federal Aviation Administration, 3400 Whipple Avenue, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Curtis Jackson, Aerospace Engineer, Engineering and Manufacturing Branch, ASO-210, Southern Region, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7407.

SUPPLEMENTARY INFORMATION: AD 74-03-01, amendment 39-1773, effective January 28, 1974, requires inspection of the forward and aft engine mounts (Vickers and "Grumman" mounts), L/H and R/H, and replacement of corroded tubes in accordance with GAAC Customer Bulletin No. 241A. GAAC issued Alert Customer Bulletin No. 9 on March 19, 1976. As a result of the Alert Customer Bulletin,

two failures of the "Grumman" engine mount were reported. Based on the analysis of those failures and on the results of Customer Bulletin No. 241A, GAAC issued Customer Bulletin No. 289 on August 6, 1976, which recommended that a life limit of 7500 landings be imposed on the "Grumman" engine mount and attaching hardware located aft of the firewall. This life limit recommendation was due to "* * * findings of extensive internal engine mount corrosion, lack of an acceptable inspection procedure to determine corrosion free mounts and the fact that transient engine overpowering occurs during water methanol (wet) takeoffs * * *" Since many G-159 operators felt that the assumption of internal corrosion in Customer Bulletin No. 289 penalized the life of the "Grumman Mounts" that may be corrosion free, GAAC developed a non-destructive inspection technique to determine if a mount had negligible or no internal corrosion. Amendment 1 to Customer Bulletin No. 289 was issued by GAAC May 26, 1977, to establish as mandatory either: (1) A safe life limit of 7500 landings on the "Grumman" mount in accordance with Customer Bulletin No. 289 dated August 6, 1976, or (2) after determining negligible or no internal corrosion in the "Grumman" mount, a sliding scale safe life limit based solely on water methanol usage. The Agency is proposing to amend AD 74-03-01 to require either the replacement of the "Grumman" mounts after 7500 landings, or establishing new life limits after completing ultrasonic and visual inspections and determining that negligible or no internal corrosion exists. Continued compliance with Customer Bulletin No. 241A dated December 17, 1973, will be required.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, Flight Standards Division, FAA Southern Region, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD will be filed in Room 275.

DRAFTING INFORMATION

The principal authors of this document are Curtis Jackson, Aerospace Engineer, Engineering and Manufacturing Branch; and Keith May, Office of the Regional Counsel; FAA, Southern Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-1773, AD 74-03-01 as follows:

(1) Revise the lead-in of the second paragraph of AD 74-03-01 to read as follows:

To detect and prevent corrosion or failure of the forward and aft engine mount assemblies, Vickers Drawing No. 81037, Sheet 29 and Grumman Drawing Numbers 159W10432-1 (L/H) and 159W10432-3 (R/H), respectively, accomplish the following unless already accomplished:

(2) Add new paragraphs (e), (f), and (g) to read as follows:

(e) To prevent failure of the Grumman engine mount, accomplish either paragraph (f) or (g) prior to the accumulation of 7500 landings, or within the next 25 landings, whichever occurs later, and thereafter at intervals not to exceed 7500 landings from the time the mount is replaced. However, initial compliance is required regardless of the number of landings:

(1) For airplanes that have accumulated 7500 landings prior to the effective date of this AD, within the next 30 days after the effective date of this AD; and

(2) For airplanes with less than 7500 landings on the effective date of this AD, within the next 30 days after the accumulation of 7500 landings.

(f) Perform the ultrasonic and visual inspections in accordance with GAAC Customer Bulletin No. 289, Amendment 1, dated May 26, 1977, or ultrasonic inspection in accordance with GAAC Quality Control Test Procedure No. 55-P-1, Revision 2, dated July 15, 1977, and visual inspection in accordance with Customer Bulletin No. 289, Amendment 1, dated May 26, 1977, or later FAA approved revision or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region. This inspection requires the following test equipment (or equivalent):

(a) Nortec NDT-131 portable ultrasonic testing machine.

(b) Nortec contoured E-M-10MHZ ⅜" concave transducer R=1.062".

(c) A suitable sound couplant.

(d) Reference standard containing negligible and non-negligible corrosion approved for use in this test (to be supplied by GAAC).

It is estimated that 28 manhours will be required to perform the inspection, including disassembly and reassembly time per aircraft. If the inspection indicates negligible or no internal corrosion, a sliding scale life limit based solely on water methanol usage can be established, based on GAAC Customer Bulletin No. 289, Amendment 1, dated May 26, 1977. Throughout this extended life limit, this inspection must be repeated at intervals not to exceed 500 landings. If any inspection indicates the presence of unacceptable internal corrosion, replace the engine mount within the next 25 landings or 30 days, whichever occurs first, in accordance with paragraph (g) of this AD. If no corrosion is found during any of the inspections required by this paragraph, replace the engine mount in accordance with paragraph (g) of this AD by the end of the extended life limit established in this paragraph.

(g) Replace the Grumman engine mount in accordance with GAAC Customer Bulletin No. 289 dated August 6, 1976, or later FAA approved revision or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

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

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

Issued in East Point, Ga., on June 5, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-16512 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-25]

TRANSITION AREA

Proposed Alteration: Mexia, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of a transition area at Mexia, Tex. The intended effect of the proposed action is to realign controlled airspace for aircraft executing instrument approach procedures to the Mexia-Limestone County Airport. The circumstance which created the need for the action was misalignment of the original airspace designation along the 155° bearing of the Limestone County navigational aid (NDB) instead of the 163° bearing.

DATES: Comments must be received on or before July 17, 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.

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

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traf-

fic 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 Mexia, Tex., transition area reflects controlled airspace with an extension aligned on the 155° true bearing. The alignment should have been designated along the 163° true (155° magnetic) bearing. The alteration will reposition the extension along the desired course.

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 July 15, 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 NPRM's 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 Mexia, Tex., transition area. The FAA believes this action will properly align controlled airspace for aircraft executing instrument approach procedures established 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 David Gonzalez, Airspace and 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 Mexia, Tex., transition area as follows:

That airspace extending from 700 feet above the surface within a 6.5-mile radius of Mexia-Limestone County Airport (latitude 31°38'20" N., longitude 96°30'52" W.) and within 3.5 miles each side of the 163° bearing from the Limestone County NDB (latitude 31°38'16" N., longitude 96°30'43" W.) extending from the 6.5 radius area to a point 12 miles southeast of the NDB.

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

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

Issued in Fort Worth, Tex., on June 2, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-16353 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-24]

TRANSITION AREA

Proposed Designation: Madill, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Madill, Okla. The intended effect of the proposed action is to provide controlled airspace for aircraft executing instrument approach procedures to the Madill Municipal Airport. The circumstance which created the need for the action was a requirement to provide capability for flight under instrument weather conditions to the airport. Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR) status.

DATES: Comments must be received on or before July 17, 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 Administration, 4400 Blue Mound Road, Fort Worth, Tex. An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G, § 71.181 (43 FR 440) of FAR part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Madill, Okla., will necessitate an amendment to this subpart.

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 recieived on or before July 17, 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 rule making (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 designate a transition area at Madill, Okla. The FAA believes this action will enhance IFR operations at the Madill Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the Ardmore, Okla., VORTAC, 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 David Gonzalez, Airspace and Procedure 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 adding the Madill, Okla., transition area as follows:

MADILL, OKLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Madill Municipal Airport, Madill, Okla. (latitude 34°08'25" N., longitude 96°48'42" W.).

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

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

Issued in Fort Worth, Tex., on June 2, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 78-16349 Filed 6-14-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Docket No. 78-SO-38]

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

Proposed Designation of Transition Area, Hawesville, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Hawesville, Ky., transition area and will lower the base of controlled airspace in the vicinity of the airport from 1200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure is being developed for the Hancock Airfield and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before July 30, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 30, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Hawesville, Ky., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Hancock Airfield. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

DRAFTING INFORMATION

The principal authors of this document are Ronald T. Niklasson, Airspace and Procedures Branch, Air Traffic Division, and Keith S. May, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (43 FR 440) of Part 71 of the Federal Aviation Administration Regulations (14 CFR Part 71) by adding the following:

HAWESVILLE, KY.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hancock Airfield (Lat. 37°56'40"N., Long. 86°47'35"W.); excluding the portion which coincides with the Tell City, Ind., transition area.

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

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

Issued in East Point, Georgia, on June 6, 1978.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc. 78-16363 Filed 6-14-78; 8:45 am]

[1505-01]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 78-RM-11]

TEMPORARY RESTRICTED AREAS

Proposed Establishment

Correction

In FR Doc. 78-11130 appearing on page 17368 in the issue of Monday, April 24, 1978, on page 17369, the 1st column, the last paragraph should read as follows:

R-2605D BRAVE SHIELD XVIII, Colorado. Boundaries: Beginning at Lat. 38°25'00" N., Long. 105°02'00" W.; to Lat. 38°23'00" N., Long. 104°45'00" W.; to Lat. 38°19'00" N., Long. 104°50'00" W.; to Lat. 38°15'00" N., Long. 104°50'00" W.; to Lat. 38°17'00" N., Long. 105°19'00" W.; to the point of beginning.

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404 and 422]

FEDERAL OLD-AGE AND DISABILITY INSURANCE PROGRAM ORGANIZATION AND PROCEDURES

Reference Changes To Reflect Transfer and Recodification of Medicare Regulations

AGENCY: Social Security Administration, HEW.

ACTION: Notice of decision to revise references.

SUMMARY: On September 30, 1977, the Medicare Regulations (20 CFR Part 405) were redesignated as Subchapter B, Part 405 of 42 CFR chapter IV (42 FR 52826). We propose modifying references to 20 CFR Part 405 in the Social Security Administration's Regulations to reflect that redesignation.

FOR FURTHER INFORMATION CONTACT:

Armand Esposito, 4-J-10, West High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-7455.

Dated: May 16, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

[FR Doc. 78-16485 Filed 6-14-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 911-6; PP 8E2017/P80]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerances for Pesticide Chemical 0,0-Diethyl 0-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

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

ACTION: Proposed rule.

SUMMARY: This notice proposes that the insecticide *0,0*-diethyl *0*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate be used on birdsfoot trefoil and birdsfoot trefoil hay. The proposal was submitted by the Interregional Research Project No. 4. This amendment to the regulations would establish maximum permissible levels for residues of the subject insecticide on birdsfoot trefoil and birdsfoot trefoil hay.

DATE: Comments must be received on or before July 17, 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:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2516.

SUPPLEMENTARY INFORMATION: Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of New York has submitted a pesticide petition (PP 8E2017) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.153 be amended by the establishment of tolerances for residues of the insecticide *0,0*-diethyl *0*-(2 - isopropyl - 6 - methyl - 4 - pyrimidinyl) phosphorothioate in or on the raw agricultural commodities birdsfoot trefoil at 40 parts per million (ppm) and birdsfoot trefoil hay at 10 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included subacute and chronic rat and dog feeding studies which indicated no systemic toxic effects at levels greater than 100 ppm. The no-observable-effect level for cholinesterase inhibition was found to be 4 ppm for red-blood-cell acetylcholinesterase. The inability to fully evaluate the carcinogenic potential (only one study available) is mitigated by the fact that residues present will be in feed items only. Although an acceptable daily intake (ADI) for the subject insecticide has been calculated it is not germane to this petition, which is for animal feed only.

Tolerances have previously been established for residues of the subject insecticide on a variety of raw agricultural commodities at levels ranging from 60 ppm to 0.1 ppm. The metabolism of the insecticide is adequately delineated, and adequate analytical methods (spectrophotometry and chromatography) are available for enforcement purposes. No data is considered desirable but currently lacking to support the proposed tolerance, nor are there any regulatory actions pending against continued registration of the insecticide. There is no reasonable expectation of residues in eggs, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The established tolerance for residues in meat is 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 tolerances are being sought, and it is concluded that the tolerances of 40 ppm on birdsfoot trefoil and 10 ppm on its hay established by amending 40 CFR 180.153 will protect the public health. It is proposed, therefore, that the tolerances 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, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before July 17, 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. The comments must bear a notation indicating both the subject and the petition/document control number, "PP8E201/P80". 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.

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

Dated: June 7, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, § 180.153 be amended by alphabetically inserting the tolerances of 40 ppm on birdsfoot trefoil and 10 ppm on birdsfoot trefoil hay in the table to read as follows:

§ 180.153 O,O-Diethyl O-(1-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances or residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Birdsfoot trefoil	40
Brdsfoot trefoil, hay	10
* * * * *	

[FR Doc. 78-16497 Filed 6-14-78; 8:45 am]

[6560-01]

[FRL 911-4]

[40 CFR Part 141]

INTERIM PRIMARY DRINKING WATER REGULATIONS

Regulations for Control of Organic Chemical Contaminants in Drinking Water

AGENCY: Environmental Protection Agency.

ACTION: Establishment of time and location of public hearing and procedural rules to be followed at the hearing.

SUMMARY: This notice establishes a time and a new location for the public hearing to be held on July 11 and 12, 1978, in Washington, D.C., on the Agency's Proposed Regulations for the Control of Organic Chemical Contaminants in Drinking Water, 43 FR 5756 et seq. (February 9, 1978). This notice also establishes several procedural rules which will be followed at that public hearing.

DATES: The final public hearing on these proposed regulations will be held on July 11 and 12, 1978, in Washington, D.C. Individuals wishing to testify should pre-register not later than July 10, 1978. Written comments will be considered as time permits.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Drinking Water (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-472-5016.

SUPPLEMENTARY INFORMATION: By notice dated May 3, 1978, 43 FR 19055, this Agency notified the public that the final hearing to be held in Washington, D.C., to hear public comment on the Agency's Proposed Regulations for the Control of Organic Chemical Contaminants in Drinking Water had been rescheduled for July 11 and 12, 1978. The new location for that hearing will be at the Thomas Jefferson Memorial Auditorium, South Building of the U.S. Department of Agriculture, Independence Avenue between 12th and 14th Streets SW., Washington, D.C.

The hearings will begin at 9 a.m. on both days and continue until approximately 5 p.m. with a lunch break included. The July 11 session will begin with a 30 minute presentation by the Environmental Protection Agency reviewing the nature and content of the regulations.

To facilitate the conduct of the public hearing in light of the large number of requests which the Agency has received from individuals seeking to present oral comments at the hearing, the following procedural rules will be followed and participants are requested to proceed accordingly:

1. Individuals and groups of individuals who wish to present oral comments at the July 11 and 12 hearing are requested to pre-register with the Office of Drinking Water, Criteria and Standards Division, Room 1111, WSME, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-472-5016, not later than Monday, July 10, 1978. Pre-registration notice should specify the speaker's name, affiliation (if any), and a copy of the text of the speaker's comments where feasible. Requests for a particular day and time will be accommodated where possible.

2. At the hearing pre-registrants will be given priority to speak over those who have not pre-registered.

3. Speaker whose oral testimony is expected to exceed five minutes will be required to supply two copies of the text of their oral comments to the hearing officer at the hearing.

4. Due to the large number of anticipated speakers a maximum time of ten minutes will be alloted per speaker with additional time for questions and answers. Groups of persons representing a single organization are asked to consolidate their presentations so as not to exceed twenty minutes.

The Agency will thoroughly review and consider all written comments which are submitted. We therefore urge hearing participants to summarize their comments for oral presentation while submitting a detailed text for the written record, in order to give other interested persons an opportunity to present their views publicly.

Dated: June 9, 1978.

JOHN T. RHETT,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-16537 Filed 6-14-78; 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.

DEPARTMENT OF AGRICULTURE

Forest Service

KISATCHIE UNIT PLAN

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 Kisatchie Unit Plan, Kisatchie National Forest, USDA-FS-R8-DES (Adm.) 78-06.

This environmental statement concerns the proposed 10-year plan for the Kisatchie Unit located in Natchitoches Parish in Western Central Louisiana. The Unit contains 99,596 acres of National Forest land.

Major actions proposed include timber harvest and site preparation, increased diversity of wildlife habitat, road construction and reconstruction, mineral leasing, scenery, and establishment of special management areas.

This draft environmental statement was filed with EPA May 24, 1978. Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Building, Room 3220, 12th Street and Independence Avenue SW, Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Road NW., Room 804, Atlanta, Ga. 30309.

USDA, Forest Service, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, La. 71360.

A limited number of single copies are available upon request to Forest Supervisor Frank J. Ferrarelli, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, La. 71360. Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from the 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 concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Frank J. Ferrarelli, Kisatchie National Forest, Pineville, La. 71360. Comments must be received by July 24, 1978 in order to be considered in the preparation of the final environmental statement.

Dated: May 24, 1978.

GEORGE H. COOK,
Acting Regional Environmental Coordinator.

[FR Doc. 78-16500 Filed 6-14-78; 8:45 am]

[3410-11]

OREGON SUBGROUP, PACIFIC CREST NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Meeting

A meeting of the Oregon Subgroup of the Pacific Crest National Scenic Trail Advisory Council will be held at 9 a.m., July 7, 1978, in the Crater Lake National Park Community Center, Crater Lake National Park, Oreg.

Agenda items include a review of action taken at the August 1977 Council meeting to determine the necessary followup, preparation of plans for the 1978 Council meeting, discussion of management problems along the Trail, and the orientation of new Council members.

The meeting will be open to the public. Persons who wish to attend should notify Donald A. Warman, c/o Regional Forester, P.O. Box 3623, Portland, Oreg. 97208, 503-221-3644. Written statements may be filed with the Subgroup before or after the meeting. An informal field trip in the area may be held on July 8, 1978, pending suitable weather conditions.

Dated: June 7, 1978.

JAMES F. TORRENCE,
Acting Regional Forester.

[FR Doc. 78-16557 Filed 6-14-78; 8:45 am]

[3128-01]

Bonneville Power Administration

FISCAL YEAR 1980 PROPOSED CONSTRUCTION AND MAINTENANCE PROGRAM

Notice of Intent to Prepare A Draft Environmental Impact Statement

Bonneville Power Administration (BPA) hereby gives public notice of its intent to prepare and circulate a draft environmental impact statement (EIS).

The environmental statement will cover BPA's fiscal year 1980 proposed construction and maintenance program. BPA's proposed program for fiscal year 1980 contemplates construction or modification of approximately 60 to 120 miles of transmission line. In addition, four new substations and the possible expansion of four other substations are also under consideration. Also included in the program is the continued maintenance of BPA's regional grid which consists of 12,600 miles of transmission line and 347 substations, along with associated access roads, microwave communication facilities, and maintenance facilities. A proposed vegetation management program directed toward controlling tall-growing vegetation within transmission line rights-of-way is also included in the fiscal year 1980 program.

Although the draft EIS will be subjected to extensive public and agency review of BPA, at this time we are soliciting input to the EIS preparation process so that concerns identified now can be fully considered in the preparation of the draft statement. Accordingly, any suggestions or questions regarding the EIS should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, U.S. Department of Energy, P.O. Box 3621, Portland, Oreg. 97208, 503-234-3361, extension 5137.

Tentatively, the draft environmental statement is now planned for filing with the Environmental Protection Agency in August 1978.

Dated: June 12, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-16590 Filed 6-14-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32851 Agreement C.A.B. 1175, as amended; Order 78-6-78]

AGREEMENTS ADOPTED BY THE INTERNATIONAL AIR TRANSPORT ASSOCIATION RELATING TO THE TRAFFIC CONFERENCES

Order To Show Cause

Beginning in 1946, the Board approved a series of agreements that permit the establishment and operation of regional traffic conferences by the members of the International

Air Transport Association (IATA).[1] These conferences provide for consultation and agreement among U.S. and foreign air carriers on the price and conditions of service for much of the world's international air transportation. When agreements are reached for particular fares or terms of service, these "resolutions" are also considered by the Board for approval. The authority to approve inter-carrier agreements, and thus immunize them from the operation of the antitrust laws, is established in sections 412 and 414 of the Federal Aviation Act (Act).[2] Should the Board or another government disapprove an IATA agreement that establishes the basic fare structure, or if the agreement expires without replacement, an "open rate" situation occurs with each carrier free to set its own fares, subject to approval of the governments involved.

It has been almost 23 years since the Board has reviewed the IATA traffic conference mechanism. International air transportation has developed greatly during this time, and there has also been a significant change in the foreign ratemaking powers of the Board and the economic policies surrounding the use of those powers. In approving the initial agreement in 1946, the majority took the position that the IATA proposal was the best available solution to a problem arising from a deficiency in the Board's statutory powers over fares and rates in foreign air transportation.[3] At that time, the Board's international authority was limited to the removal of discrimination under section 1002(f) and the approval or disapproval of agreements filed pursuant to section 412. Central to the Board's decision was its lack of power to suspend and investigate international fares and rates. This underlying rationale is revealed by the Board's framing of the issue and its subsequent discussion in the case:

> In view of this consideration it appears that the issue presented in the instant case may be simply stated: Whether this Board shall exert an effective influence upon the rates charged by our American carriers in international air transportation, or whether those rates shall be subject to no control by our Government, thereby provoking unilateral control by other governments.
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> * * * * *
>
> It appears certain that in the present situation the alternative to rate agreement in the traffic conferences, subject in the case of American air carriers to the approval of the Civil Aeronautics Board, would be to provoke unilateral control by other governments of the rates charged by our carriers. Such a result should not be considered satisfactory to any of the governments concerned, including the Government of the United States.
>
> Furthermore, if this Board now were to disapprove the rate conference procedure, thereby striking down the only presently available machinery for rate control and at the same time stripping the Board itself of the only jurisdiction it now possesses over international rates, neither the antitrust laws nor any other laws of the United States would prohibit our air carriers from being forced to agree with other governments on the rates to be charged.[4]

The Board expressed displeasure with its limited statutory powers and pledged to renew its request that Congress amend the Act to grant it the same authority in foreign air transportation as it possessed domestically.[5]

Although not discussed directly by the Board in its order, other factors apparently influenced the decision to approve the traffic conferences. Europe in 1946 was ravaged economically by World War II and its flag carriers were relatively weak or non-existent. At the same time, U.S. air carriers had emerged from the war in a very strong competitive position with operations spreading rapidly around the world. In this environment, our European allies sought assurances that international air fares would be high enough to permit the development of their own flag carriers, and Britain and France expressed the fear that the United States would be unable to control "uneconomic rate cutting" by U.S.-flag carriers. Whatever the merits of their fears, these foreign governments restricted U.S. carriers to operations at fares approved by international agreement. In addition, while the bargaining powers of the United States in aviation matters could have been great, foreign policy considerations at the start of the post-war period argued for our taking a cooperative stance with Western Europe.

Circumstances have changed dramatically since 1946. In 1972, Congress enacted section 1002(j) of the Act which empowers the Board to investigate, suspend and order canceled a tariff that contains an unlawful fare or rate in foreign air transportation. This modification alone warrants reappraisal of our acquiescence in the conference method of rate-setting. Moreover, the U.S. carriers have ceased to dominate international aviation, and the bargaining power of our allies is now much more equal to our own. And while we still wish to be cooperative in our relationships with our trading partners, multilateral ratemaking through IATA does not appear to be the sole mechanism through which friendly and mutually beneficial aviation relationships can be structured. While many foreign governments still favor the conference method of rate-setting, it is no longer reasonable to assume that U.S. carriers alone have the resources to engage in price competition.

The time therefore seems ripe for the Board to consider its approval of the Traffic Conference Resolution. Relaxation of charter rules has led to lower fares for a greater portion of the traveling public and responsive competitive filings by the scheduled air carriers. The current open rate situation in the North Atlantic has also encouraged the institution of deeply discounted promotional fares. We view these developments as an example of competitive economic forces successfully at work. While this has been accomplished without withdrawing board approval of the IATA traffic conference mechanism, it does reflect the fact that the mechanism has broken down, at least temporarily. There is no assurance, however, that the present situation will continue, let alone that we will witness further progress toward a more competitive international order, so long as the ratemaking structure remains intact and can conceivably be reactivated. It therefore becomes necessary for us to explore thoroughly the merits of continuing our approval of the traffic conference machinery and related resolutions.

The basic IATA machinery established in 1946 and each of the many resolutions accepted since then have been immunized from the operation of the antitrust laws directly as a result of Board approval—despite the fact that otherwise many would be flatly prohibited by our basic antitrust law, the Sherman Act.[6] The Board's au-

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[1] Agreement CAB No. 493, IATA Traffic Conference Resolution, 6 CAB 639 (1946). See also Order E-269, January 31, 1947 (approved through February 1948); Agreement CAB No. 1175, Order E-706, July 21, 1947 (making certain changes in the organization of the traffic conferences and approving it through February 1948); Agreement CAB No. 493 (as revised by Agreement CAB 1175) 9 CAB 221 (1948) (approved through February 1950); Order E-3888, February 9, 1950 (approved through June 1952); Order E-6390, May 1, 1952 (approved through June 1955); Order E-9305, June 15, 1955 (approved for an indefinite period.)

[2] 49 U.S.C. 1382 and 1384, respectively. Section 412 requires the filing of all inter-carrier agreements for cooperative working arrangements and states that the Board shall approve the arrangement unless adverse to the public interest or in violation of the Federal Aviation Act. Section 414 relieves the parties to an approved agreement from the operations of the antitrust laws for conduct authorized, approved or required by the Board's section 412 approval.

[3] 6 CAB at 642-43.

[4] Id.

[5] Id. at 646.

[6] Price-fixing is, of course, a per se violation. *United States* v. *Trenton Potteries Co.*, 273 U.S. 392 (1927); *United States* v. *Joint Traffic Ass'n.*, 171 U.S. 505 (1898). Product standardization in furtherance of price-fixing—such as the restrictions IATA places on seating and other amenities in economy service—is also contrary to antitrust principles. *National Macaroni Manufacturers Ass'n* v. *F.T.C.*, 345 F.2d 421 (7th Cir. 1965).

Footnotes continued on next page

thority to immunize inter-carrier agreements represents a very significant departure from the competitive rules that apply to U.S. industries generally. The departure has been justified on the basis of the special economic circumstances that surrounded the Congressional decision to create an agency to regulate entry and price in air transportation. The grant of this authority does not mean that Congress intended us to exercise it lightly; on the contrary, there is strong precedent for the principle that antitrust immunity should be granted only where a failure to so to would frustrate the achievement of explicit statutory objectives.[7] The need for economic regulation of the airlines has never been considered to supplant the public policy underlying the antitrust laws, and the Federal Aviation Act has been interpreted to embody a preference for the achievement of the public interest through competition.[8] Furthermore, we believe that modern air transportation has proved itself to be quite adaptable to regulation by the marketplace,[9] and that we as regulators should rely increasingly on competition to promote the public interest. We have, in fact, increasingly allowed competitive forces to determine levels of price, market entry, and service.[10]

With specific reference to section 412 agreements, therefore, we believe that wide departures from the principles of the antitrust laws ought to be permitted, if at all, only to achieve important objectives that would otherwise be foregone. To a large degree, this belief is reflected in the *Local Cartage* standard, which is now used to test anticompetitive proposals.[11] Under this standard, the Board will not approve anticompetitive arrangements unless it can be demonstrated that they are required by a serious transportation need, or are necessary for the attainment of important public benefits.[12] However, the use of any test, including *Local Cartage*, for the initial consideration of a proposed anticompetitive agreement cannot effectively protect the public interest if the duration or scope of the agreement is permitted to extend beyond the circumstances that originally justified them. Since external circumstances are constantly changing, and the optimum mix of public policies changes correspondingly, the public interest can be served only if we periodically review such continuing arrangements.[13]

Determination of the legality of an anticompetitive agreement may be viewed conveniently as a two-part process. the first is to determine what benefits flow to the public from the agreement, directly or indirectly, in terms of the public interest standards of the Federal Aviation Act. The second is a determination of whether the agreement is necessary to achieve these benefits; this determination obviously requires as a chief part of the analysis a consideration of less anticompetitive alternatives.[14] This last appraisal—the consideration of more competitive alternatives—takes on central importance with our increasing reliance on competition in licensing and ratemaking, not to mention our recent reaffirmation of intention to rely on competitive solutions if they are available.[15]

Over the years, the airline industry has entered into a number of cooperative arrangements which we have approved, and which must be reconsidered in the context of our increased reliance on competition as a regulatory tool. We are committed to this task, and initiate it with this proceeding. While it is not possible to enumerate the order in which we will undertake these reevaluations, there are obvious reasons for us to begin with the IATA traffic conferences—namely, their great economic significance, their obvious departure from competitive norms and accepted antitrust policy, the change in circumstances since we originally approved them, the length of time that has elapsed since we reviewed that approval, and our experience with less anticompetitive alternatives.

The attached Appendix A contains examples of IATA resolutions adopted by the traffic conferences and approved previously by the Board. An illustration of the type of anticompetitive agreement which concerns us is IATA Resolution 064a, North Atlantic Economy Class Fares, which sets the minimum economy class fare level in the North Atlantic. Another example is IATA Resolution 060, Economy Class Conditions of Service, which establishes a maximum level of service for economy class travel, including rules on seating density, lounge accommodations, meal service and cabin attendants.

Although we tentatively find that the Board should withdraw its approval of the Traffic Conference Resolution and related resolutions, we recognize that certain functions performed by the conferences are not anticompetitive in nature and may result in valuable efficiencies. IATA Resolution 303, which establishes uniform procedures for forwarding mishandled baggage, may be an example of such an agreement. Another may be IATA Resolution 700, which creates a standardized system for the assignment of flight numbers.

We recognize also that virtually all foreign governments view IATA as a desirable mechanism for establishing prices in air transportation. Since fare and rate filings would still require approval by the governments involved, it is conceivable that withdrawing our approval of the traffic conference machinery may simply transfer the col-

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Footnotes continued from last page

Restrictions on advertising and limits on cargo sales are other competitive restraints which flow from the IATA conferences and would not be legal but for Board-conferred immunity.

[7] "Report to the White House Task Force on Antitrust Policy," printed in Congressional Record, Vol. 115, 91 Cong. 1 Sess. (1969), pp. 13890-907; "Report of the Task Force on Productivity and Competition," partially printed in the Congressional Record, Vol. 115, 91 Cong. 1 Sess. (1969), pp. 1562-661. Both of these presidentially appointed task forces recommended increased stress on competitive policy in business regulation. While the courts have been somewhat less sanguine about the effects and legality under existing regulatory statutes of complete reliance on competition, they have also taken a consistent view that the policies behind the antitrust laws should be given serious consideration. See, e.g., *Gulf States Utilities Co.* v. *F.P.C.*, 411 U.S. 747 (1973); F.M.C. v. *Swedish American Line, 390 U.S. 238 (1968). For a general discussion, see E. Zimmerman, "The Legal Framework of competitive Policies Toward Regulated Industries," in A. Phillips, ed., Promoting Competition in Regulated Markets (1975).*

[8] *Continental Air Lines, Inc.* v. *C.A.B.*, 519 F.2d 944 (D.C. Cir 1975), cert. denied, 424 U.S. 958 (1976); *Continental Air Lines, Inc.* v. *C.A.B.*, 522 F.2d 107, aff'd en banc, 522 F.2d 107 (D.C. Cir. 1975).

[9] See, e.g., Testimony of the Civil Aeronautics Board printed in Hearing on S. 2551, S. 3364, and S. 3536 Before the Subcom. on Aviation of the Senate Comm. on Commerce, 94th Cong. 2d Sess. 344 (1976).

[10] EDR-353, April 13, 1978; Improved Authority to Wichita Case, Order 78-3-78, March 16, 1978.

[11] Local Cartage Agreements Case, 15 CAB 850, 853 (1952).

[12] When originally approving the IATA traffic conferences, the Board did not subject the agreement to the type of antitrust analysis formulated six years later in *Local Cartage.* Since the parties to this proceeding have a need to know quite precisely the standards against which we will measure the arrangements at issue, some further word on the meaning and application of the *Local Cartage* standard is warranted. This matter is discussed further in the text.

[13] See *American Trucking Ass'n* v. *Atchison, Topeka, and Santa Fe Ry. Co.*, 387 U.S. 397, 416 (1967). See Report of the Senate Comm. on Commerce Science and Transportation on S. 2493, Report No. 95-631, 95th Cong. 2d Sess., proposing, in part, to amend section 412 to require resubmission of all approved agreements at least every 5 years.

[14] Capacity Reduction Agreement Case, Order 75-7-98, July 21, 1975. Members Minetti and West expressed the view in their concurrence in that case that consideration of less anticompetitive alternatives was an "indispensable element" of an evaluation of an anticompetitive agreement submitted to the Board for approval under section 412 of the Act. Order 75-7-98, concurrence of Members Minetti and West at 2, n. 4.

[15] Application of Eastern Air Lines, Order 78-3-108, March 23, 1978.

lective ratemaking function to a more politicized environment. Under the current IATA system, initial decisions are made by the carriers and are based largely on commercial considerations. Arguably, problems may be resolved more easily at this level than at the governmental, where political and diplomatic considerations may heavily intrude.

We must of course weigh these possibilities in reaching our final decision. They do not, however, alter our conclusion that the time has come for us to institute a review of the system, to determine whether our continued approval of the traffic conference resolutions is in the public interest.

In order to undertake this review, and in light of the Board's long-established legal standard for approval of air carrier agreements that may affect competition, the many changed circumstances since the Board's last review of the Traffic Conference Resolution, and the Board's increased reliance on competition as a means of insuring efficient and responsive air transportation, we tentatively find that the traffic Conference Resolution and related agreements[16] are no longer in the public interest and should no longer be approved by the Board.

If we ultimately confirm this tentative finding, we believe it will be neither practical nor desirable for us to attempt to eliminate the anticompetitive aspects of the Traffic Conference Resolution by withdrawing our approval in a piecemeal fashion. In the case of many of the hundreds of resolutions adopted by the traffic conferences, it is not possible to tell on their face whether they are anticompetitive; additional information is necessary. Furthermore, these resolutions were approved on the basis of the rationale set forth in our 1946 decision—a rationale, as we have already observed, that is no longer applicable. If then we decide to withdraw our approval of the anticompetitive agreements we will invite IATA to submit new agreements which it can justify as not anticompetitive in nature.

The Board is aware that alteration or withdrawal of its approval of the traffic conference mechanism would have far-reaching consequences for the international airline system. In order to help us assess the implications of such possible actions, we request interested parties in their comments to consider the following specific questions:

1. The costs and benefits to consumers and others of disapproval of the traffic conference system.

2. The kind of system or systems that would be likely to replace the present one if it were disapproved or modified; specifically the probable roles and influence of multinational associations such as the European Civil Aviation Conference and the International Civil Aviation Organization.

3. The extent to which U.S. antitrust laws would apply to airline ratemaking activities if traffic conference approval were withdrawn, and the effect of their application.

4. The adequacy of the Board's regulatory powers to deal with problems, such as predatory or discriminatory pricing, that conceivably could arise if traffic conference approval were withdrawn.

5. The likelihood of reasonably competitive pricing in the absence of IATA pricing agreements.

6. The possibility that different regions of the world, different phases of the air transportation business, or other differences in circumstances might warrant differences in the policy that ultimately emerges, or differing treatment in this review.

We anticipate extensive staff analysis of the comments in this proceeding before the Board renders a final decision. Furhtermore, it may be desirable to schedule oral argument and allow reconsideration, if necessary, before making effective any of the tentative findings contained in this order.

Interested persons will be given 120 days following service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained. Replies may be filed with the Board within 30 days of the date on which objections are due.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), and 412 and 414 thereof;

It is ordered that: 1. IATA and other interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions set forth here;

2. Any interested person having objections to the issuance of an order making final these tentative findings and conclusions shall, within 120 days after the date of service of this order, file with the Board and serve on the persons named in paragraph 7, a statement of objections specifying the tentative findings or conclusions objected to and providing statistical data and/or other evidence to support the statement of objections;

3. Replies to objections shall, within 30 days of the date on which objections are due, be filed with the Board and served upon the persons named in paragraph 7;

4. Notwithstanding paragraphs 2 and 3, individuals may submit their views by filing a single copy with the Board;

5. If timely and properly supported objections are filed, full consideration will be accorded the matter or issues raised before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with its tentative findings and conclusions if it determines that there are not factual issues presented that warrant the holding of an evidentiary hearing;

6. If no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with its tentative findings and conclusions; and

7. This order shall be served upon all holders of air carriers or foreign air carriers permits, or certificates of public convenience and necessity, IATA, Air Transport Association, Aviation Consumer Action Project, Air Line Pilots Association, National Air Carriers Association, and the Departments of Justice, State and Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[17]
Secretary.

O'MELIA, MEMBER, CONCURRING IN PART AND DISSENTING IN PART:

The time has come for a review of the role and mechanism of IATA. For altogether too many years we have grudgingly approved IATA agreements and have grumbled our displeasure over particular fare levels, rate structures, and seemingly restrictive conditions agreed to within IATA. In recent years the IATA rate-setting mechanism has been clearly inadequate in a number of areas. In some respects it appears about ready to break down, and the *ad hoc* measures taken to date to patch up the seams cannot form a

[16] The "related agreements" are all of the currently effective IATA resolutions adopted by the traffic conferences and joint traffic conferences except those agency resolutions which are being investigated presently in Docket 28672. The excepted resolutions are listed in Appendix B.

[17] All Members concurred except Member O'Melia who concurred in part and dissented in part and filed the attached concurring in part and dissenting in part statement. Chairman Kahn, Vice Chairman Minetti, Members West and Bailey filed the attached separate statement in reply to Member O'Melia's statement.

satisfactory basis for a long-range accommodation. Certainly, we have an obligation to consider the desirability and the consequences of altering, or perhaps even eliminating, at least insofar as United States carriers are concerned, the rate-fixing role of IATA. The Board should be supported in its long-range objective and in its response to what is a continuing responsibility. I concur that public comments on this issue should be invited and thorough discussion should be afforded.

However, when one considers the unique service that IATA has performed for the world air transport community for 30-odd years, the growth in air transportation experienced globally in matters where IATA has played a central role, and the reliance on IATA that U.S. and foreign aeronautical authorities and private industry components have enjoyed through the years, then the Board's action launching this examination seems unnecessarily abrupt and ominous, in both tone and format. Following a single, brief, closed-door session on a Friday afternoon the Board issues a press statement announcing that it is taking the "initial step to reconsider its previous approval" of IATA Traffic Conferences. It now issues a *show cause order* directing interested parties to submit comments why the Board should not make final its tentative finding and conclusion that the IATA Traffic Conference Resolution and related agreements are "no longer in the public interest and should no longer be approved by the Board." In light of the *ex cathedra* public statements made by senior officials of the Board categorizing IATA as an anti-competitive cartel, in light of the deregulation fervor that presently possesses Washington, in light of the series of major departures from past policy adopted in quick succession by the Board during the past few months, can interested parties feel confident that this is merely a review?

There are two particular aspects of this initiative that trouble me and prompt my issuing this concurring and dissenting statement: first, the show cause order sets forth tentative findings and conclusions which I cannot at this time endorse, and, secondly, there is an arbitrary and unilateral tone in the measure that I do not subscribe to, which is unnecessary and certain to cause irritation and resentment among foreign governmental authorities.

To begin with, the order adopted without reservation by the other Board Members tentatively finds that "The Board should withdraw its approval of the Traffic Conference Resolution and related resolutions". For some 30 years we have been making the opposite finding and reaching a contrary conclusion.[1] What has happened to make us virually overnight adopt this contrary finding? Even following 1972, when the Board was empowered with Section 1002(j) authority, the Board has continued for six years to sanction the IATA mechanism by approving its resolutions and agreements. What compelling events have led to the Board's shift in position so suddenly, so completely? Is the tentative finding based on a factual record that there is no clear showing that the Traffic Conference Resolution is "required by a serious transportation need", or that it is necessary "to secure important public benefits"?[2] The Board's order to the standards of the *Local Cartage* case, but doesn't make clear whether the finding rests on those particular principles or on a more general prejudgment. If not on what record, then on what factual basis have we made this tentative finding? Is the Board to move to a final order jerking out its approval of a thirty-year arrangement involving scores of carriers and concerning the governments of most of the world's industrial countries without an evidentiary hearing? If this is, in fact, not truly a Section 412 action, but is rather the adoption of a new Board policy or practice, then wouldn't a proposed policy statement or an advance notice of rulemaking be more appropriate than a show-cause procedure? Would a show-cause order be valid for the alleged purpose of a review of IATA or for the withdrawal of our approval affirmed and reaffirmed for 30 years? This is one of my reservations. I have no basis for adopting a tentative finding "that the Traffic Conference Resolution and related agreements are no longer in the public interest and should no longer be approved by the Board".

This point needs some elaboration. The Board's order gives particular emphasis to the view that in considering an agreement for Section 412 approval, the Board must consider less anti-competitive—or more competitive—alternatives. Presumably, then, the Board's tentative finding is based on the assumption that there is a viable, alternative system in which a greater degree of maximum feasible competition is attainable than under the IATA traffic conference system. I assume, too, that this alternative system, in the minds of my colleagues, conducive to greater competition, is not fictional, is not a Utopian environment peopled with mythical countries and predictably motivated entrepreneurs and consumers, but is an alternative system that is built on today's world, with the same European, Asiatic and American countries, with the same international carriers with which we are all familiar, and with the same bureaucratic hurdles, economic impediments, and political constraints that circumscribe every economic and business decision. Do we know enough of such an alternative system, of its mechanism and world acceptance, to reach the tentative conclusion that it would be *more* conducive to maximum feasible competition than our present system? Do we know enough about it to issue a show cause order—a legal document affecting private interests—

[1] It is well to recall the views expressed by the Board in its Order No. 4525 of February 19, 1946, when it first approved for one year the IATA Traffic Conferences Resolution (Agreement CAB No. 493). After noting that Congress had clearly contemplated the established of carrier rates by agreement in the approval mechanism of section 412(a) of the Civil Aeronautics Act, the Board defined the issue to be "not whether competition is desirable and should be protected; it is whether the rate conference procedure will be destructive of the policy of competition which the Congress has declared and to which this Board is committed." The Board then stated:

"The competition contemplated by the Civil Aeronautics Act is not the unlimited and uncontrolled competition which permits destructive rates having no relation to the cost of operation but having the power to provide subsidy wars among nations. The Civil Aeronautics Act as construed by this Board provides regulated competition which seeks to avoid the stifling influence of monopoly on the one hand and the economic anarchism of unrestrained competition on the other. We cannot accept without proof the proposition that the present resolution, which establishes the only presently available machinery whereby the United States Government through this Board can share and have a voice in the regulation of the rates of our international air carriers, is inconsistent with that policy of controlled competition which the Civil Aeronautics Act contemplates." 6 CAB 639, 643-644 (1946).

The Board's approval of the IATA Traffic Conference mechanism was renewed and extended in 1947, 1948, 1950 and 1952 for limited periods, and was approved for an indefinite period in its Order No. E-9305, of June 15, 1955, in which the Board found that "extension of its approval beyond June 30, 1955 would not be adverse to the public interest or in violation of the Civil Aeronautics Act."

[2] "In issuing Order E-6485, June 4, 1952, from which the quoted tests were taken, the Board was not enunciation new standards in a vacuum, but was ruling upon a particular set of facts in a particular case. The concluding paragraph of that opinion stated:

"In view of all of the foregoing and upon consideration of the record we find that Agreement CAB No. 3735-A, insofar as it would bind its participants not to advance local cartage charges, constitutes concerted action substantially restraining the competition of independent truckers for local air-freight cartage in the Chicago and New York/Newark areas, contrary to the principles of the antitrust laws, that the agreement is not required by a serious transportation need nor in order to secure important public benefits, and that the agreement is adverse to the public interest." *Local Cartage Agreement Case*, 15 CAB 850, 857 (1952).

with a neat, tentative finding that must lead inexorably to the tentative conclusion that the Board should withdraw its approval of the Traffic Conference Resolution. This, in fact, is what the show cause order proposes to do. I personally must confess that I don't know what system in today's world would replace the IATA system and whether it would be more conducive to maximum feasible competition. It could conceivably be less conducive to competition than the present system. This is why I must reserve on the conclusion tentatively adopted by the other Members.

One further word on this issue of the current system versus an envisaged better regime, in which the good forces of pure market competition would reign, is that there is one element strengthening the Board's regulatory hand in the present system that would disappear in a non-IATA agreement environment. As the staff itself reminded the Board before the Board adopted the tentative findings and conclusions referred to above, under the IATA mechanism tariff agreements are subject to Board approval under Section 412 of the Act, and such approvals or disapprovals are not subject to Presidential review nor subject to approval by other governmental agencies. This exclusive power of the Board has enabled it to exert significant influence on IATA tariffs and resolutions. The IATA complex has over the years accepted to a significant degree the Board's philosophy on fare levels, and has been moving, albeit slowly, in the direction indicated by the Board's liberalizing guidelines on fare structures and on terms and conditions of carriage. If the Board, by disapproving the IATA mechanism, throws the final approval of fare suspension into the lap of the Executive Branch, I wonder if we can feel confident that these international fare decisions will continue to be made by the U.S. Government solely on the basis of economic considerations and with a view to maximizing free competition, or are those decisions to be dictated by political or bureaucratic considerations? Are we sure that the U.S. Government could negotiate free market conditions with even our closest bilateral partners? Is the grant of 1002(j) authority to the Board by Congress to be used to dissipate whatever influence the Board has been able to exert on international fares? Parties wishing to comment on the Board's show cause order may want to address this particular issue.

Before leaving this point, I would raise the further question of whether the Board's tentative findings and conclusions on IATA reflect current, publicly announced United States Government policy. The President's Statement on *International Air Transport Policy of the United States*, issued in September 1976, in the section on *Fares and Rates*, declared that the preferred means of assuring economic efficiency was through the operation of free market forces, but noted that fundamental restraints limited the operation of free competition in international air services. The Statement then went on to describe the contemplated *Role of IATA* in the following terms:

> Most other governments are unwilling to accept a system in which fares are established by carriers unilaterally. The alternative of establishing fares by intergovernmental agreement, whether bilaterally or multilaterally, would be complex and unwiedly. Moreover, it is not a desirable alternative because governments should not be involved in fixing international fares as a general practice. Therefore, the United States at present intends to continue to accept the International Air Transport Association as the principal vehicle for intercarrier negotiation of scheduled tariffs. At the same time, IATA and its member carriers should revise their tariff-setting structure, so that it can be more responsive to market forces and innovative fare programs including greater flexibility for rate setting by individual carriers.

The tentative finding and conclusion of the Board in the present order are clearly at odds with the published Statement of Policy. It would be useful, if the Presidential Statement of Policy has been discarded or changed by the present Administration, to make this known publicly.

This is not a rhetorical point. The Department of Transportation, acting on behalf of an interagency group of Executive Branch agencies, has just issued on May 19, 1978, a Proposed Policy Statement on International Air Transportation Negotiations. This official *Notice of Proposed Policy Statement* invited public participation in a hearing to be held on June 27, 1978, to develop a final statement for Presidential approval. If the Executive Branch agencies has in mind overturning the IATA ratemaking mechanism, this would have been an excellent time to surface such a plan. It does not do that. Since the IATA mechanism for setting rates is included by reference in most of the bilateral intergovernmental air transport agreements of the United States, a master plan for air transport negotiations cannot assume U.S. Government rejection of IATA without specific reference. In addressing the question of *Pricing*, the Proposed Policy Statement reiterates its emphasis on low prices, but makes no mention of IATA. It does, however, make a point that is quite relevant. The draft Statement reminds us that "U.S. International Air Transportation Policy cannot be implemented unilaterally. Our objectives have to be achieved in the system of international agreements that form the basic framework for the international air transportation system." I agree fully with that Statement. And that brings me to my second point.

I mentioned as my second objection that the Board's order has a unilateral character that does little good for our image, and is likely to make it more difficult for the Board to attain its international objectives. IATA is an established, important, world body, with over one hundred carrier members, a predominant number of which are government-owned. One of IATA's most important functions during its long history was to provide the framework for reaching fare agreements through its traffic conferences. And these fare agreements have been of critical importance in the transatlantic and transpacific markets linking principal aviation countries with the United States. The Board's show cause directive today threatens to terminate this important, multilateral function by a final unilateral Board decision that will not have been discussed in international consultations and that will not be a reflection of intergovernmental agreement or consent. In light of recent Board actions on charter liberalization, foreign governments espousing different economic or policy philosophies may view the present action as further evidence of the Board's insensitivity to international aviation relationships. The order directs "IATA and other interested parties" to show cause why the Board should not make its tentative findings effective. It is *their* burden to dissuade us. If foreign sovereign governments want to consider themselves "interested parties", and supplicants before the Board, they can submit their views too. The Board will scrutinize them also to decide whether their submissions have met the burden of proof. If we decide that they don't, then the Board, as the order states, "may proceed to enter an order in accordance with its tentative findings and conclusions", thus severing IATA's tariff network from American shores. Present circumstances give us this power to yank the string. In asserting our Section 412 authority to cut down a longstanding international mechanism, which is an integral part of almost every bilateral air transport agreement to which the United States is a party, air transport agreement to which the United States is a party, the Board is proclaiming that it knows what system is best, and that it will make the final decision unilaterally as to what regime of fares and rates will govern air transport between foreign countries and the United States. The essence of this order is that the Board is proposing to resolve an international problem involving widespread intergovernmental interests with a unilateral solution to be decided by the Board in its chambers, using an expe-

dited show cause procedure. I cannot concur with this approach to what is in many respects a world community problem.

There is one further observation that needs to be made. IATA has demonstrated its willingness to consider change. In mid-May a special five-man task force sent recommendations to the IATA Executive Committee in Geneva on changes to the IATA Traffic Conference System. These contemplate reorganization to permit individual members some freedom to join or opt out of specific agreements while, at the same time, providing governments a greater role in negotiating the interests of those non-participating carriers. The Executive Committee has voted unanimously to submit the recommendations to the general membership for voting at the next Annual General Meeting, to be held in Montreal this June. Although it is too soon to predict, these changes may conceivably take IATA in the direction that the Board wants to move. Since the IATA changes may become more evident during the period being allowed for comment to the show-cause directive, the Board should be able to take possible IATA modifications into account in its deliberations, or may wish to withhold further action until it has a better idea of the impact on any such changes on the existing IATA ratemaking mechanism.

I began this concurring and dissenting statement saying that I believed it was time to conduct a review of IATA. To the extent that this exercise is a review, I support it fully. However, we do not have, in my opinion, the data or depth of analysis necessary to reach tentative conclusions on the dismantling of IATA nor do we have a sufficiently clear picture of what would replace it or how good it would be, to justify a procedure whose principal characteristic is expedience. I share the views expressed informally to the press by the Board's Chairman that we should move very cautiously and with great sensitivity to the views of foreign governments.

RICHARD J. O'MELIA.

MAJORITY'S SEPARATE STATEMENT RESPONDING TO MEMBER O'MELIA'S CONCURRENCE AND DISSENT

We note Mr. O'Melia's conclusion that the action we here propose is "at odds" with current government policy. We disagree.

Current Board policy is fully consistent with the 1976 International Air Transportation Policy of the United States. We continue to review and act on IATA agreements which are presented to the Board under our outstanding approval of the IATA machinery.

Many intervening events have taken place since the issuance of the 1976 Policy Statement which require a reevaluation of the IATA machinery and which call into question a basic premise of that policy.

For example, at this time we are no longer convinced that other governments are unwilling to accept a system in which fares are established by carriers unilaterally [1] and while we continue to agree that governments should not be involved in fixing international fares as a general practice we have reservations that the public is best served by continued acceptance of IATA as the principal vehicle for the establishment of scheduled tariffs.

Finally, we view our actions as fully consistent with current governmental policy. As Mr. O'Melia points out, a review of International Aviation Policy is being undertaken by the Executive Agencies. We have responsibility to conduct our own review under the Federal Aviation Act. This order is not dispositive of the issue. It is the commencement of a debate and review of Board policies which have existed since 1946.

ALFRED E. KAHN,
G. JOSEPH MINETTI,
LEE R. WEST,
ELIZABETH E. BAILEY.

APPENDIX A—EXAMPLES OF CURRENTLY EFFECTIVE IATA RESOLUTIONS

011 *Mileages and Routes for Tariff Purposes*—governs the calculation of trip-mileage for the construction of fares and rates.

021b *Rates of Exchange*—sets rates of exchange for the conversion of one currency into another.

030a *Conversion Rates and Tariff Level Factors*—governs the exchange rates for conversion of rates and fares from one currency into another.

037 *Advertising and Promotional Ethics*—places restrictions on the kind and form of advertising.

045a *Cargo Charters*—provides rules for the sale of cargo charters.

054j *North Atlantic—Europe/Middle East Supersonic Fares*—provides for the construction of minimum fares for travel on supersonic aircraft.

060 *Economy Class Conditions of Service*—governs the maximum level of service to be provided under economy fares; includes rules on seating density, lounge accommodations, meals, bar service, sales of merchandise, cabin attendants, and publicity.

061b *TC1 Economy Class Fares*—sets minimum economy fares between points in the Caribbean area.

064a *North Atlantic Economy Class Fares*—sets minimum economy fares across the Atlantic.

153 *Air/Sea Transportation*—governs conditions and routings of combined air/sea trips.

200 *Free and Reduced Fare or Rate Transportation*—governs the provision of free or reduced rate transportation to airline employees and their families, emergency medical personnel and supplies, etc.

[1] Recent experience in negotiations with foreign governments indicates that this may be the case.

270 *Passenger Ticket and Baggage Check Technical Specifications*—specifies format of interline passenger tickets and baggage checks.

300 *Form of Baggage Tag*—sets size and format specifications for baggage tags.

303 *Forwarding Mishandled Baggage*—governs procedures for expediting mishandled baggage.

305 *Local Baggage Committees*—establishes inter-carrier committees at several major airports to improve baggage handling procedures.

311 *Excess Baggage Charges*—establishes charges for excess baggage.

501 *Minimum Charges for Cargo*—sets minmum charges per shipment.

551 *TC1 General Cargo Rates*—sets minimum freight rates between points in Traffic Conference 1 (North and South America, and the Caribbean).

619 *IATA Restricted Articles Board*—establishes procedures for setting rules on carriage of hazardous materials.

650 *Standard Data Elements for Automated Exchange of Cargo Information*—provides data format specifications for computerized exchange of cargo information.

700 *Flight/Line Numbers*—specifies format of flight/line numbers.

705b *Interline Connecting Time Intervals Passenger*—provides for interline groups at local airports to set minimum connecting time intervals to assure smooth interlining of passengers and baggage.

810a *Passenger Sales Agency Rules*—establishes rules governing procedures to be followed by IATA passenger agents.

820a *Passenger Sales Agency Agreement*—provides uniform agency contract for IATA passenger agents.

APPENDIX B— IATA RESOLUTIONS EXCEPTED FROM THIS PROCEEDING

Agreement CAB 25606, R-1, R-3, and R-4.
Agreement CAB 24967, R-7.
Agreement CAB 20335, R-10.

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[6320-01]

[Docket 28366; Order 78-5-125]

ALASKA AIRLINES

Order Instituting Investigation

Alaska Airlines (ASA) has applied for a Denver-Seattle-Ketchikan-Juneau-Anchorage-Fairbanks segment, subject to a restriction that all flights over the segment originate or terminate at a point in Alaska. ASA also filed a motion for hearing in which it proposes first nonstop service between Denver and Anchorage (during the summer months), first single-plane service between Fairbanks and Denver, as well as additional competitive service between Seattle and Denver.

ASA's motion is supported by the Alaska Transportation Commission, the U.S. Department of Transportation, and civic parties from Anchorage, Denver, Fairbanks, Juneau, and Ketchikan. The Denver parties also filed a petition for leave to intervene.

Continental Air Lines and Western Air Lines answered in opposition. Both

argue that ASA's proposal does not offer any important new public benefits since the Continental-Western interchange already provides one-stop service between Denver and Anchorage and ASA proposes nonstop service only during the four summer months. Western also states that the connecting opportunities are better on the interchange, that nonstop service in the 2,404-mile Denver-Anchorage market would not be viable from an economic or operational standpoint, and that ASA has not included all required information in its motion for hearing. Continental argues that the Board should defer acting on ASA's application until it reaches a decision in the West Coast-Alaska Investigation, docket 30170, because Continental there proposes Denver-Anchorage single-plane, single-carrier service with important fare reductions. Continental and Western both point to the Seattle-Denver market as a major factor behind ASA's application. ASA filed a reply to these answers, accompanied by a motion for leave to file an unauthorized document. Because the reply contains some important information, we will grant the motion.

We have decided to set for hearing the portion of ASA's application requesting nonstop authority in the Denver-Seattle/Anchorage/Fairbanks/Juneau/Ketchikan markets. The new segment ASA seeks [1] includes several markets which are at issue in the Southeast Alaska Service Investigation, docket 31570, or the West Coast-Alaska Investigation, and/or in which ASA already has nonstop authority. We believe our scoping of the case encompasses the authority ASA is really seeking and needs to operate its service proposal. While we will place in issue whether new authority should be restricted to require that all flights originate or terminate at a point in Alaska, we will not impose this requirement as a pretrial restriction.

In accordance with the policy announced in our order instituting the Chicago - Albany / Syracuse - Boston Competitive Service Investigation (order 77-12-50), the offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and, if so, which carrier(s) should be selected. We therefore expect the instituted case to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in order 77-12-50.[2] We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighted with price and price/quality considerations. Moreover, as more fully set out in order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, it is ordered that:

1. That portion of the application of Alaska Airlines in docket 28366 which seeks nonstop authority between Denver, on the one hand, and Seattle, Anchorage, Fairbanks, Juneau, and Ketchikan, on the other hand, be set for hearing before an administrative law judge of the Board at a time and place to be designated later; the remaining portion of the application be dismissed;

2. In addition to the nonstop markets in issue, this proceeding will also consider whether any new authority awarded in this proceeding should be restricted to require flights to originate or terminate at a point in Alaska;

3. Any authority awarded in this proceeding shall be ineligible for subsidy;

4. To the extent the application in docket 28366 is set for hearing above, Alaska Airlines' motion for hearing be granted, otherwise it be denied;

5. The following be made parties to the proceeding in docket 28366: Alaska Airlines, Continental Air Lines, Western Air Lines, the Department of Transportation, the Alaska Transportation Commission, the Greater Anchorage Chamber of Commerce, the Greater Fairbanks Chamber of Commerce, the Fairbanks North Star Borough, the Greater Juneau Chamber of Commerce, the Greater Ketchikan Chamber of Commerce, and the City and County of Denver, the Public Utilities Commission of the State of Colorado, and the Denver Chamber of Commerce;

6. The petition for leave to intervene of the city and county of Denver, the Public Utilities Commission of the State of Colorado, and the Denver Chamber of Commerce be granted;

7. The motion of Alaska Airlines for leave to file an unauthorized document be granted;

8. Applications, amendments to applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of service of this order and answers shall be filed within 10 days after that; [3] and

9. All other carriers filing applications that they seek to have consolidated in the investigation instituted by paragraph 1, above, shall file environmental evaluations under section 312.12 of the Board's regulations within 30 days of the date of service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-16587 Filed 6-14-78; 8:45 am]

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[1] Fairbanks-Anchorage-Juneau-Ketchikan-Seattle-Denver.

[2] We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail. Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis on this point, no staff component will become a party until we have issued the second order; we see no reason, however, why the staff cannot submit a statement of issues and request for evidence as required by the administrative law judge.

[3] We delegate to the presiding administrative law judge the authority to consolidate by order any applications which conform to the scope of the proceeding.

[4] All members concurred.

[6320-01]

[Order No. 78-6-82; Docket No. 32651]

COMPAGNIE NATIONALE AIR FRANCE UNION de TRANSPORT AERIENS (U.T.A.)

Order to Reduce Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of May 1978.

By Order 78-5-45 the Board directed, under section 213.3(c) of its Economic Regulations, that Compagnie Nationale Air France (Air France) and Union de Transport Aeriens (UTA), French designated scheduled air carriers under the bilateral air transport agreement in effect between the United States and France, file with the Board their existing and proposed schedules of service between French Territory and the United States. The Board noted that consultations with the Government of France in April 1978 had failed to resolve a serious French violation of the U.S.-France Air Services Agreement of 1946, as amended, specifically the French prevention of Pan American World Airways' (Pan Am) "change of gauge" operations. The flight prevented by the French Government was to operate to Paris from the west coast of the United States via London on the same flight, but with a change of aircraft in London, beginning April 30, 1978.

On May 3, Pan Am was informed that its flight would not be permitted to discharge passengers at Paris, and when the flight arrived, it was ordered by French Government officials to return to London with the U.S. to Paris passengers.[1] Pan Am suspended

Footnotes continued on next page

[1] Pan Am began its operations as planned on April 30, arriving at Paris on May 1. The

its Paris operations temporarily, pending resolution of this dispute.

Accordingly, the Board found that "the Government of France had taken action which, over the objections of the United States Government, will impair, limit, terminate and deny the fair and equal opportunity of U.S. carriers to exercise the operating rights provided for in the United States-France Air Transport Services Agreement."

The Board further found that "in the present circumstances the public interest requires it to exercise its powers under Part 213 of the Economic Regulations, as amended, to require the filing of existing French air carrier schedules, and any that may later be proposed, to determine whether the operation of such services, or any part of them, may be contrary to applicable law or may adversely affect the public interest."

On May 16, 1978, joint counsel for Air France and UTA filed a motion for stay of Order 78-5-45. The Board denied that motion by Order 78-5-106. Anticipating the Board's denial of the motion for stay the airlines' counsel filed a similar petition in the U.S. Court of Appeals for the Second Circuit (New York), which was denied on May 25, 1978. A motion for stay to the Supreme Court was denied by Mr. Justice Marshall on May 26.

Following the issuance of Order 78-5-45 the Government of the United States proposed that a panel be convened to arbitrate the dispute on an expedited basis, recommending that a decision be submitted not more than 90 days after the panel is convened. The United States insisted that Pan Am be permitted to operate its planned services to Paris in the interim. The proposal also indicated the United States' willingness to be bound by the decision of the arbitrators.

By note dated May 13 (delivered May 15) the French Government agreed to the U.S. proposal for arbitration but indicated that the French authorities would continue to prevent the Pan Am flight from picking up or discharging passengers at Paris if a change of aircraft was effected at London, and suggested further consultations prior to arbitration. The U.S. responded by Diplomatic Note on May 18.

The effect of the French counterproposal is to continue to deny Pan Am its rights to serve Paris in a manner consistent with the Agreement, the very same situation which led to the issuance of Order 78-5-45. Considering the unsuccessful bilateral negotiations held in April 1978, the continued French denial of rights accorded to U.S. carriers, and in the absence of any indication that the French Government intends to permit the exercise of these rights, the Board finds, under section 213.3 of the Regulations, and in accordance with the representations made by the U.S. Government in the course of the consultations with the French Government, that: (1) by failing and refusing to approve Pan American's flight schedules and by precluding the flight from operating, the French Government, over the objections of the U.S. Government, has denied rights afforded all United States carriers by the Agreement and in fact has denied Pan American the ability to serve Paris in a manner consistent with the Agreement; (2) that a limitation on the existing schedules of Air France in response to the French Government's action is required in the public interest; and (3) that operations of schedules by Air France in excess of those set forth below would adversely affect the public interest.

The currently effective passenger schedules of Air France (effective for the most part through September 30, 1978), as published in the ABC World Airways Guide, show the following frequencies of scheduled operations of the carrier between France and the United States:

(1) Seven weekly Concorde services and fourteen weekly Boeing 747 services between New York and Paris;

(2) Six weekly Boeing 747 services between Paris and Houston (also serving Mexico City beyond Houston);

(3) Three weekly Boeing 747 services between Paris and Los Angeles;

(4) Five weekly Boeing 747 services between Paris and Chicago (Two flights serving Montreal as an intermediate);

(5) Three weekly Concorde services between Paris and Washington.

The Board finds that a disapproval of Air France's three frequencies currently operated in the Los Angeles-Paris market is an appropriate response to the French denial of Pan American's service plans in West Coast U.S.-Paris markets. Disapproval of these three weekly 747 frequencies should deprive a French carrier of operating rights roughly equivalent to the rights being denied Pan Am, without escalating or widening the dispute.

In reaching our conclusions as to the limitations on Air France's schedules required by the public interest, we wish to emphasize that the specific limitations provided here are not immutable. We draw the attention of Air France and the French Government to the provisions of section 213.3(e) of the Regulations, by which the carrier is authorized to make application to the Board for approval of any or all existing or proposed schedules in accordance with section 213.5. The Board will carefully consider any matters submitted by the carrier which might justify other or different schedule limitations, and would be prepared to modify the provisions of this order as may appear from the carrier's submissions to be in the public interest. The Board will of course immediately reconsider the cancellation if Pan Am is permitted to operate the rights to which it is entitled under the agreement.

It is therefore ordered, That: 1. Within thirty days after service of this Order, Air France shall not operate, or hold out to the public in any manner that it does operate, scheduled passenger-service frequencies (including extra sections) between the United States and France in excess of:

(a). Seven weekly Concorde services and fourteen weekly Boeing 747 services between New York and Paris;

(b) Six weekly Boeing 747 services between Paris and Houston (also serving Mexico City beyond Houston);

(c) Five Weekly Boeing 747 services between Paris and Chicago (two flights serving Montreal as an intermediate);

(d) Three weekly Concorde services between Paris and Washington.

2. Air France's existing passenger schedules of service between the United States and France are hereby disapproved, to the extent they exceed, in scheduled passenger service, the frequencies set forth in paragraph 1;

3. This Order shall be submitted to the President [2] and shall become effective on June 12, 1978.

4. It shall remain in effect until further order of the Board; and

5. It shall be served on Air France and the Ambassador of France in Washington, D.C.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

All members concurred.

[FR Doc. 78-16584 Filed 6-14-78; 8:45 am]

[6320-01]

[Docket Nos. 32711, 32282, 32430; Order F8-S-129]

DALLAS/FORT WORTH-NEW ORLEANS-FLORIDA SERVICE INVESTIGATION

Order Instituting Proceeding

On March 21, 1978, American Airlines filed an application in docket

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Footnotes continued from last page
flight crew and Pan Am station employees were questioned by French Government officials at the Paris airport on May 1 and 2, but the flights were not prevented from taking on or discharging passengers.

[2] This Order was submitted to the President on June 1, 1978.

32282 requesting nonstop authority between Miami/Fort Lauderdale and Dallas/Fort Worth. Concurrently, American filed a motion for a hearing on its application. In support of its motion, American argues that this market has not received the benefits of competitive nonstop service since Eastern discontinued its nonstop frequencies 18 months ago. The applicant proposes to operate four daily nonstop round trips between Dallas/Fort Worth and Miami and three daily nonstop round trips between Dallas/Fort Worth and Fort Lauderdale. American also promises to bring the benefits of its system-wide Super Saver fares to the passengers in these markets.

On March 30, 1978, the Tampa Bay Area Parties[1] filed a motion requesting that the scope of any investigation to hear the American application be broad enough to consider the needs of the Tampa-Dallas/Fort Worth market.[2] The Tampa Bay Parties concede that the 14 daily nonstop flights between Tampa and Dallas/Fort Worth are adequate for the needs of the local market, but they urge consideration of Tampa service with the American application so that Tampa will have an opportunity to obtain access to American's route system west of Dallas. On April 10, 1978, American filed an answer in support of the Tampa Bay motion and an amendment to its application to include Tampa.

Eastern Air Lines filed two answers, one in opposition to the motion of the Tampa Bay Area Parties and a second in opposition to American's motion for hearing. It argues that the Tampa Bay Parties have not even made a colorable case for consideration of the need for improved service to Dallas/Fort Worth and that the need for improved service between Tampa and points west of Texas can be heard in a number of cases already underway. It urges that the Tampa Bay motion should be denied because the American motion to which it is ancillary should also be denied.

Eastern disputes all of the bases which American cites in support of its motion and states that it will reinstitute nonstop service (two daily round trips) on May 1, 1978. It suggests that it will be able to compete more effectively with Braniff in the Dallas/Fort Worth-Miami city pair since much of Braniff's Denver support traffic now moves on recently inaugurated Denver-Florida nonstop flights. Eastern also asserts that American's claimed single plane and single carrier benefits have minimal public value, and notes that American proposes no fares lower than those already available to passengers in these markets.

Braniff, the other incumbent in the Dallas/Fort Worth-Miami market, also opposes the American motion. Braniff argues that American will not lower the lowest existing fare in any primary or beyond market and that it will not offer single-plane service to Miami/Fort Lauderdale in any new market. Braniff also suggests that an award of new authority to American in these markets will increase industry concentration at Braniff's expense.

Trans World Airlines filed an answer in opposition. TWA does not hold authority between Dallas/Fort Worth and Miami/Fort Lauderdale, but it does hold restricted authority between the Florida points and cities on its system west of Dallas/Fort Worth. TWA asks that the Board defer action on the American motion until it acts on TWA's petition in Docket 31371 for removal of the restriction which prohbits single-plane service between the Florida cities and TWA's western points.[3] As alternatives, TWA asks that its application for removal of these restrictions be consolidated with any proceeding to hear the American application or that the Board impose a pre-trial restriction to prevent single-plane service between Miami/Fort Lauderdale and any points west of Dallas/Fort Worth.

Delta and Texas International Airlines (TXI) answered in support of American's motion. Continental also supports American's request but suggests that an investigation of the service needs of the Dallas/Fort Worth-Miami/Fort Lauderdale markets be expanded to include New Orleans and Tampa service needs as well.

TXI filed a motion to consolidate its application in Docket 32430 with the American application in Docket 32282. In addition, TXI filed a reply to the Continental answer, along with a motion for leave to file an otherwise unauthorized document.[4] TXI opposes the Continental answer to the extent that it requests consideration of the needs of the Dallas/Fort Worth-New Orleans market. It states that this market is the subject of its own subpart M application in Docket 32315 and that the Board should not defer the subpart M proceeding for consideration with the larger investigation suggested by Continental.

Finally, Broward County, Fla., and the Dallas/Fort Worth Parties[5] filed answers in support of the American motion.

We have decided to grant American's motion for hearing and institute the *Dallas/Fort Worth-New Orleans-Florida Service Investigation*, Docket 32711, to consider the need for additional nonstop authority in the following markets:

(a) Dallas/Fort Worth-Tampa.
(b) Dallas/Fort Worth-Miami.
(c) Dallas/Fort Worth-Fort Lauderdale.
(d) New Orleans-Tampa.
(e) New Orleans-Miami.
(f) New Orleans-Fort Lauderdale.
(g) Tampa-Miami.
(h) Tampa-Fort Lauderdale.
(i) Miami-Fort Lauderdale.

We have included those markets suggested by the Tampa Bay Area parties and Continental since we are persuaded that the inclusion of additional markets will permit more applicants to propose a greater variety of services between and among all of these cities.

In accordance with the policy announced in our order instituting the *Chicago - Albany / Syracuse - Boston Competitive Service Investigation* (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and, if so, which carrier(s) should be selected. We therefore expect the instituted case to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50.[6]

We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

We will not include the issue of new nonstop authority in the Dallas/Fort

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[1] The Counties of Hillsborough and Pinellas, Fla., the city of Tampa, Fla., and the Greater Tampa Chamber of Commerce.

[2] Tampa is used as a short reference for Tampa/St. Petersburg/Clearwater throughout this order.

[3] TWA's petition has been deferred for consideration with its realignment application. See order 78-3-154, March 30, 1978; TWA has petitioned for reconsideration of this Order.

[4] We will grant this motion.

[5] The city of Dallas, city of Fort Worth, Dallas Chamber of Commerce, Fort Worth Chamber of Commerce and the North Texas Commission.

[6] We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail. Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis on this point, no staff component will become a party until we have issued the second order; we see not reason, however, why the staff cannot submit a statement of issues and request for evidence as required by the administrative law judge.

Worth-New Orleans market since that issue is the subject of another proceeding (Docket 32315). Nor will we include TWA's request for consolidation of its application for removal of restrictions which prohibit it from offering single-plane service between points in Florida and points west of Dallas. The TWA application in Docket 31371 does not include a request for authority in any of the primary markets which we have placed in issue in this case. As we noted in Order 78-3-154, we prefer to consider TWA's restriction removal request in Docket 31371 in the context of that carrier's realignment.

The three short intra-Florida markets have been included to provide all applicant carriers with the maximum operational flexibility in framing their proposals. While we expect that the focus of the case will be upon the longer-haul markets in issue, we do not feel that it is necessary to impose restrictions on new authority in any of these markets in advance of hearing.

Accordingly, it is ordered, That:

1. The motion of American Airlines for immediate hearing of its application in Docket 32282 be granted;

2. The motion of the Tampa Bay Area Parties to include consideration of Dallas/Fort Worth-Tampa/St. Petersburg/Clearwater authority in any proceeding instituted to hear the American Airlines application in Docket 32282 be granted;

3. An investigation to be known as the *Dallas/Fort Worth-New Orleans-Florida Service Investigation,* Docket 32711, be instituted under section 204 of the Act and be set for hearing before an administrative law judge of the Board, at a time and place to be designated later;

4. The investigation instituted in paragraph 3, above, shall consider whether the public convenience and necessity require that new nonstop authority be granted in the following markets:

(a) Dallas/Fort Worth-Tampa.
(b) Dallas/Fort Worth-Miami.
(c) Dallas/Fort Worth-Fort Lauderdale.
(d) New Orleans-Tampa.
(e) New Orleans-Miami.
(f) New Orleans-Fort Lauderdale.
(g) Tampa-Miami.
(h) Tampa-Fort Lauderdale.
(i) Miami-Fort Lauderdale.

5. If the answer to the issues in paragraph 4, above, is affirmative, the investigation shall consider which air carrier or carriers should be authorized to provide service in each market and whether any new or existing authority should be subject to any terms, conditions, or limitations;

6. Any authority awarded in this investigation shall be ineligible for subsidy;

7. The application of American Airlines in Docket 32282 (as amended) and of Texas International Airlines in Docket 32480 be consolidated to the extent that they conform to the scope of the investigation as described in paragraph 4, above; to the extent not consolidated, they be dismissed;

8. Texas International airlines' motion for leave to file an otherwise unauthorized document be granted;

9. The following be made parties to the proceeding instituted by paragraph 3, above: American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Texas International Airlines, Trans World Airlines, Broward County, Fla., the Dallas/Fort Worth Parties and the Tampa Bay Area Parties;

10. Applications, amendments to applications, motions to consolidate and petitions for reconsideration of this case shall be filed within 20 days of the date of service of this order and answers shall be filed within 10 days thereafter; [7] and

11. All carriers filing applications which they seek to have consolidated into this proceeding shall file environmental evaluations under section 312.12 of the Board's Regulations within 30 days of the date of service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[8]
Secretary.

[FR Doc. 78-16588 Filed 6-14-78; 8:45 am]

[6320-01]

[Docket 32075; Order 78-6-60]

EASTERN AIR LINES, INC.

Order To Show Cause

On February 3, 1978, Eastern filed an application and motion for hearing to amend its certificates for Routes 5 and 6 so as to add a new segment authorizing nonstop service between Albany, N.Y., and New York, N.Y./Newark, N.J. Eastern proposes to operate four daily nonstop roundtrips in the Albany-New York/Newark market, each of which is an extension of an existing New York/Newark-Atlanta/Florida nonstop flight. In support of its application, a Eastern alleges that the Albany-New York/Newark market has become a de facto monopoly for Allegheny [1] and requires competitive service; that the market is large enough to support another carrier; [2] that Eastern's proposal will also offer first single-plane service in the Albany-Atlanta/Miami/Tampa/Fort Lauderdale markets, as well as first single-carrier service to numerous cities on Eastern's system; that the broad range of Eastern's fare offerings would be available to Albany travellers for the first time; and that Eastern's proposal would result in a net operating profit of nearly $5 million, with only minimal diversion from other carriers.

Answers in support of Eastern's motion were filed by the County of Albany, the Albany area Chamber of Commerce, and the New York State Department of Transportation.

American, Command Airways and Altair Airlines filed answers in opposition to Eastern's motion. American, characterizing Eastern's application as an entry-mileage proposal, argues that it does not merit a hearing. Command, a Part 298 commuter that operates Albany-LaGuardia service, asserts that it has a significant interest in the market that should be protected. Command's theory is that commuters will be unable to enter and develop markets if certificated carriers are later permitted to compete there with them. Once examined in this light, Command concludes, Eastern's proposal does not present the public benefits necessary to justify expedited consideration. Altair, another commuter carrier, filed a motion for leave to file an otherwise unauthorized document, [3] accompanied by a late answer which echoes Command's argument.

Allegheny filed an answer stating that it was not opposed to Eastern's motion. Although alleging that it would suffer serious diversion losses to Eastern's proposed service, Allegheny observed that "extension of Eastern to Albany primarily for the purpose of linking that major eastern city with Eastern's system to points in the southeast (including Florida and Atlanta) appears logical. Certainly, the public should not be denied an opportunity for improved service between Albany and points on the Eastern system."

On March 23, Eastern filed a petition for an order to show cause, alleging that the answers fail to raise any issue of fact, law or policy which would require an oral hearing. Answers in support of Eastern's petition were filed by the County of Albany, the Albany Area Chamber of Commerce, and the New York State De-

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[7] We delegate to the presiding Administrative Law Judge the authority to consolidate by order any applications which conform to the scope of the proceeding.

[8] All Members concurred.

[1] Although both Allegheny and American are certificated in this market, American apparently operates flights only for aircraft positioning. In 1976 Allegheny carried 98 percent of the traffic. Table 10, CAB O. & D. Survey, 1976.

[2] The market generated 158,800 true O. & D. plus interline connecting passengers in 1976, or 218 per day in each direction.

[3] We will grant the motion.

partment of Transportation. Command filed the only answer in opposition, repeating its earlier arguments and contending that the use of show-cause procedures would be improper under the circumstances.

We have tentatively concluded, on the basis of the tentative findings below, that the public convenience and necessity require the amendment of Eastern's certificates for routes 5 and 6 so as to authorize nonstop Albany-New York/Newark service. We also tentatively find that Eastern is fit, willing and able to perform the air transportation it proposes and to conform to the provisions of the Act and the Board's rules, and, on the environmental evaluation submitted by Eastern, that our proposed action would not be the basis of a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Eastern's application, parallel to Piedmont's recent Boston entry proposal,[4] falls within the class of cases which can be handled by show-cause procedures due to the lack of any material issue of law, fact or policy requiring resolution in a formal evidentiary proceeding before an Administrative Law Judge. As we did in the Boston entry case we find here that the implementation of Eastern's service proposal would significantly benefit the traveling public in many Albany markets, including first single-plane service between Albany and Atlanta and Florida points, as well as substantial first single-carrier benefits (these are set forth in Appendix A). Eastern will be able to offer these benefits by means of a short extension of existing flights, thereby attracting new passengers to its New York-Atlanta/Florida flights and increasing revenues through relatively minor increases in costs. Eastern estimates that the net operating profit of these flights will be increased by nearly $5 million in the first year of service;[5] and we are satisfied that a plausible showing has been made that Eastern's service proposal, or a modification of it, can be economically feasible. Further, as in the Piedmont Boston case, we find that grant of this authority will not threaten the ability of any carrier to perform its certificate obligations.[6] Finally, we find that the public convenience and necessity require that the authority we propose to grant Eastern be permisssive, so that Eastern's management can have the flexibility to provide service or not as the demands of the market dictate.

In support of our use of show-cause procedures, we find that the answers to Eastern's motion and petition raise no substantial issues of law, fact or policy which require resolution by an oral hearing. The only opposition to Eastern's Petition is from Command, a Part 298 commuter carrier serving the Albany-LaGuardia market. We have consistently rejected granting commuters route protection from competition from certificated carriers,[7] and the idea is even more anomalous in light of our general policy of promotiong a more competitive environment in the certificated system.[8]

Interested persons will be given 30 days following the date of adoption of this order to show cause why these tentative findings and conclusions should not be made final. We expect that objections will be supported by detailed economic or legal arguments. If an oral evidentiary hearing complete with the opporutnity for cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Eastern's certificate for Routes 5 and 6 so as to add to each a new segment authorizing the nonstop scheduled air transportation of persons, property and mail between the terminal point Albany, N.Y. and the terminal point New York, N.Y./Newark, N.J.;

2. Any interested person having objections to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth here shall, within 30 days from the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support its objections; answers to objections shall be filed 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [9]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for further action;

5. Altair's motion for leave to file late be granted; and

6. A copy of this order shall be served upon all persons named in the service list of Docket 32075.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[10]
Secretary.

[4] Order 78-4-69, April 14, 1978.

[5] Motion of Eastern Air Lines for Expedited Hearing, Appendix E, p. 1.

[6] While American opposed Eastern's Motion, it failed to address the substance of Eastern's propsal. Moreover, it did not answer Eastern's petition for an order to show cause. Allegheny, which did not oppose the motion, also did not respond to the petition.

[7] *The Baltimore-Norfolk Service Case,* Order 76-6-53, June 9, 1976; *Great Lakes-Local Service Investigation,* 31 CAB 442 (1960); *TAG Airlines, Detroit-Cleveland Certificate,* 52 CAB 579 (1969).

[8] See, e.g., Order 78-4-69, April 14, 1978 (Piedmont Boston entry); Order 78-2-71, February 14, 1978, and Order 78-4-70, April 14, 1978, (*Ohio/Indiana Points Nonstop Service Investigation,* Order and Order on Reconsideration); Order 78-2-114, February 23, 1978 (*Atlanta-Charleston Competitive Nonstop Case*).

[9] Since provision is made for filing objections, no petitions for reconsideration will be entertained.

[10] All Members concurred.

APPENDIX A—*Eastern's Proposed Service Improvements*
[Docket 32075]

Market	Traffic [1]
2d competitive nonstop service	
Albany-New York/Newark	169,300
1st single-plane service	
Albany:	
Atlanta	14,610
Fort Lauderdale	16,850
Miami	14,230
Tampa	14,680
Total	60,370
1st single-carrier connecting service	
Albany:	
Birmingham, Ala	1,760
Charleston, S.C	3,220
Charlotte, N.C	4,750
Columbia, S.C	1,410
Columbus, Ga	490
Corpus Christi	320
Daytona Beach	4,260
Fort Myers	2,700
Gainesville	750
Greenville/Spartanburg, S.C	3,640
Jacksonville	3,640
Melbourne	1,510
Mobile	850
Montgomery, Ala	390
Nassau, Bahamas	[2]770
New Orleans	5,610
Orlando	12,390
Pensacola	650
Raleigh/Durham, N.C	4,630
Sarasota/Bradenton	4,320
Tallahassee	370
West Palm Beach	8,570
Total	67,000

[1] Table 8 True O. & D. and Table 10 Interline Connections for the year ended September 30, 1977.

[2] Table 16 city-pair and interline totals, year ended March 31, 1977.

[FR Doc. 78-16586 Filed 6-14-78; 8:45 am]

[6320-01]

[Order No. 78-6-61; Docket No. 32311]

LAKER AIRWAYS LIMITED

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of June, 1978. Application of Laker Airways Ltd. for renewal and amendment of foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Laker Airways Limited holds a permit authorizing it to engage in foreign air transportation of persons and their accompanying baggage between the terminal point London, England, and the terminal point New York, N.Y. It may also perform charter trips in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations. Laker's original permit, issued under Order 77-6-68, was approved by the President on June 13, 1977 [1] for a period of one year, subject to conditions.[2]

On March 28, 1978, Laker filed an application to renew its permit, and requested a waiver of the requirements of Part 312 of the Board's Regulations on the premise that the contemplated service will have no material effect on the environment. Laker also states that it relies upon the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c) to continue its existing permit in force until its application is decided by the Board.

On April 24, 1978, Laker filed a petition requesting that its application be handled by show-cause procedures. It also asks that certain conditions be removed from its permit: (a) submission of plans for handling passengers at New York's John F. Kennedy International Airport; (b) obtaining of written statements from each purchaser concerning confirmed reservations for alternate transportation on another scheduled airline and advising affected airlines within 2 hours of purchase of a Laker ticket; (c) compiling and retention for 3 months of passenger manifests to be furnished to any air carrier or foreign air carrier within 48 hours upon request; (d) filing of monthly statements listing by flight number and date all operated and canceled flights, scheduled and actual departure times, seating capacity, and seats sold; and (e) keeping the Board informed of any amendment to its U.K. license by supplying a certificated copy of the Opinion and Order of the United Kingdom regulatory authority.

No answers to Laker's application or petition have been filed.

At the time the foreign air carrier permit was originally issued to Laker there was much concern about (a) the impact of the proposed service on the existing scheduled and charter services operated by U.S. carriers; (b) the right of U.S. carriers to offer low-fare scheduled service competitive with Laker and free of unwarranted restrictions unilaterally imposed by the United Kingdom Government; (c) administrative and passenger-handling problems which might develop at J.F.K. International Airport because of the no-reservations feature of Laker's service; (d) potential abuse of other carriers' reservation services by "hedging"; and (e) possible difficulties relating to the negotiation of a new U.S.-U.K. Air Transport Agreement. However, the potential problems have either not been as severe as originally thought, have become moot because of competitive measures taken by U.S. carriers, or have been satisfactorily resolved in the course of bilateral consultations held between representatives of the United States and the United Kingdom since the signing of Bermuda II. Therefore, we believe that certain conditions originally included in Laker's permit are no longer needed. Specifically, we propose to grant Laker's request except for retention of a revised provision requiring it to file monthly traffic statements, except as otherwise may be provided by the Board.[3]

On the basis of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Laker Airways Limited is substantially owned and effectively controlled by nationals of the United Kingdom.

2. That Laker Airways Limited is fit, willing and able properly to perform the transportation described in the specimen permit attached to this order, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board;

3. That it is in the public interest to renew the foreign air carrier permit issued to Laker Airways Limited, with the elimination of certain conditions, in the specimen form attached;

4. That the public interest does not require an oral hearing;

5. That the public interest requires that the exercise of the privileges granted by the renewed permit shall be subject to the condition set forth below, the terms, conditions, and limitations contained in the specimen permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

The exercise of the privileges granted by the permit shall be subject to the condition that, except as otherwise may be provided by the Board, the holder shall file monthly statements with the Board's Bureau of Accounts and Statistics, within 30 days after the end of each month, listing by direction of travel, the number of flights operated, the number of seats sold (excluding infants).

6. That the renewal of Laker's permit will not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPCA), as defined in section 313.4(a)(1) of the Board's Regulations; [4]

7. That the charter permit issued to Laker by Order 77-3-23, which was suspended by Order 77-6-68, should be canceled;

8. That Laker's request for a waiver of Part 312 of the Board's Procedural Regulations should be granted; and

9. That except to the extent granted, the application of Laker Airways Limited in Docket 32311 should be denied.

It is therefore ordered, That: 1. All interested persons are directed to show cause why the Board should not: (1) make final its tentative findings and conclusions stated here; (2) issue an amended foreign air carrier permit to Laker Airways Limited, subject to the approval of the President, in the specimen form attached; and (3) cancel the charter permit issued to Laker by Order 77-3-23;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions issuing the proposed amended permit, and cancelling the charter permit issued to Laker by Order 77-3-23, shall, with 15 days

[1] The charter permit issued to Laker by Order 77-3-23, March 2, 1977, was suspended by Order 77-6-68 for as long as the scheduled permit remained in effect. We plan to cancel Laker's charter permit upon the effective date of renewal and amendment of Laker's scheduled permit.

[2] By Order 77-9-98, September 23, 1977, the Board denied Laker's Petition for Reconsideration seeking removal of certain conditions contained in its permit.

[3] We are placing this condition in the order rather than the permit to facilitate any revisions which may become necessary.

[4] Our tentative findings are based upon the fact that renewal of Laker's permit will not result in (1) a significant increase in civil aviation operations in the United States, and (2) a change in the annual consumption of 10 million gallons of fuel or more.

after service of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be 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 in accordance with its tentative findings and conclusions set forth in the order if it determines that there are no factual issues present that warrant the holding of an oral evidentiary hearing;[5]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Secretary shall enter an order which (1) shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. This order shall be served upon Laker Airways Limited, the Ambassador of Great Britain and Northern Ireland in Washington, D.C., and the Departments of State and Transportation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

All Members concurred.

SPECIMEN PERMIT

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER AS AMENDED

Laker Airways Limited is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations of the Board, to engage in foreign air transportation with respect to persons and their accompanied baggage, as follows: Between the terminal point London, England, and the terminal point New York, N.Y.

The holder shall be authorized to engage in charter trips in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air transportation; *However,* this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for British international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom of Great Britain and Northern Ireland shall be parties.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of Agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and The Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1 million or more to meet potential liability claims which arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in Agreement CAB 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The exercise of the privileges granted 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 permit shall become effective on ———— 1978. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement or amendment, which shall have the effect of eliminating the route or routes authorized by this permit from the routes which may be operated by airlines designated by the Government of the United Kingdom of Great Britain and Northern Ireland (or in the event of the elimination of any part of the authorized route, the authority granted shall terminate to the extent of such elimination); or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of the United Kingdom of Great Britain and Northern Ireland in lieu of the holder, or (3) upon the termination or expiration of the Air Services Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland effective July 23, 1977 (Bermuda II), as amended: *However,* clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States of America and the United Kingdom of Great Britain and Northern Ireland are or shall become parties.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on the ————.

Secretary.

Issuance of this permit to the holder approved by the President of the United States on —— in ——.

[FR Doc. 78-16585 Filed 6-14-78; 8:45 am]

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[6335-01]

CIVIL RIGHTS COMMISSION

MINNESOTA 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 Minnesota Advisory Committee (SAC) of the Commission will convene at 5 p.m. and will end at 9 p.m. on June 29, 1978, Capp Towers—Walnut Room, 77 East 9th Street, St. Paul, Minn. 55101.

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 the conceptual framework of the next project which will be on Police/Community Relations issues in West St. Paul.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 12, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16545 Filed 6-14-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

PUBLIC WORKS APPLICATION

Proposed Revision

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice of proposed revision to form ED-101A, "Public Works Application".

SUMMARY: The Economic Development Administration hereby publishes notice of the proposed revision of form ED-101A "Public Works Application" for the purpose of inviting public comment thereon. The application form is used by State and local governments, units of government, public institutions and public or private nonprofit corporations and associations devoted to local economic development to request Federal financial assistance for public works construction projects pursuant to titles I, II, III (section 403 only) and IV (economic development centers and "bonus grants" only) of the Public Works and Economic Development Act of 1965, as amended.

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

ADDRESS: Send comments on the proposed revision to: Economic Development Administration, Office of Public Works PW-20. Attention: Program Administration Division, Room 7077, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

V. Gene Larson, or Ailue O. Gunter, Program Administration Division, Office of Public Works Room 7077, Economic Development Administration, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230, telephone 202-377-3338 or 377-4780.

SUPPLEMENTARY INFORMATION: Interested persons may view the proposed revision at one of the following locations:

EDA Headquarters: Office of Public Works, Program Administration Division, Room 7077, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

EDA Regional Offices: Atlantic—Suite 10424, William J. Green, Jr., Federal Building; 600 Arch Street, Philadelphia, Pa. 19106, 215-597-4603: serving Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.

Southeastern—Suite 700, 1365 Peachtree Street NE., Atlanta, Ga. 30309, 404-881-7401: serving Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Midwestern—Suite A-1630, 175 Jackson Boulevard, Chicago, Ill. 60604, 312-353-7706: serving Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and Scott County, Iowa.

Southwestern—Suite 600, American Bank Tower, 221 West Sixth Street, Austin, Tex. 78701, 512-397-5461: serving Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Rocky Mountain—Suite 505, Title Building; 909 17th Street, Denver, Colo. 80202, 303-837-4714: serving Colorado, Iowa (except Scott County), Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Western—Suite 500, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Wash. 98109, 206-442—0596: serving Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

Associations: National Association of Counties, 1735 New York Avenue NW., Washington, D.C. 20006. Contact: John Murphy, Associate Director of National Association of Counties, Telephone: 202-785-9577.

U.S. Conference of Mayors, 1620 I Street NW., Washington, D.C. 20006. Contact: Dorothy Brodie, Assistant Director of United States Conference of Mayors, Telephone: 202-292-7572.

Dated at Washington, D.C., June 12, 1978.

HERBERT S. BECKER,
Director, Office of Administration and Program Analysis.

[FR Doc. 78-16613 Filed 6-14-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

UNIVERSITY OF CALIFORNIA SAN DIEGO

Issuance of Permit to Take Marine Mammals

On March 29, 1978, Notice was published in the FEDERAL REGISTER (43 FR 13088), that an application had been filed with the National Marine Fisheries Service by Dr. Gerald L. Kooyman, Associate Research Physiologist, University of California San Diego, Scripps Institution of Oceanography, P.O. Box 1529, La Jolla, Calif. 92037, to take by capture five (5) harbor seals (*Phoca vitulina*) for scientific research.

Notice is hereby given that on June 6, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Dr. Gerald L. Kooyman, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: June 6, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-16501 Filed 6-14-78; 8:45 am]

[3510-22]

GULF EXHIBITION CORP.

Issuance of Permit to Take Marine Mammals

On April 11, 1978, Notice was published in the FEDERAL REGISTER (43 FR 15178) that an application, (P-90B) had been filed with the National Marine Fisheries Service by Gulf Exhibition Corp., "Gulfarium", Highway 98 East, Fort Walton Beach, Fla. 32548, for a Permit to take six (6) bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on June 6, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to "Gulfarium", subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.: and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: June 6, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-16502 Filed 6-14-78; 8:45 am]

[3510-17]

Office of the Secretary

PRIVACY ACT OF 1974

Proposed New Systems of Records

The purpose of this notice is to propose two new Privacy Act Systems of

Records for the National Fire Prevention and Control Administration (NFPCA) of the Department of Commerce entitled: National Fire Academy Student Registration, COMMERCE/NFPCA-3, and National Fire Academy Instructor Records, COMMERCE/NFPCA-4.

The National Academy for Fire Prevention and Control was established within NFPCA to advance the professional development of fire service personnel and others engaged in fire prevention and control activities. Records containing personal information on students and instructors normally associated with such an educational program will be maintained in the two Privacy Act systems of records now proposed.

The purpose of the proposed NFPCA-3 is to furnish the Academy with typical student registration and transcript data. It will also provide a necessary source of background information concerning the effectiveness of the course measured by the use of the course material in students' geographic locations and the consequent reduction, if any, in fire losses.

The purpose of the proposed NFPCA-4 is to provide each instructor a list of courses taught by that particular instructor and students enrolled in each course. It will also provide the Academy with a list of all instructors; and the title, time and place of each course. Since student evaluations of the instructor and the course in question will be part of this system of records, the Academy will also be able to use this system in evaluating the quality of course content and presentation.

A complete description of each system is set forth below.

As required by the Privacy Act, the Commerce Department submitted a New System Report dated June 6, 1978, to the Congress and to the Office of Management and Budget.

Although the Act requires the opportunity for public comment only on the proposed new routine uses, comments regarding any portion of this notice will be given due consideration before final publication. Any interested person may submit written data, views, or arguments to the Assistant Secretary for Administration (Attention: Information Management Division, Room 5319), U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230, any time on or before July 17, 1978. The comments will be available, as received, for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays).

These systems of records will become effective 60 days from (the date of the New System Report), unless the Department notices to the contrary.

AUTHORITY: 5 U.S.C. 552 (a), (e) (4) and (11), sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896).

Dated: June 6, 1978.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

COMMERCE/NFPCA-3

System name:

National Fire Academy Student Registration, Commerce/NFPCA-3.

System location:

National Fire Academy, National Fire Prevention and Control Administration, 2400 M Street NW., Washington, D.C. 20036.

Categories of individuals covered by the system:

Students registered for Academy courses.

Categories of records in the system:

Student's name, home, and/or business addresses and telephone numbers; next of kin (in case of emergency); name of course; number of course credits; and grade, if any.

Authority for maintenance of the system:

Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2206, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supplying students with information on courses, credits and grades; supplying Academy Superintendent with record of student enrollment in Academy courses by geographic location; assessing use of course material in the field; and assessing the impact of course material on the community. Also, general routine uses of Prefatory Statement apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic storage media; and temporary paper records, which exist only until data is automated.

Retrievability:

Student records will be filed according to an alphanumeric code consisting of the student's birth date and first four letters of surname.

Safeguards:

Buildings employ security guards. Records are maintained in areas that are accessible only to authorized personnel who are properly screened, cleared and trained. Where information is retrievable by terminals, all safeguards appropriate to secure automated data (hardware and software) are utilized.

Retention and disposal:

Records are retained and disposed of in accordance with the Records Control Schedule.

System manager and address:

Associate Superintendent for Operations, Planning and Education, National Academy for Fire Prevention and Control, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

Notification procedure:

Information may be requested from: Director, Office of Administration, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. Requester should provide name and address, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the Notification section above.

Record source categories:

Subject individuals and instructors.

COMMERCE/NFPCA-4

System name:

National Fire Academy Instructor Records, Commerce/NFPCA-4.

System location:

National Fire Academy, National Fire Prevention and Control Administration, 2400 M Street NW., Washington, D.C. 20036.

Categories of individuals covered by the system:

Individuals teaching Academy courses.

Categories of records in the system:

Instructors' names, home, and/or business addresses and telephone numbers; titles of courses taught; dates and locations of courses; and evaluations of courses and instructors.

Authority for maintenance of the system:

Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 et seq., 2206(c) and 5 U.S.C. 301 and 3109.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintaining a list of instructors; selecting emergency replacement instructors; providing instructors with lists of courses and students taught. NFPCA will also use student evaluations of instructors to help determine effectiveness of courses taught. These evaluations will not be anonymous. Student evaluations will be a consideration in the rehiring of an instructor. Also, general routine uses of Prefatory Statement apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic storage media; and temporary paper records, which exist only until data is automated.

Retrievability:

Instructor records will be filed according to the surname of the instructor.

Safeguards:

Buildings employ security guards. Records are maintanined in areas that are accessible only to authorized personnel who are properly screened, cleared and trained. Where information is retrievable by terminals, all safeguards appropriate to secure automated data (hardware and software) are utilized.

Retention and disposal:

Records are retained and disposed of in accordance with the Records Control Schedule.

System manager(s) and address:

Associate Superintendent for Operations, Planning and Education, National Academy for Fire Prevention and Control, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036.

Notification procedure:

Information may be requested from: Director, Office of Administration, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. Requester should provide name and address, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

Contesting record procedures:

The Department's rules for access for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the Notification section above.

Record source categories:

Instructors and students.

[FR Doc. 78-16496 Filed 6-14-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

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

Name of Committee: Armed Forces Epidemiological Board.
Date of Meeting: July 6-7, 1978.
Time: 0900 to 1700 July 6. 0830 to 1230 July 7.
Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.
Proposed Agenda: The proposed agenda will include briefings on National Security Planning, on the USN Health Data Analysis Program, on infectious disease research by the USN and on the USN Asbestos Education Program. AFEB subcommittees will present progress reports and Armed Forces Preventive Medicine Officers will discuss their current activities. The meeting will conclude with a Board working session.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: June 8, 1978.

DUANE G. ERICKSON,
LTC, MSC, U.S. Army,
Executive Secretary.

[FR Doc. 78-16503 Filed 6-14-78; 8:45 am]

[3810-71]

Department of the Navy

FREDERICK N. DYER

Intent to Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of Title 32, Code of Federal Regulations, the Department of the Navy announces its intention to grant to Frederick N. Dyer of Columbus, Ga., a revocable, nonassignable, limited exclusive license for a period of five years under Government-owned United States Patent Number 3,905,132, entitled "Hidden Knowledge Detector," issued September 16, 1975, to inventor Frederick N. Dyer.

This license will be granted unless on or before August 14, 1978 an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, Va. 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, Va. 22217 on or before August 14, 1978. Also, copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Va. 22217, telephone 202-696-4005.

Dated: June 7, 1978.

P. A. WILLE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-16504 Filed 6-14-78; 8:45 am]

[1505-01]

DEPARTMENT OF ENERGY

Hearings and Appeals office

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of March 17, through March 24, 1978

Correction

In FR Doc. 78-11549 appearing at page 18605 in the issue of Monday, May 1, 1978, the signature and title at the top of the third column on page 18606 should read, "Richard T. Tedrow, Acting Director, Office of Hearings and Appeals."

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on June 20 and 21, 1978, at the offices of the IEA, 2 Rue Andre Pascal, Paris, France, beginning at 10:30 a.m. on June 20. The purpose of this meeting is to permit attendance by representatives of the IWP at a meeting of the IEA Standing Group on the Oil Market (SOM) and an ad hoc group of the SOM being held at Paris on June 20 and 21, 1978. The agenda for the meeting is under the control of the SOM and its ad hoc group. It is expected that the IWP representatives will be asked to discuss with the SOM and its ad hoc group the subjects listed below.

1. Proposed additions to historical financial reporting system.

2. Proposed publication of oil market data.

As provided in section 252(c)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., June 12, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-16540 Filed 6-14-78; 8:45 am]

[3128-01]

CONDUCT OF EMPLOYEES

Waiver Pursuant to Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of subsection 602(a) of the Act to "supervisory employees" (as defined in subsection 601(a) of the Act) of the Department of Energy who have financial interests in "energy concerns" (as defined in subsection 601(b) of the Act), where exceptional hardship would result.

It has been established to my satisfaction that the application of the divestiture requirements of subsection 602(a) to the individual named below with respect to the interests noted below would constitute an exceptional hardship within the meaning of 602(c) of the Act. Accordingly, I have granted him a waiver from the divestiture provision for those interested for the duration of his employment as a supervisory employee with the Department of Energy.

Name and Energy Concern Interest

Robert A. Low—Interests in energy concerns held in Trusts No. TS-15357 and No. TS-15358; Manufacturers Hanover Trust Co. and Madeleine M. Low, as Trustees, and Stuart M. Low, as substitute Trustee, under Agreement dated December 31, 1935, made by Madeleine M. Low for Stuart M. Low, Robert A. Low, and Doris Low Hirsch.

To minimize or eliminate any conflict of interest or potential conflict of interest, Mr. Low has recently instructed the trustees not to disclose to him the identity of any of the assets held by the trusts. In addition, Mr. Low shall, in writing, promptly request the trustees of the trusts, consistent with their fiduciary duties, to refrain from investing trust funds in energy concerns and to dispose of any interests in energy concerns currently held by the trusts. In the event of distribution of the corpus of either trust, Mr. Low shall immediately notify the Secretary of such event and thereafter promptly divest himself of any interests in energy concerns so distributed.

Dated: May 24, 1978.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 78-16547 Filed 6-14-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[ERA Docket No. SEPA 78-1, Supplement No. 2]

LAUREL PROJECT; SOUTHEASTERN POWER ADMINISTRATION

Conditional Extension of Short-Term Rates and Notice of Intent To Confirm and Approve Extension

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Conditional extension of short-term rates and notice of intent to exercise final confirmation and approval authority with respect to the requested extension.

SUMMARY: On May 9, 1978, the Assistant Secretary for Resource Applications requested the Administrator of the Economic Regulatory Administration to extend confirmation and approval of the existing short-term rates of the Laurel Project, Southeastern Power Administration through September 30, 1978. The purpose of this notice is to advise the public that: (1) The Administrator of ERA has conditionally extended the short-term rates through September 30, 1978, and (2) the Administrator of ERA intends to exercise final confirmation and approval authority with respect to the requested extension and to invite interested parties to submit written comments. An opportunity for an oral presentation will be afforded upon request.

DATES: Written comments are due on or before July 18, 1978. Requests for an oral presentation are due June 27, 1978. If a public hearing is requested it will be held on July 7, 1978. Speakers may submit written copies of their oral presentation at the hearing.

ADDRESSES: Requests for an oral presentation and/or 10 copies of written comments shall be submitted to: Office of Public Hearing Management, Box UC, Department of Energy, 2000 M Street NW., Room 2313, Washington, D.C. 20461.

The public hearing, if held will be in: Room 2105, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jerry Nicholas, Office of Utility Systems, Economic Regulatory Administration, 1111-20th Street NW., Room 550, Washington, D.C. 20461, phone 202-254-9690.

Richard W. Manning, Office of the General Counsel, 12th and Pennsylvania Avenue NW., Room 6146, Washington, D.C. 20461, phone 202-566-9653.

SUPPLEMENTARY INFORMATION: Pursuant to section 301(b) of the Department of Energy Organization Act, 42 U.S.C. § 7101 et seq., the function to confirm and approve power rates for the Southeastern Power Administration was transferred to the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulatory Administration (ERA).

The Southeastern Power Administration (SEPA) entered into a contract (Contract No. 89-00-1501-564) for the sale of power from the Laurel Project to East Kentucky Cooperative, Inc., for a period beginning on November 1, 1977, and ending on January 31, 1978. The schedule of rates and charges in the contract were to cover this interim period during which negotiations for long-term rates were to be conducted. The contract was extended on January 26, 1978, for an additional 3-month period through April 30, 1978. On April 21, 1978, the Administrator of the Economic Regulatory Administration, upon request of the Assistant Secretary for Resource Applications (Assistant Secretary), issued an order confirming and approving the short-

term rates contained in the contract through April 30, 1978, 43 FR 17857-8 (April 26, 1978).

The Assistant Secretary has requested ERA to extend its confirmation and approval of the short-term rates through September 30, 1978, on the ground that long-term marketing arrangements for the power produced at the Laurel Project have not been completed. The short-term contract rates requested to be extended are as follows:

$56,000 per calendar month for capacity, plus 10 mills per kilowatt-hour for energy declared and made available.

Pending final action on the requested extension, ERA has determined that the public interest would best be served by immediately extending on a conditional basis the short-term rates through September 30, 1978.

The public is invited to submit comments, as set forth in this notice, relative to the request for the extension of the short-term rates. At the conclusion of the comment procedure the Administrator of ERA will take final action on the SEPA request. If the short-term rate as finally confirmed and approved by the Administrator is less than the interim short-term rate, the overcharges, plus simple interest at the rate of 7 percent per annum, shall be refunded by SEPA.

COMMENT PROCEDURES: Interested persons are invited to submit comments with respect to the subject matter set forth in this notice to: Public Hearing Management, Box UC, Room 2313, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.d.t., on July 18, 1978.

Any person who has an interest in this matter or is a representative of a group or class of persons that has an interest in it may may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Public Hearing Management, Box UC, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., on June 27, 1978.

The request shall state the name of the person making the request, identify the interest represented and if appropriate state why he or she is a proper representative of a group or class of persons that has an interest, give a concise summary of the proposed oral presentation, and give a telephone number where the person may be contacted.

DOE reserves the right to select the persons to be heard, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited based on the number of persons requesting to be heard.

The public hearing, if any, will not be adjudicative in nature. A DOE official will be designated to preside at the hearing, if one is held. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

The hearing, if held, will begin at 9:30 a.m., on July 7, 1978, in Room 2105, Department of Energy, 2000 M Street NW., Washington, D.C.

Public comments, if any, and the hearing record, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., on June 9, 1978.

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

[FR Doc. 78-16548 Filed 6-14-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. CI60-607, et al.]

SIGNAL PETROLEUM (OPERATOR), ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JUNE 6, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1978, file wtih the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdication 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 beleves that a grant of the certificates or the authorization for the propsed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on it 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	Prices per 1,000 ft³	Pressure base
CI60-607, E, Aug. 22, 1977	Signal Petroleum (operator), et al., 2800 North Loop West, Houston, Tex. 77018.	Southern Natural Gas Co. Diamond field, Plaquemines' Parish, south Louisiana.	(1)	15.025
CI75-202, C, Sept. 6, 1977	Sun Oil Company (operator), et al., P.O. Box 280, Dallas, Tex. 75221.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	(2)	14.65
CI76-578, C July 12, 1977	Southern Union Supply Co. 1800 First International Bldg., Dallas, Tex. 75270.	Southern Union Co., Nipp Field, San Juan County, N. Mex.	(2)	14.73
CI76-578 C, Oct. 14, 1977	Southern Union Supply Co	Southern Union Co., North Vacuum Field, Lea County, N. Mex.	(2)	14.73
CI76-579, C, July 12, 1977	do	El Paso Natural Gas Co., Nipp Field, San Juan County, N. Mex.	(2)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Prices per 1,000 ft³	Pressure base
CI76-579, C, Oct. 14, 1977	.....do	El Paso Natural Gas Co., North Vacuum Field, Lea County, N. Mex.	(²)	14.73
CI77-428, C, Oct. 14, 1977	.....do	Western Gas Interstate Co., North Vacuum Field, Lea County, N. Mex.	(²)	14.73

[1]Applicant proposes to continue the services at the predecessor's previously authorized rate.
[2]Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-16415 Filed 6-14-78; 8:45 am]

[6740-02]

GULF OIL CORP., ET AL.

[Docket Nos. G-11637, et al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JUNE 7, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1]This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 5, 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 othewise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-11637, C, May 30, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie Mattix field, Lea County, N. Mex.	(¹)	14.65
G-12628, D, May 30, 1978	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79189.	Northern Natural Gas Co., certain acreage in the East Spearman field, Ochiltree County, Tex.	Depletion of production in paying quantities; applicant's leases and interests therein have terminated.	.....
G-14840, C, May 25, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Vinegarone field, Val Verde County, Tex.	(¹)	14.65
CI60-611, C, May 22, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Transwestern Pipeline Co., Grace-Godwin well located in sec. 29-1N-9E, Cimarron County, Okla.	(²)	14.65
CI75-605, C, May 30, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Government "AC" No. 2 well, Cherokee formation and the Wright Federal No. 2 well, Morrow formation, in Eddy County, N. Mex.	(¹)	14.65
CI75-605, C, May 30, 1978	Cities Service Co	El Paso Natural Gas Co., No. 5 Parkway west unit well located in sec. 20-T19S-R29E, Eddy County, N. Mex.	(¹)	14.65
CI78-391, C, May 24, 1978	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Bolack well No. 1, south half of sec. 29-T28N-R8W, San Juan County, N. Mex.	(¹)	15.025
CI78-519, C, May 30, 1978	Gulf Oil Corp	El Paso Natural Gas Co., certain wells located in the Crooked Creek, Robinson's Knob, and an undesignated field, Eddy County, N. Mex.	(¹)	14.73
CI78-573, C, May 25, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	El Paso Natural Gas Co., Sun McKay Federal well No. 2 (E/2 sec. 10-T19S-R32E), located in Lea County, N. Mex., and limited to the Morrow and Wolfcamp formations.	(³)	14.65
CI78-802 (G-11899), B, May 22, 1978.	Hall M. Lyons, Suite 1500, Beck Bldg., Shreveport, La. 71101.	Trunkline Gas Co., San Salvador (7,900 ft) Sand, Hidalgo County, Tex.	(⁴)	.....
CI78-803 (G-11899), B, May 22, 1978.	C. H. Lyons, Jr., Suite 1500, Beck Bldg., Shreveport, La. 71101.	.....do	"	.....
CI78-804 (G-16770), B, May 22, 1978.	Petroleum, Inc. (operator), et al., R. H. Garvey Bldg., 300 West Douglas, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., Eller Meyer No. 1 well, SW/4, sec. 2 and NW/4 sec. 11, all in 8N-56W, Weld County, Colo.	Depleted, plugged, and abandoned and applicable oil and gas leases have been released.	.....
CI78-805, A, May 22, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., certain acreage in Lea County, N. Mex.	(¹)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-806, B, May 23, 1978	Joseph I. O'Neill, Jr., and Raymond T. Duncan, P.O. Box 2840, Midland, Tex. 79702.	Panhandle Eastern Pipe Line Co., Mocane-Laverne field, Beaver County, Okla.	Depleted and no additional exploration, development or further production has occurred or is planned on the lease acreage.	.....
CI78-807, A, May 23, 1978	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., block 183 of the Ship Shoal area, Ship Shoal block 169 field, offshore, Louisiana.	(1)	15.025
CI78-808 (CI66-558), B, May 22, 1978.	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	Phillips Petroleum Co. (plant operator), Panhandle Eastern Pipeline Co., Mesa Barnes Nos. 1-87 well, Farnsworth southeast Upper Morrow field, Ochiltree County, Tex.	Reserves depleted	.....
CI78-809, A, May 22, 1978	Cotton Petroleum Corp., 4200 1 Williams Center, Tulsa, Okla. 74103.	Northern Natural Gas Co., certain acreage in Hansford County, Tex.	(1)	14.65
CI78-810 (G-13650), B, May 22, 1978.	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Arkansas Louisiana Gas Co., Colquitt field, Claiborne Parish, La.	Contract terminated Dec. 14, 1977, last deliveries were in 1966.	.....
CI78-811 (CI66-1038), B, May 22, 1978.	Phillips Petroleum Co	Tennessee Gas Pipeline Co., Sullivan City field, Hidalgo and Starr Counties, Tex.	The Nov. 27, 1956 contract terminated effective Jan. 19, 1977 and last deliveries under the contract were during 1970.	.....
CI78-812, B, May 23, 1978	Executive Properties, Inc., 3100 West 45th St., Amarillo, Tex. 79109.	Phillips Petroleum, Hugoton field, Sherman County, Tex.	(5)	.....
CI78-813, A, May 24, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., certain acreage located in the HA Creek field, Campbell County, Wyo.	(1)	14.65
CI78-814, B, May 24, 1978	Connally Oil Co., Inc., P.O. Box 768 Abilene, Tex. 79604.	Phillips Petroleum Co., Spraberry (Trend area), Midland County, Tex.	Depleted, last oil and gas production—September 1977, plugged and abandoned and oil and gas reserves are zero (0).	.....
CI78-815, A, May 24, 1978	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	United Gas Pipe Line Co., Overton field, Smith County, Tex., from top of Travis Peak formation to a depth of 12,300 ft below the surface.	(1)	14.65
CI78-816, A, May 25, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island block 251 field, offshore, Louisiana.	(1)	14.73
CI78-817, B, May 25, 1978	Sabine Production Co., 1200 Mercantile Bank Bldg., Dallas, Tex. 75201.	Trunkline Gas Co., Mulvey field, Vermillion Parish, La.	(6)	.....
CI78-818, A, May 25, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., West Cameron area block 576 field, offshore, Louisiana, Gulf of Mexico.	(1)	15.025
CI78-819, A, May 25, 1978	Exxon Corp.	Columbia Gas Transmission Corp., Pecan Island field, Vermillion Parish, La.	(1)	14.73
CI78-820, A, May 25, 1978	Terra Resources, Inc., 5416 South Yale Ave., Tulsa, Okla. 74135.	Northwest Pipeline Corp., Lincoln Road unit wells, Greater LaBarge Prospect, Sweetwater County, Wyo.	(1)	15.025
CI78-822, A, May 26, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Transwestern Pipeline Co., Horseshoe Bend field, Eddy County, N. Mex.	(1)	14.65
CI78-823, A, May 26, 1978	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Grynberg "11" Fed. Com. No. 1 well (Morrow formation), sec. 11-T25S-R26E White City (Penn) field, Eddy County, N. Mex.	(1)	14.73
CI78-824, A, May 26, 1978	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif., 90051.	Southern Natural Gas Co., block 84, Vermillion area, offshore, Louisiana.	(1)	15.025
CI78-825, B, May 30, 1978	Connally Oil Co., Inc., P.O. Box 768, Abilene, Tex. 79604.	Energy Reserves Group, Inc., Brahany (Mississippian) field, Yoakum County, Tex.	Depleted, last oil production September 1977, plugged and abandoned and oil and gas reserves are zero (0).	.....
CI78-826, A, May 30, 1978	Texas Pacific Oil Co., Inc., 1700 1 Main Pl., Dallas, Tex. 75250.	El Paso Natural Gas Co., State "A" A/C 2, well No. 62, Eunice South-Seven Rivers-Queen, Field, Lea County, N. Mex.	(7)	14.65
CI78-827, B, May 30, 1978	Nabob Production Co., P.O. Box 189, Amarillo, Tex. 79105.	Diamond Shamrock Oil & Gas Co., W. G. Reb unit ("Reb well") located in sec. 202, block 43, H&TC survey, Lipscomb County, Tex.	(8)	.....
CI78-828, B, May 30, 1978	Nabob Production Co., et al	Northern Natural Gas Co., Gray unit ("Gray well") located in sec. 57, block P, H&GN survey, Hansford County, Tex.	(8)	.....
CI78-829, (G-9986), B, May 30, 1978.	H. L. Hawkins, H. L. Hawkins, Jr., and Frank Kelly, Jr., 225 Baronne St., New Orleans, La. 70112.	Trunkline Gas Co., South Epps field, West Carroll Parish, La.	Ceased production, leases expired and all wells have been plugged and abandoned.	.....
CI78-830, A, May 30, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Sea Robin Pipeline Co., blocks 235 and 244, South Marsh Island area, offshore, Louisiana [9].	(1)	15.025
CI78-831, A, May 30, 1978	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., southwest Table Rock field, Sweetwater County, Wyo.	(10)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-832, A, June 1, 1978.....	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Bayou Chaland area, Lake Washington field, Plaquemines Parish, La.	(1)	15.025

[1] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[2] Applicant is filing to recommit leasehold and interest in well located thereon by reason of reacquisition resulting from well payout. Date of partial assignment of oil and gas leases was Nov. 2, 1977, conveying this interest to Phillips. Well payout was reached with June 1971 production, at which time, Phillips elected to convert to a 25 pct W.I. ownership with the remaining 75 pct well interest held by the operator.
[3] Applicant is filing under gas purchase agreement dated Feb. 8, 1978, amended by letter agreement dated Apr. 25, 1978.
[4] Reservoir depleted, last sales were made on January 1971, plugged and abandoned Feb. 13, 1971, lease expired from nonproduction and reverted to the owners, there are no recoverable reserves and there has not been additional exploratory efforts in the area. The lease was dropped and no additional activity will be undertaken by the owner.
[5] Casing was bad. Tubing couldn't be pulled. A very small amount of gas could be produced. Would not pay pumper and electricity much less do any remedial work at that price, plugged and abandoned, there will be no further exploration, acreage will be released and there have not been any sales to Phillips Petroleum since Sept. 1, 1975.
[6] Depleted, USA No. 1 and USA No. 1D were plugged and abandoned on Dec. 4 and 5, 1973, respectively and applicant's interests in the properties dedicated to the contract have been terminated.
[7] Applicant is filing under contract dated May 12, 1978.
[8] Depletion of the underlying gas reserves, the subject well has ceased to produce hydrocarbons in paying quantities since December 1977, thereby terminating the oil and gas lease between applicant and the royalty owners.
[9] Block 243 is involved only to the extent that the delivery point for gas from block 244 is at a platform located in block 243 from which platform the wells completed in block 244 were directionally drilled.
[10] Applicant is filing under gas sales contract dated Mar. 23, 1978.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-16418 Filed 6-14-78; 8:45 am]

[6740-02]

CITIES SERVICE CO. AND CITIES SERVICE OIL CO.

[Docket Nos. G-4579, et al.]

Redesignation

JUNE 8, 1978.

On October 27, 1977, the Commission was advised that effective October 1, 1977, the Certificate of Incorporation of Cities Service Oil Co. (Cities Oil) was amended to change the name to Cities Service Co. (Cities Service). Cities Service Co. requests amendment of the certificates and redesignation of the related rate schedules, as listed in the attached Appendix A to reflect the change in name, and for substitution of Cities Service for Cities Oil in proceedings presently pending before the Commission in Docket Nos. RM75-14 and RM77-13. Cities Service Oil has assigned and transferred the subject oil and gas properties to Cities Service Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 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.

KENNETH F. PLUMB,
Secretary.

EXHIBIT "A"

R.S. No., Purchaser and Certificate No.

6 Lone Star Gas Co., G-4579.
7 Lone Star Gas Co., G-4579.
8 Lone Star Gas Co., G-4579.
9 Lone Star Gas Co., G-4579.
56 Lone Star Gas Co., G-4579.
69 Lone Star Gas Co., G-4579.
90 Kansas-Nebraska Natural Gas Co., G-4579.
*91 Colorado Interstate Gas Co., G-4579.
*97 Panhandle Eastern Pipe Line Co., G-11755.
*99 Colorado Interstate Gas Co., G-12149.
100 Colorado Interstate Gas Co., G-12150.
102 Cities Service Gas Co., G-13304.
121 Kansas-Nebraska Natural Gas Co., G-4579.
*123 Panhandle Eastern Pipe Line Co., G-16191.
129 Natural Gas Pipeline Co. of America, G-18352.
130 El Paso Natural Gas Co., G-18456.
138 Panhandle Eastern Pipe Line Co., CI60-418.
*140 Northern Natural Gas Co., CI60-830.
142 Transwestern Pipeline Co., G-18236.
147 Transwestern Pipeline Co., CI61-1100.
148 Panhandle Eastern Pipe Line Co., CI61-1446.
150 Oklahoma Natural Gas Gathering Corp. and Pioneer Gas Products Co., CI61-1664.
151 Colorado Interstate Gas Co., CI62-26.
152 Natural Gas Pipeline Co. of America, CI62-72.
160 Northern Natural Gas Co., CI63-316.
162 Michigan Wisconsin Pipe Line Co., CI63-647.
163 Natural Gas Pipeline Co. of America, CI63-709.
164 Natural Gas Pipeline Co of America, CI63-710.
*169 Northern Natural Gas Co., G-4579.
*170 Northern Natural Gas Co., G-4579.
*171 Northern Natural Gas Co., G-4579.
172 Arkansas Louisiana Gas Co., CI64-136.
174 Northern Natural Gas Co., CI64-482.
*182 Michigan Wisconsin Pipe Line Co., G-13228.
191 Northern Natural Gas Co., CI64-773.
194 Panhandle Eastern Pipe Line Co., CI65-43.
197 Panhandle Eastern Pipe Line Co., CI65-837.
198 Panhandle Eastern Pipe Line Co., CI65-1204.
208 Northern Natural Gas Co., CI66-737.
*211 Panhandle Eastern Pipe Line Co., CI66-1154.
212 Northern Natural Gas Co., CI66-1329.
217 Northern Natural Gas Co., CI67-1566.
221 Panhandle Eastern Pipe Line Co., CI68-786.
226 Panhandle Eastern Pipe Line Co., CI68-1431.
229 Panhandle Eastern Pipe Line Co., G-4310.
233 Kentucky West Virginia Gas Co., G-7008.
234 Columbia Gas Transmission Corp., G-7009.
235 Columbia Gas Transmission Corp., G-7009.
236 Mapco Production Co., G-7012.
237 Kansas-Nebraska Natural Gas Co., G-7012.
238 Northern Natural Gas Co., G-7014.
243 Mapco Production Co., G-7018.
*244 Colorado Interstate Gas Co., G-8994.
248 Columbia Gas Transmission Corp., G-12487.
258 Cities Service Gas Co., CI61-1074.
259 Panhandle Eastern Pipe Line Co., CI61-1489.
261 Consolidated Gas Supply Corp., G-7074.
262 Consolidated Gas Supply Corp., G-7075.
263 Consolidated Gas Supply Corp., G-7076.
264 Consolidated Gas Supply Corp., G-7077.
265 Columbia Gas Transmission Corp., G-7078.
267 Columbia Gas Transmission Corp., G-7080.
269 Columbia Gas Transmission Corp., G-7081.
270 Equitable Gas Co., G-7083.
271 Columbia Gas Transmission Corp., G-7084.
272 Columbia Gas Transmission Corp., G-7085.
274 Consolidated Gas Supply Corp., G-11120.
277 Consolidated Gas Supply Corp., G-13074.
278 Consolidated Gas Supply Corp., G-14386.

279 Columbia Gas Transmission Corp., G-11648.
280 Consolidated Gas Supply Corp., CI60-139.
*281 Columbia Gas Transmission Corp., CI62-458.
282 Consolidated Gas Supply Corp., CI62-498.
284 Panhandle Eastern Pipe Line Co., CI63-1226.
285 Equitable Gas Co., CI63-1312.
287 Panhandle Eastern Pipe Line Co., CI63-1454.
290 Columbia Gas Transmission Corp., CI64-1493.
292 Columbia Gas Transmission Corp., CI66-351.
*293 Consolidated Gas Supply Corp., CI66-1250.
*294 Consolidated Gas Supply Corp., CI67-824.
297 Columbia Gas Transmission Corp., CI68-212.
298 Consolidated Gas Supply Corp., CI68-310.
299 Consolidated Gas Supply Corp., CI68-736.
300 Consolidated Gas Supply Corp., CI68-891.
303 Panhandle Eastern Pipe Line Co., CI69-341.
307 Panhandle Eastern Pipe Line Co., CI69-951.
309 Panhandle Eastern Pipe Line Co., CI69-1049.
313 Michigan Wisconsin Pipe Line Co., CI69-1236.
318 Consolidated Gas Supply Corp., CI70-129.
319 Mountain Fuel Supply Co., CI70-481.
325 Michigan Wisconsin Pipe Line Co., CI70-941.
326 Michigan Wisconsin Pipe Line Co., CI70-961.
327 Columbia Gas Transmission Corp., CI70-982.
333 Columbia Gas Transmission Corp., CI71-295.
334 Arkansas Louisiana Gas Co., CI71-324.
337 Consolidated Gas Supply Corp., CI71-492.
339 Columbia Gas Transmission Corp., CI71-559.
343 Colorado Interstate Gas Co., CI71-847.
344 Cities Service Gas Co., CI72-69.
347 Columbia Gas Transmission Corp., CI72-160.
386 Colorado Interstate Gas Co., CI72-709.
388 Panhandle Eastern Pipe Line Co., CI72-822.
389 Michigan Wisconsin Pipe Line Co., CI72-840.
391 Consolidated Gas Supply Corp., CI73-118.
393 Panhandle Eastern Pipe Line Co., CI73-117.
394 Consolidated Gas Supply Corp., CI73-206.
399 Columbia Gas Transmission Corp., CI73-635.
402 Arkansas Louisiana Gas Co., CI73-913.
408 Panhandle Eastern Pipe Line Co., CI74-615.
416 Panhandle Eastern Pipe Line Co., CI75-505.
417 Northern Natural Gas Co., CI75-539.
423 Panhandle Eastern Pipe Line Co., CI75-713.
431 Colorado Interstate Gas Co., CI76-333.
432 Panhandle Eastern Pipe Line Co., CI76-334.
434 Northern Natural Gas Co., CI76-381.
438 Panhandle Eastern Pipe Line Co., CI76-110.
452 Panhandle Eastern Pipe Line Co., CI77-673.
456 Panhandle Eastern Pipe Line Co., CI77-770.
454 Northern Natural Gas Co., CI77-822.

[FR Doc. 78-16422 Filed 6-14-78; 8:45 am]

[6740-02]

[Docket Nos. G-3912, et al.]

ASHLAND EXPLORATION, INC. (SUCCESSOR TO ASHLAND OIL, INC.)

Redesignation

JUNE 8, 1978.

On September 7, 1977, Ashland Exploration, Inc. (Applicant) filed an Application for certificates of public convenience and necessity authorizing continuance of service being rendered by Ashland Oil, Inc. By assignment dated and effective on October 1, 1977, Ashland Oil, Inc., assigned to Ashland Exploration, Inc., a wholly owned subsidiary of Ashland Oil, Inc., all of its right, title, and interest in and to the properties underlying the gas purchase contracts set forth in Exhibits "E" and "F" which is attached hereto and made a part hereof and by Assignment of Gas Purchase Contracts dated October 1, 1977, Ashland Oil, Inc., assigned to Applicant said gas purchase contracts set forth in Exhibits "E" and "F". Applicant requests that the gas rate schedules of Ashland Oil, Inc., after the succession in interest is approved, be cancelled and the gas purchase contracts presently on file with the Commission as Ashland Oil, Inc.'s, Federal Energy Regulatory Commission Gas Rate Schedules as set forth in Exhibits "E" and "F" in various Dockets, be redesignated as Applicant's Federal Energy Regulatory Commission Gas Rate Schedule Nos.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 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.

KENNETH F. PLUMB,
Secretary.

EXHIBIT "E".—*Gas rate schedules*

Ashland FPC GRS No.	Certificate Docket No.	Purchaser FPC Code No.	Suggested Ashland Exploration, Inc., GRS No.
1	Cancelled		
2	do		
3	do		
4	G-7663	011157	4
5	Cancelled		
6	do		
7	do		
8	do		
9	do		
10	do		
11	do		
12	do		
13	do		
14	do		
15	do		
16	do		
17	do		
18	do		
19	do		
20	do		
21	do		
22	do		
23	do		
24	do		
25	do		
26	do		
27	do		
28	do		
29	do		
30	do		
31	do		
32	do		
33	do		
34	do		
35	do		
36	do		
37	do		
38	do		
39	do		
40	do		
41	do		
42	do		
43	do		
44	G-7663	005708	44
45	Cancelled		
46	do		
47	do		
48	do		
49	do		
50	do		
51	do		
52	do		
53	do		
54	do		
55	do		
56	do		
57	do		
58	do		
59	G-12309	013767	59
60	Cancelled		
61	do		
62	do		
63	do		
64	do		
65	do		
66	G-13243	019494	66
67	Cancelled		
68	G-7663	011157	68
69	G-18117	012442	69
70	G-7663	011157	70
71	Cancelled		
72	CI62-419	013767	72
73	CI61-749	004031	73
74	CI62-191	013302	74
75	CI62-494	013767	75
76	Cancelled		
77	CI62-908	013767	77
78	CI60-738	014423	78
79	CI63-159	013767	79

EXHIBIT "E".—*Gas rate schedules*—Continued

Ashland FPC GRS No.	Certificate Docket No.	Purchaser FPC Code No.	Suggested Ashland Exploration, Inc., GRS No.
80	CI63-401.....	012442	80
81	CI63-489.....	012442	81
82	G-3913.....	004228	82
83	G-3913.....	004228	83
84	G-3913.....	004228	84
85	G-3913.....	004228	85
86	Cancelled...	.....	.....
87	G-3913.....	014730	87
88	G-3913.....	014730	88
89	G-3913.....	004031	89
90	G-3913.....	004031	90
91	G-3913.....	004031	91
92	Cancelled...	.....	.....
93	.....do.....	.....	.....
94	G-3913.....	004031	94
95	G-3913.....	004031	95
96	G-3913.....	004031	96
97	Cancelled...	.....	.....
98	.....do.....	.....	.....
99	G-3913.....	010172	99
100	Cancelled...	.....	.....
101	.....do.....	.....	.....
102	.....do.....	.....	.....
103	G-3913.....	017639	103
104	G-3913.....	012690	104
105	CI63-866.....	000810	105
106	Cancelled...	.....	.....
107	G-3892.....	003979	107
108	G-4309.....	014423	108
109	G-4316.....	014423	109
110	G-8447.....	003979	110
111	G-3912.....	003575	111
112	G-3912.....	003575	112
113	G-3912.....	004228	113
114	Cancelled...	.....	.....
115	G-3912.....	012735	115
116	G-3912.....	013302	116
117	G-3912.....	014979	117
118	G-3912.....	014979	118
119	Cancelled...	.....	.....
120	G-4328.....	014423	120
121	G-4314.....	014423	121
122	G-7230.....	013767	122
123	G-8446.....	003979	123
124	G-9947.....	013302	124
125	G-10478.....	014423	125
126	G-10523.....	003979	126
127	G-10546.....	003979	127
128	G-10606.....	013302	128
129	G-10803.....	003979	129
130	G-11402.....	013767	130
131	Cancelled...	.....	.....
132	G-12788.....	010011	132
133	G-12802.....	013767	133
134	G-13929.....	003979	134
135	G-3912.....	014423	135
136	G-17911.....	018728	136
137	G-18916.....	012442	137
138	G-20308.....	003979	138
139	CI60-350.....	005708	139
140	CI60-493.....	004031	140
141	CI61-16.....	024423	141
142	CI61-24.....	014423	142
143	CI61-73.....	003979	143
144	CI61-1182...	018728	144
145	CI61-1361...	014423	145
146	Cancelled...	.....	.....
147	CI62-477.....	013767	147
148	CI62-5450...	014423	148
149	Cancelled...	.....	.....
150	G-3912.....	003979	150
151	G-3913.....	004031	151
152	G-3913.....	004031	152
153	CI64-159.....	014423	153
154	CI64-423.....	019120	154
155	CI64-446.....	000810	155
156	CI64-980.....	018728	156
157	CI64-638.....	020127	157
158	CI64-644.....	013302	158
159	CI64-681.....	013767	159
160	CI64-686.....	000810	160
161	Cancelled...	.....	.....
162	CI64-1381...	000810	162
163	CI64-1422...	014070	163

EXHIBIT "E".—*Gas rate schedules*—Continued

Ashland FPC GRS No.	Certificate Docket No.	Purchaser FPC Code No.	Suggested Ashland Exploration, Inc., GRS No.
164	CI64-1440...	008850	164
165	CI65-123.....	010011	165
166	Cancelled...	.....	.....
167	.....do.....	.....	.....
168	.....do.....	.....	.....
169	CI65-441.....	013302	169
170	CI65-545.....	013767	170
171	CI65-660.....	004031	171
172	CI65-828.....	014423	172
173	Cancelled...	.....	.....
174	.....do.....	.....	.....
175	.....do.....	.....	.....
176	CI66-639.....	003575	176
177	CI67-269.....	014423	177
178	CI67-228.....	003979	178
179	CI67-341.....	014423	179
180	Cancelled...	.....	.....
181	CI67-633.....	000810	181
182	CI67-751.....	013767	182
183	CI62-1359...	018629	183
184	CI67-1098...	012442	184
185	CI67-1631...	013302	185
186	CI68-542.....	.....	186
187	CI68-746.....	013302	187
188	Cancelled...	.....	.....
189	CI68-983.....	003979	189
190	CI68-982.....	003979	190
191	CI68-986.....	003979	191
192	CI68-1237...	014423	192
193	CI69-197.....	004031	193
194	CI68-197.....	.....	.....
195	CI69-864.....	012442	195
196	CI70-101.....	003979	196
197	CI70-736.....	000810	197
198	CI70-1018...	014070	198
199	Cancelled...	.....	.....
200	CI71-113.....	020473	200
201	CI71-283.....	017639	201
202	CI71-404.....	004031	202
203	CI71-467.....	009283	203
204	CI71-477.....	009301	204
205	CI71-838.....	018728	205
206	Cancelled...	.....	.....
207	CI72-184.....	018728	207
208	CI68-979.....	012442	208
209	CI69-858.....	019240	209
210	CI72-286.....	013045	210
211	CI72-372.....	013043	211
212	CI62-505.....	004228	212
213	CI62-339.....	019240	213
214	G-10981.....	018629	214
215	G-10982.....	005708	215
216	G-10983.....	018629	216
217	G-20601.....	005708	217
218	G-20600.....	005708	218
219	CI60-120.....	019494	219
220	CI62-1097...	005708	220
221	Cancelled...	.....	.....
222	.....do.....	.....	.....
223	G-13874.....	018629	223
224	G-16362.....	013302	224
225	G-18150.....	018728	225
226	Cancelled...	.....	.....
227	CI67-594.....	019494	227
228	Cancelled...	.....	.....
229	CI67-717.....	013767	229
230	G-9579.....	018629	230
231	CI71-760.....	019691	231
232	CI72-255.....	012442	232
233	CI72-352.....	012442	233
234	CI73-98.....	019102	234
235	CI73-276.....	012442	235
236	CI73-324.....	005708	236
237	CI73-602.....	018629	237
238	CI71-606.....	019240	238
239	CI73-318.....	012442	239
240	CI73-377.....	012442	240
241	CI74-613.....	012442	241
242	CI75-24.....	012442	242
243	CI75-494.....	014979	243
244	CI75-521.....	003575	244
245	CI75-590.....	012442	245
246	Not issued..	.....	.....
247	CI76-565.....	014423	247

EXHIBIT "E".—*Gas rate schedules*—Continued

Ashland FPC GRS No.	Certificate Docket No.	Purchaser FPC Code No.	Suggested Ashland Exploration, Inc., GRS No.
248	CI76-645.....	003979	248
249	CI76-739.....	012442	249
250	CI76-791.....	003979	250
251	CI75-122.....	019240	251
252	CI77-280.....	012442	252
253	CI77-350.....	019494	253

EXHIBIT "F".—*Other FPC proceedings where Ashland Oil, Inc., is a participant*

Area or national rate:

Docket Nos. AR61-1, AR61-2, AR64-1, AR67-1, AR69-1, AR70-1, R-389-B, RM75-14, RM77-13, AR64-2.

Rulemaking proceedings:

Docket Nos. R-393, R-411, R-425, R-458, R-459, R-478, RM74-12, RM74-16, RM74-18, RM74-19, RM74-24, RM75-25, RM76-8, RM76-10, RM76-37.

Miscellaneous:

Docket Nos. CI75-45 et al., CI75-121, CP-76-238, RI75-112, RI77-57, CI76-338, CI76-345.

[FR Doc. 78-16398 Filed 6-14-78; 8:45 am]

[6740-02]

[Docket No. RI78-66]

H. N. BURNETT, ET AL.

Order To Show Cause

JUNE 7, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

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

FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR , provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

The producers listed in Appendix A have incurred refund obligations pursuant to section 4(e) or 7(c) of the Natural Gas Act relating to sales of natural gas in interstate commerce. Commission records do not reflect receipt of the refund disbursement reports required of the producers listed in Appendix A. A compilation of pertinent FERC rate schedules and purchasers involved is similarly set out in Appendix A.

These outstanding obligations have been delineated in various Commission orders directing disbursement or disbursement and flow-through of refunds. Such orders were issued in Permian Basin II Area, Docket No. AR70-1 (Phase I), issued March 14, 1978; Southern Louisiana Area, Docket Nos. AR61-2 and AR69-1, et al., issued August 19, 1975, and September 23, 1977; Rocky Mountain Area, Docket No. R-425, issued April 12, 1977; and Hugoton-Anadarko Area, Docket Nos. AR64-1, et al., issued March 17, 1975; and Hugoton-Anadarko Area, Docket Nos. AR64-1, et al., Southern Louisiana Area, Docket Nos. AR61-2, et al., Other Southwest Area, Docket Nos. AR67-1, et al., and Texas Gulf Coast Area, Docket Nos. AR64-2, et al., issued July 14, 1977.

The listed producers are therefore directed to show cause why they should not be found in violation of the Natural Gas Act for their failure to comply with the refund requirements of the above-listed orders. If the denominated producers do not respond, the Commission will take such action as is necessary to enforce its requirements under the applicable orders and the Natural Gas Act.

The Commission orders: (A) The producers listed in Appendix A are all respondents in this proceeding.

(B) Each such respondent is directed (1) to make refund disbursement and file refund disbursement reports and releases in triplicate, or (2) to show cause why it should not be held in violation of lawful orders duly issued pursuant to the Natural Gas Act. Responses shall be filed with the Secretary in accordance with the Rules of Practice and Procedure on or before July 31, 1978.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Area and producer	Rate schedule number	Purchaser
Hugoton-Anadarko:		
Burnett, H. N	13	J. M. Huber Corp.
Do	14, 15	Phillips Petroleum Co.
Coppinger, W. J.[1]	6	Cities Service Gas Co.
King Resources Co	1	Michigan Wisconsin Pipe Line Co.
Texas-Gulf Coast:		
Bass and Vessels	7, 9	Tennessee Gas Pipeline Co.
Cutbirth, J. Brown	1	Do.
Differential Corp.	1	Do.
Goelet, Robert G	1	Do.
Investors Syndicate of the Southwest	1	Florida Gas Transmission Co.
Logue & Patterson	2	Tennessee Gas Pipeline Co.
Merrick, John F	1, 3	Do.
RCA Investment Corp	1	Natural Gas Pipeline Co. of America.
Siboney Corp	1	Tennessee Gas Pipeline Co.
Other Southwest:		
Latimer, D. C	1	United Gas Pipe Line Co.
Whitaker, Douglas	3	Do.
Rocky Mountain:		
Amerada Hess Corp	2, 25, 49	El Paso Natural Gas Co.
Southern Louisiana:		
Alamo Petroleum Co.[2]	1	Transcontinental Gas Pipe Line Corp.
An-Son Corp	4	Southern Natural Gas Co.
Bateman, Earl G	5	Transcontinental Gas Pipe Line Corp.
Ciroco Corp	1, 2	Texas Gas Transmission Corp.
Cordell, J. H	2	Michigan Wisconsin Pipe Line Co.
Crow, David—Trustee	3	Transcontinental Gas Pipe Line Corp.
Eason Oil Co.[3]	55, 56	Texas Gas Transmission Corp.
Do	61	Columbia Gas Transmission Corp.
Energy Reserves Group, Inc.[4]	19, 35, 38	United Gas Pipe Line Co.
Do	104	Michigan Wisconsin Pipe Line Co.
Franks Petroleum, Inc	12	Texas Gas Transmission Corp.
Grigsby, Jack W	8	United Gas Pipe Line Co.
Halbouty, Michel T	11	Natural Gas Pipeline Co. of America
Hubbard, R. E., Jr	4	Transcontinental Gas Pipe Line Corp.
Jameson, F. E	2	Do.
Kellerman, R. E	1	United Gas Pipe Line Co.
Kewanee Oil Co	70	Do.
King, A. P., Jr	7	Southern Natural Gas Co.
King Resources Co	18	Do.
Maynard Oil Co	1	Michigan Wisconsin Pipe Line Co.
Mecom, John W	9	United Gas Pipe Line Co.
MPS Production Co., Inc	1	Columbia Gas Transmission Corp.
Newmont Oil Co	7	Florida Gas Transmission Corp.
Do	5	Tennessee Gas Pipeline Co.
Do	3, 6, 8	Transcontinental Gas Pipe Line Corp.
Oleum, Inc	15	Do.
Southern Natural Gas Co	F-6	Do.
Texas Crude Oil Co	11	Southern Natural Gas Co.
Texas International Petro. Corp.[5]	8	Texas Gas Transmission Corp.
Do	12, 15, 32, 33, 34	United Gas Pipe Line Co.
Three Sand T Oil Co., Inc	2	Transcontinental Gas Pipe Line Corp.
Triton Oil & Gas Corp.[6]	7	Southern Natural Gas Co.
Triton Oil & Gas Corp	1	Tennessee Gas Pipeline Co.
U.S. Oil of Louisiana, Inc	1	Southern Natural Gas Co.
Do	5	United Gas Pipe Line Co.
Do	1	Tennessee Gas Pipeline Co.
Warren American Oil Co	13	Texas Gas Transmission Corp.
Weiner, Ted	7	Southern Natural Gas Co.
Do	4, 6	Tennessee Gas Pipeline Co.
Do	3	Transcontinental Gas Pipe Line Corp.
Permian Basin II:		
Amerada Hess Corp	67	West Texas Gathering Co.

APPENDIX A—Continued

Area and producer	Rate schedule number	Purchaser
Texas Pacific Oil Co	19	Do.
Union Texas Petroleum	80	Transwestern Pipeline Co.

[1] Although Mr. Coppinger, as operator, claims that he owned no interest, he is responsible for coordinating the refund disbursement reports of the various working interest owners.
[2] Formerly Sword Co.
[3] Formerly Southwest Producing Co.
[4] Formerly Clinton Oil Co.
[5] Formerly J. C. Trahan Drilling Contractor Inc.
[6] Formerly Magna Oil Corp.

[FR Doc. 78-16435 Filed 6-14-78; 8:45 am]

[6740-02]

[Docket Nos. CS68-9, et al.]

EDWINA S. BROKAW MILLINGTON, (JOSEPH I. O'NEILL, JR.)

Applications for "Small Producer" Certificates [1]

JUNE 7, 1978.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before June 15, 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 rule of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding or to partipate 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 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 is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in 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.

Docket Number, Date Filed, and Applicant

CS68-9, September 24, 1977,[1] Edwina S. Brokaw Millington (Joseph I. O'Neill, Jr.), P.O. Box 2840, Midland, Tex. 79702.
CS72-965, September 12, 1977,[2] Exeter Exploration Co. (successor in interest to Exeter Drilling & Exploration Co.), 2300 Lincoln Center Building, Denver, Colo. 80264.
CS73-30, November 22, 1977,[3] Vincus Investments (Jairrds Corp.), P.O. Box 879, Sherman, Tex. 75090.
CS75-342, September 19, 1977,[4] The Fort Worth National Bank, independent executor of the estates of A. Harvey Arant and Lylla Arrant, P.O. Box 2050, Fort Worth, Tex. 76101.
CS76-164, December 23, 1977,[5] Betty Blair, individually, and doing business as H. H. Blair Oil Co., Box 138, Atlanta, Kans. 67008.
CS76-820, December 27, 1977,[6] F. H. N., Ltd. (Blackwood & Nichols Co., Ltd.), 3300 Liberty Tower, Oklahoma City, Okla. 73102.
CS77-456, December 12, 1977,[7] Willard Oil & Gas, Inc. (Oil Patch Leasing Corp.), P.O. Box 1086, Borger, Tex. 79007.
CS78-124, November 23, 1977, Tri-Color Oil Co., P.O. Box 36913, Los Angeles, Calif. 90036.

[FR Doc. 78-16416 Filed 6-14-78; 8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Being noticed to reflect name change from Joseph I. O'Neill, Jr., to Edwina S. Brokaw Millington.
[2] Being noticed to reflect name change from Exeter Drilling & Exploration Co. to Exeter Exploration Co.
[3] Being noticed to reflect name change from Jairrds Corp. to Vincus Investments.
[4] Being noticed to reflect court appointment of an independent executor of the estates of Lylla Arant, due to her death and A. Harvey Arant.
[5] Being noticed to include the H. H. Blair Oil Co., as a coholder of the certificate.
[6] Being noticed to reflect name change from Blackwood & Nichols Co., Ltd., to F. H. N., Ltd.

[6740-02]

[Docket Nos. G-2588, et al.]

SOHIO NATURAL RESOURCES CO. AND SOHIO PETROLEUM CO.

Corporate Name Change

JUNE 8, 1978.

Take notice that on April 17, 1978, Sohio Natural Resources Co. filed in Docket Nos. G-2588, et al. a petition to amend certificates of public convenience and necessity, to redesignate rate schedules, and to redesignate pending applications and proceedings to reflect the corporate name change from Sohio Petroleum Co. to Sohio Natural Resources Co. previously authorized by the Commission under certificates of public convenience and necessity heretofore issued to Sohio Petroleum Co. as an independent producer. Sohio Petroleum Co. filed an amendment to its Articles of Incorporation making the name change on December 23, 1977, with the Office of Secretary of State of the State of Delaware, the state of incorporation. No other changes were made by the amendment to the Articles of Incorporation.

Notice is hereby given that all certificates, rate schedules, and pending applications and proceedings as listed in the attached Appendix "B" are redesignated to reflect the corporate name change from Sohio Petroleum Co. to Sohio Natural Resources Co., effective December 23, 1977.

KENNETH F. PLUMB,
Secretary.

EXHIBIT "B"—SOHIO NATURAL RESOURCES CO.

DOCKETS AND RATE SCHEDULES LISTED IN PETITION

FERC gas rate schedule No.	Certificate docket No.	Purchaser
2	G-2588	Montana-Dakota Utilities Co.
3	G-4361	Tennessee Gas Pipeline Co.
4	G-4360	Do.
5	G-4359	Trunkline Gas Co.
6	G-4267	Tennessee Gas Pipeline Co.
14	G-4602	Texas Gas Transmission Corp.
20	G-5214	Tennessee Gas Pipeline Co.
24	G-5668	Texas Gas Transmission Corp.
26	G-5928	Transcontinental Gas Pipe Line Corp.
28	G-9491	Texas Eastern Transmission Corp.
29	G-10274	Natural Gas Pipeline Co. of America.
32	G-10773	Do.
33	G-11086	Do.
35	G-11668	Texas Eastern Transmission Corp.
36	G-12719	Colorado Interstate Gas Co.
37	G-12839	Natural Gas Pipeline Co. of America.

[7] Being noticed to reflect name change from Oil Patch Leasing Corp. to Willard Oil & Gas, Inc.

EXHIBIT "B"—SOHIO NATURAL RESOURCES CO.—Continued

FERC gas rate schedule No.	Certificate docket No.	Purchaser
38	G-13334	Panhandle Eastern Pipeline Co.
42	G-14247	United Gas Pipe Line Co.
43	G-14569	Texas Gas Transmission Corp.
45	G-17012	El Paso Natural Gas Co.
46	G-13135	Southern Natural Gas Co.
47	G-17791	Michigan Wisconsin Pipe Line Co.
48	G-13973	Transcontinental Gas Pipe Line Corp.
49	G-11450	Florida Gas Transmission Co.
51	G-19421	Northern Natural Gas Co.
52	G-19457	Columbia Gas Transmission Corp.
54	C160-489	Southern Natural Gas Co.
56	C160-522	United Fuel Gas Co.
57	C161-638	Texas Gas Transmission Corp.
58	C161-780	Cities Service Gas Co.
59	C1161-1662	Natural Gas Pipeline Co. of America.
60	C162-337	Transcontinental Gas Pipe Line Corp.
61	C162-596	Panhandle Eastern Pipeline Co.
63	G-11580	Northern Natural Gas Co.
64	G-18957	El Paso Natural Gas Co.
65	C161-202	Phillips Petroleum Co.
72	C162-826	Tennessee Gas Pipeline Co.
73	C162-1523	El Paso Natural Gas Co.
76	C163-411	Northern Natural Gas Co.
77	C163-514	El Paso Natural Gas Co.
78	C163-514	Do.
79	C163-514	Do.
80	C163-514	Do.
81	C163-514	Do.
82	C163-514	Do.
83	C163-514	Do.
84	C163-514	Do.
87	C163-1567	Panhandle Eastern Pipeline Co.
88	C164-213	Natural Gas Pipeline Co. of America.
89	C164-342	Mountain Fuel Supply Co.
91	C162-600	El Paso Natural Gas Co.
93	C164-1278	Northern Natural Gas Co.
95	C162-813	El Paso Natural Gas Co.
97	C162-883	Do.
98	C162-1022	West Lake Natural Gasoline Co.
99	C163-395	Do.
100	C162-535	El Paso Natural Gas Co.
102	C165-684	Michigan Wisconsin Pipe Line Co.
103	C165-104	Panhandle Eastern Pipeline Co.
104	C165-121	Cities Service Gas Co.
106	C165-260	Mississippi River Transmission Corp.
107	C165-175	Northern Natural Gas Co.
108	C165-319	Do.
109	C165-662	Colorado Interstate Gas Co.
110	C165-663	Phillips Petroleum Co.
111	C165-664	Colorado Interstate Gas Co.
112	C165-665	Panhandle Producing Co.
113	C165-666	Phillips Petroleum Co.
114	C165-667	Panhandle Producing Co.
115	C165-718	Texas Gas Transmission Corp.
116	C165-802	Do.
117	C165-1050	Lone Star Gas Co.

EXHIBIT "B"—SOHIO NATURAL RESOURCES CO.—Continued

FERC gas rate schedule No.	Certificate docket No.	Purchaser
118	C163-125	Northern Natural Gas Co.
119	C163-126	Natural Gas Pipeline Co. of America.
120	C163-1376	Do.
121	C161-77	South Texas Natural Gas Gathering Co.
122	C161-79	Do.
123	C166-44	Transcontinental Gas Pipe Line Corp.
124	C166-193	Do.
125	C165-1153	Tennessee Gas Pipeline Co.
126	C166-1347	Natural Gas Pipeline Co. of America.
127	C167-19	Transcontinental Gas Pipe Line Corp.
128	C167-159	Northern Natural Gas Co.
129	C167-199	Do.
130	G-4098	Lone Star Gas Co.
132	C168-226	Transcontinental Gas Pipe Line Corp.
133	G-3784	Do.
134	G-3784	Tennessee Gas Pipeline Co.
135	G-3784	United Gas Pipe Line Co.
137	G-17906	El Paso Natural Gas Co.
138	C161-618	Natural Gas Pipeline Co. of America.
139	C169-119	Northern Natural Gas Co.
140	C168-1428	Phillips Petroleum Co.
142	C169-159	Northern Natural Gas Co.
145	C169-307	Phillips Petroleum Co.
146	C169-308	Do.
147	C169-321	Do.
148	C169-333	Do.
149	C169-721	Northern Natural Gas Co.
150	C169-779	Do.
151	C170-750	Transcontinental Gas Pipe Line Corp.
152	C169-766	Kansas-Nebraska Natural Gas Co., Inc.
153	C169-849	Colorado Interstate Gas Co.
154	C171-93	Panhandle Eastern Pipeline Co.
155	C171-287	Pioneer Gas Products Co. and Oklahoma Natural Gas Gathering Corp.
156	C171-441	Panhandle Eastern Pipeline Co.
159	C173-499	Transcontinental Gas Pipe Line Corp.
160	C174-320	Texas Gas Transmission Corp.
162	C175-524	Colorado Interstate Gas Co.
163	C175-644	Northern Natural Gas Co.
164	C175-770	Do.
165	C176- 8	El Paso Natural Gas Co.
166	C177-271	Southern Natural Gas Co.[1]
167	C177-175	El Paso Natural Gas Co.
168	C176-807	Northern Natural Gas Co.
169	C178-251	Cities Service Gas Co.

[1]Application to withdraw filed June 27, 1977.

Area Rate Proceedings: AR64-2, AR67-1, AR69-1, AR70-1.

Other Proceedings: R-389, R-478, RM-75-14, RM-77-13.

[FR Doc. 78-16406 Filed 6-14-78; 8:45 am]

[3128-01]

Southwestern Power Administration

TENTATIVE SYSTEM POWER RATES

Changes in Dates for Public Comment

AGENCY: Southwestern Power Administration (SWPA), Department of Energy.

ACTION: Notice of Changes in Dates for Public Comment.

SUMMARY: A Public Information Forum was held on May 18, 1978, in Tulsa, Oklahoma, subsequent to a Notice published in the FEDERAL REGISTER on Wednesday, April 19, 1978 (43 FR 16545) at which time representatives of the Southwestern Power Administration explained to the public the tentative power rate schedules and supporting studies for a 42 percent increase in gross revenues for the integrated system. At the conclusion thereof, the time for dissemination of information to interested parties was continued until June 22, 1978, at which time another Public Information Forum will be held in the Langenheim Auditorium, Room 214, Tulsa City Hall, Tulsa, Okla. At the same time, the Public Comment Forum established by the previous Notice (43 FR 16545) for June 22, 1978, was rescheduled for July 20, 1978, at 9:30 a.m. to be held in the Aaronson Auditorium, City County Library, 400 Civic Center, Tulsa, Okla. The time due for written comments on the tentative rate schedules was extended from July 17, 1978, as provided by the previous Notice (43 FR 16545), to August 15, 1978.

DATES: A second Public Information Forum will be held on June 22, 1978, in Tulsa, Okla. The Public Comment Forum is rescheduled for July 20, 1978, in Tulsa, Okla. Time for comments on the proposed rate schedules has been extended to be due on or before August 15, 1978.

ADDRESSES: Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Okla. 74101. Five copies should also be submitted to the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. The Public Information Forum will be held at 9:30 a.m., June 22, 1978, in the Langenheim Auditorium, room 214, Tulsa City Hall, Tulsa, Okla., and the Public Comment Forum will be at 9:30 a.m., July 20, 1978, in the Aaronson Auditorium, City County Library, 400 Civic Center, Tulsa, Okla.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter M. Bowers, Chief, Divi-

sion of Power Marketing Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Okla. 74101, 918-581-7529.

SUPPLEMENTARY INFORMATION: Copies of the tentative rate schedules, the rate design study, and power repayment studies have been mailed to all SWPA customers and others who have expressed an interest in the subject. SWPA will continue to furnish copies of these materials upon request.

A second Public Information Forum will be held on June 22, 1978, in Langenheim Auditorium, Room 214, Tulsa City Hall, Tulsa, Okla., at 9:30 a.m., to explain to the public the tentative rate schedules and supporting studies. Questions may be received from interested persons. The forum will be conducted by a chairman who will be responsible for orderly forum procedure. Questions raised at the forum concerning the schedules and studies will be answered, to the extent possible, at the forum. Questions not answered at the forum will be answered in writing at least fifteen days before the public comment forum described below, except that questions that involve voluminous data contained in SWPA records may best be answered by consultation and review of pertinent records at SWPA offices.

A Public Comment Forum will be held on July 20, 1978, at 9:30 a.m., in the Aaronson Auditorium, City County Library, 400 Civic Center, Tulsa, Okla. At the Public Comment Forum, interested persons may submit written comments or make oral presentation of their views and comments. The forum will be conducted by a chairman who will be responsible for orderly procedure. SWPA representatives will be present, and they and the chairman may ask questions of the speakers. Persons interested in speaking should submit a request to the Administrator, SWPA, at least three (3) days before the forum so a speakers' list can be developed. The chairman may allow others to speak if time permits.

A transcript of each forum will be made. Copies of the transcript and of all documents introduced will be available on request for a fee.

Written comments on the tentative rates schedules are due on or before August 15, 1978. Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Okla. 74101. Five copies should also be submitted to the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Following review of the oral and written comments and the information gathered in the course of the proceedings, the Assistant Secretary for Resource Applications will announce a proposed decision on rates and send his proposal to the ERA for confirmation and approval. The ERA will allow the public an opportunity to make written comments on the proposal before a final decision is made by the ERA.

Issued in Washington, D.C., June 12, 1978.

WILLIAM P. DAVIS,
Deputy Director, of Administration.

[FR Doc. 78-16527 Filed 6-14-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 911-5; OPP-31016]

PESTICIDE PROGRAMS—APPLICATION TO REGISTER A PESTICIDE PRODUCT ENTAILING A CHANGED USE PATTERN

Notice of Receipt

Inter-State Oil Co., Inc., 87 Shawnee Ave., Kansas City, Kans. 66119, has submitted to the Environmental Protection Agency (EPA) an application to amend the registration of the pesticide product Preferred Bird and Squirrel Repellent Formula 3906 L (EPA Reg. No. 9731-1), which contains 90 percent of the active ingredients polybutene. The application proposes that the use pattern of this product be changed from squirrel repellent to squirrel and bird repellent. The application also proposes that the product be classified for general use. PM11.

Notice of receipt of this application does not indicate a decision by this Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. The comments must be received on or before July 17, 1978, and should bear a notation indicating the EPA Registration No. "9731-1". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application should be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone at 202-755-9315. The label furnished by Inter-State Oil Co., as well as all written comments filed pursuant to this notice, will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Notice of approval or denial of this application to register Preferred Bird and Squirrel Repellent Formula 3906 L will be announced in the FEDERAL REGISTER. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test date and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: June 7, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-16458 Filed 6-14-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-474]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JUNE 12, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned call signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

VA, 662-DSE-R-78 Central Virginia Educational Television Corp., Richmond, Va. (WD75). Renewal of license from: 10-1-78 to 10-1-81.

WA, 312-CSG-R-78 Communications Satellite Corp. et al., Brewster, Wash. (KA20). Renewal of license from: 6-30-78 to 6-30-81.

HA, 313-CSG-R-78 Communications Satellite Corp. et al., Paumalu, Hawaii (KA21)., Renewal of license from: 6-30-78 to 6-30-81.

CA, 314-CSG-R-78 Communications Satellite Corp. et al., Jamesburg, Calif. (KA23)..

Renewal of license from: 6-30-78 to 6-30-81.

GU, 315-CSG-R-78 Communications Satellite Corp. et al., Pulantat, Guam (KA28)., Renewal of license from: 6-30-78 to 6-30-81.

WV, 316-CSG-R-78 Communications Satellite Corp. et al., Etam, W. Va. (WA21)., Renewal of license from: 6-30-78 to 6-30-81.

MD, 317-CSG-R-78 Communications Satellite Corp. et al., Clarksburg, Md. (WA30)., Renewal of this developmental license from: 8-5-78 to 8-5-79.

PR, 318-CSG-R-78 Communications Satellite Corp. et al., Cayey, P.R. (WW20)., Renewal of license from: 6-30-78 to 6-30-81.

Amendment KAYS, Inc. d.b.a. Goodland Cable TV Co. Goodland, Kans. Amended to change coordinates to reflect the new location at: Lat. 39°19'39" N. Long. 101°43'40" W.

679-DSE-TC-(3)-78 CPI Satellite Telecommunications, Inc. Consent to transfer of control from: CPI Satellite Telecommunications, Inc. to TM Cablevision, Inc. the following stations: KD21 North Little Rock, Ark., WD24 Springfield, Ill., and KE79 Texarkana, Ark.

NJ, 680-DSE-TC-78 Crosswicks Industries (WD43), Point Pleasant Beach, N.J. Consent to transfer of control from Crosswicks Industries to TM Cablevision, Inc.

IN, 681-DSE-TC-78 Greater Lafayette TV Cable Co., Inc. (WH50), Lafayette, Ind. Consent to transfer of control from Greater Lafayette TV Cable Co., Inc. to TM Cablevision, Inc.

TX, 682-DSE-TC-88 Hill Country Cablevision, Inc. (KG93), Kerrville, Tex. Consent to transfer of control from Hill Country Cablevision Inc., to TM Cablevision, Inc.

KY, 683-DSE-TC-78 River City Cable T.V., Inc. (WB78), Louisville, Ky. Consent to transfer of control from River City Cable T.V., Inc., to TM Cablevision, Inc.

684-DSE-TC-(2)-78 Tower Communications Systems Corp. Consent to transfer of control from Tower Communications Systems Corp. to TM Cablevision, Inc., the following stations: WB53 Newark, Ohio, and WE47 Ashland, Ky.

TX, 685-DSE-TC-78 Uvalde Television Cable Corp. (KG91), Uvalde, Tex. Consent to transfer of control from Uvalde Television Cable Corp. to TM Cablevision, Inc.

TX, 686-DSE-TC-78 Westex Cable Corp. (KG92), Del Rio, Tex. Consent to transfer of control from Westex Cable Corp. to TM Cablevision, Inc.

TX, 687-DSE-TC-78 West Texas Microwave Co. (KF64), Midland, Tex. Consent to transfer of control from West Texas Microwave Co. to TM Cablevision, Inc.

000657-DSE-P/L-78 KJ30, Rocksprings-Canyon T.V. Co., Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Rocksprings, Edwards, Tex. 30°0'27" N. Lat., 100°12'15" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, U.S. tower model SAT/FLEC 2.

000658-DSE-P/L-78 KJ31, Television Signal Service, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: MENA, Polk, Ark. 34°35'21" N. Lat., 94°14'28" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, U.S. Tower model SAT/FLECT II.

000659-DSE-P/L-78 KJ32, Multipoint-Texas Co. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Houston, Harris, Tex. 29°45'0" N. Lat., 95°27'29" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 4.5 meters, Andrew ESA5-4HP.

000661-DSE-P/L-78 KJ33, Cable TV of Clarendon. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Clarendon, Donley, Tex. 34°56'6" N. Lat., 100°54'10" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, U.S. Tower Co.

000663-DSE-P/L-78 KJ34, Newcastle Cable TV, Co. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Newcastle, Weston, Wyo. 43°51'52" N. Lat., 104°11'22" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 4.5 meters, Andrew Corp Model ESA5-4HP.

000664-DSE-P/L-78 KJ35, Kansas State Network, Inc. d.b.a. Edmond Cablevision. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth Station. Location: Edmond, Okla., Oklahoma. 35°39'38" N. Lat., 97°28'15" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 5.0 meters, scientific Atlanta model 8008.

000668-DSE-P/L-78 KJ36, Kansas State Network Inc. d.b.a. Perry Cablevision. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Perry, Noble, Okla. 36°15'40" N. Lat., 97°16'36" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 5.0 meters, scientific Atlanta model 414.

000669-DSE-P/L-78 KJ37, Cinema 8 Productions Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: St. Louis, St. Louis, Mo. 38°41'24" N. Lat., 90°23'55" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 4.5 meters, Andrew ESA5-4HP.

000674-DSE-P/L-78 KJ38, Warner Cable Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Fayetteville, Washington, Ark. 36°03'58" N. Lat., 94°08'34" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF systems model 806-6M.

000678-DSE-P/L-78 KJ39, Gill Cable, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of Station: Fixed Earth station. Location: Palo Alto, Santa Clara, Calif. 37°19'02" N. Lat., 122°08'54" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF systems model 806-6-6M.

000688-DSE-P/L-78 KJ40, Midwest Video Corp., a Division of Home Theaters, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Clovis, Curry, N. Mex. 34°24'58" N. Lat., 103°12'27" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 5.0 meters, scientific Atlanta model 8008B.

000656-DSE-P/L-78 WH87, Cable Communications Operations, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Lima, Lima, Ohio. 45°45'30" N. Lat., 84°09'01" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 5.0 meters, scientific Atlanta model 8008B.

000660-DSE-P/L-78 WH88, Westover TV Cable Co., Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Brookhaven, Monongalia, W. Va. 39°38'16" N. Lat., 79°51'51" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 4.5 meters, Andrew ESA5-4HP.

000665-DSE-P/L-78 WH89, Vision Cable of Shelby, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Shelby, Cleveland, N. C. 35°18'40" N. Lat., 81°32'50" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF Systems model 806-6-6M.

000666-DSE-P-78 WH90, Virgin Island Publictelevision System. Application for authority to construct Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Charlotte-Amalie St. Thomas V.I. 18°20'30" N. Lat., 64°55'16" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 15.5 meters, Collins Radio Group. This is a major application within the meaning of section 1.1305 of the Rules on Environmental Processing.

000667-DSE-P-78 WH91, South Carolina ETV Commission. Application for authority to construct Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Spartanburg, S.C. 34°53'26" N. Lat., 81°49'09" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 10.0 meters, Collins Radio Group. This is a major application within the meaning of section 1.1305 of the Rules on Environmental Processing.

000670-DSE-P/L-78 WH92, Kennedy Cablevision. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Reidsville, Tattnall, Ga. 32°05'31" N. Lat. 82°07'44" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF systems incmodel 806-6-6M.

000671-DSE-P/L-78 WH93, Central-City Cable TV System, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Powderly, Muhlenberg, Ky. 37°14'58" N. Lat., 87°09'51" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF systems model 806-6-6M.

000672-DSE-P/L-78 WH94, Cablevision of Soperton, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Soperton, Treutle, Ga. 32°21'57" N. Lat., 82°36'45" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF systems model 806-6-6M.

000675-DSE-P/L-78 WH95, Centennial Communications Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Hartford City, Washington, Ind. 40°26'34" N. Lat., 85°22'25" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 6.0 meters, RF systems model 802-6-6M.

000676-DSE-P/L-78 WH96, Dixon Cable TV, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Dixon, Lee, Ill. 41°50'49" N. Lat., 89°29'03" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008B.

000677-DSE-P/L-78 WH97, Cintinental Cablevision of Michigan, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Holt, Ingham, Mich. 42°39'01" N. Lat., 84°32'48" W. Long. Particulars of operation: 3700.000-4200.000 MHz 36000F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008.

[FR Doc. 78-16425 Filed 6-15-78; 8:45 am]

[6720-02]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 246]

ENTEX, INC.

Notice of Receipt of Application for Permission To Acquire Center Savings Association, Houston, Tex. and Merge into University Savings Association, Houston, Tex.

JUNE 12, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Entex, Inc. for approval of the acquisition of Center Savings Association, Houston, Tex., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase by applicant of 100 percent of the capital stock of Center Savings Association. Comments on the proposed acquisition should be submitted to the Director or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before July 17, 1978.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc. 78-16583 Filed 6-15-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

CAPITOL BANCORPORATION

Proposed Acquisition of Globe Financial Services, Inc.

Capitol Bancorporation, Boston, Mass., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1483(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 255.4(b)(2)), for permission to acquire voting shares of Globe Financial Services, Inc., Boston, Mass. Notice of the aplication was published on May 10, 1978, in the Boston Globe, a newspaper circulated in Boston, Mass.

Applicant states that the proposed subsidiary would engage in the activities of making loans secured by second motgages and by real estate, and a small number of unsecured loans. 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 § 255.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

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 July 7, 1978.

Board of Governors of the Federal Reserve System, June 7, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-16577 Filed 6-14-78; 8:45 am]

[6210-01]

CITIZENS BANCORP INC.

Formation of Bank Holding Company

Citizens Bancorp Inc., Shawnee, 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 80 percent or more of the voting shares of Citizens State Bank, Shawnee, 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 29, 1978.

Board of Governors of the Federal Reserve System, June 7, 1978

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-16578 Filed 6-14-78; 8:45 am]

[6210-01]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Ala., 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 of the voting shares (less directors' qualifying shares) of the successor by merger to First State Bank of Cullman, Alabama, Inc., Cullman, Ala. 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 Atlanta. 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 July 5, 1978.

Board of Governors of the Federal Reserve System, June 7, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-16579 Filed 6-14-78; 8:45 am]

[6820-22]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services. Region 6, June 28 and 29, 1978, from 9 a.m. to 4 p.m., Public Buildings Service

Conference Room, Federal Building, 1500 East Bannister Road, Kansas City, Mo. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following proposed projects: (1) Energy Conservation Studies in Missouri; (2) Energy Conservation Studies in Kansas; (3) Energy Conservation Studies in Iowa; and, (4) Solar Collector Design for Federal Center, Building 103, 4300 Goodfellow, St. Louis, Mo. In order to meet the schedule requirements of the full committee, it will be necessary to hold the meeting on the specified dates. The meeting will be open to the public.

Dated: June 8, 1978.

H. D. HARVELL,
Regional Administrator.

[FR Doc. 78-16819 Filed 6-14-78; 9:56 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

MEDICARE PROGRAM

Proposed Schedule of Limits on Hospital Costs for Cost Reporting Periods Beginning On or After October 1, 1978

Notice is hereby given of the proposed schedule of limits on Hospital Inpatient General Routine Service Costs that may be reimbursed under Medicare for cost reporting periods beginning on or after October 1, 1978.

This revised schedule would replace the current schedule, published in the FEDERAL REGISTER on October 3, 1977 (42 FR 53675). It would apply:

1. To the entire cost reporting period of a hospital whose cost reporting period begins on or after October 1, 1978; and

2. To total inpatient general routine service costs.

It would not apply to the cost of special care units or ancillary services.

These limits would be revised to conform with any cost containment legislation enacted after the effective date of the schedule.

OPPORTUNITY FOR COMMENT

We will carefully consider any written comments received by 45 days after publication, make changes if indicated, and republish the notice of limits.

We have decided to shorten the comment period from 60 days to 45 days. We believe that it is appropriate that a new schedule based on more current data than the data reflected in the schedule now in effect be applicable to cost reporting periods beginning on or after October 1, 1978. We also believe that it is appropriate to shorten the comment period to allow as much advance notice of the final schedule as possible.

Please refer to file code MAB-75-N and address your comments to: Stanley Katz, Medicare Bureau, Room 121 East High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235.

Comments will be available for public inspection, beginning 2 weeks from today, at the address noted above, on Monday through Friday of each week from 8:30 a.m to 5 p.m.; telephone 301-594-9310. For further information, contact: Bill Goeller, 301-594-9820.

I. *Summary of proposed limits and their application.* As explained more fully in the discussion that follows, we propose to:

1. Use an inflation factor based on actual program experience for hospital inpatient general routine service costs rather than an inflation factor based on total hospital inpatient costs.

2. Provide an additional one year grace period for those hospitals that received the one year grace period for reclassified hospitals in their immediately preceding cost reporting period (see section IV); and

3. Revise the schedule of dollar limits, by geographic area and hospital size (see section VII). We do not proposed any changes in the methodology used in the calculation of limits (section II); or the classification of geographic areas into groups (section V); or the classification of groups by bed size (section VI).

II. *Methodolgy for calculating limits.* The proposed limits were developed in the following manner:

1. Inpatient general routine service cost data for each participating hospital were obtained from the fiscal intermediaries.

2. The data for hospitals in each class were arrayed in descending order of inpatient general routine service cost.

3. The 80th percentile and the median were computed for each class.

4. For each class, an amount equal to 10 percent of the median was added to the 80th percentile amount.

5. This sum was adjusted to reflect the 11.5 percent annual rate of estimated cost increases in per diem inpatient general routine service costs following the date of data collection.

6. The amounts calculated in step 5 are rounded to the next highest dollar which establishes the limit for each class, subject to adjustment for hospitals whose reporting period begins after October 1, 1978.

III. *Revised estimate of cost increases.* In the past we have used data obtained from the Office of the Actuary, SSA, applicable to per diem total hospital inpatient costs in developing the schedule of limits for inpatient general routine service costs. This rate was 14 percent for the schedule of limits for cost reporting periods beginning on or after October 1, 1977 (published on October 3, 1977 at 42 FR 53675).

We have recently obtained evidence that shows that the actual inflation rate for per diem inpatient general routine service costs is considerably lower than that for per diem total hospital inpatient costs. Relying on the cost reports for cost reporting periods ending in 1974, 1975, and 1976, respectively, of over 5,000 Medicare hospitals, we found that per diem routine service costs rose by 12.2 percent from the cost reporting years ending in 1974 to those ending in 1975 and by 11.3 percent from the cost reporting years ending in 1975 to those ending in 1976. These figures persuade us that it would no longer be appropriate to use the projected inflation rate for per diem total hospital inpatient costs in developing the schedule of limits for inpatient general routine service costs.

We propose 11.5 percent as the most appropriate inflation factor to be used in developing this schedule. This is approximately the figure for the most recent year for which we have cost reporting data. It is also approximately the figure obtained by averaging the 2 years for which we have cost reporting data. Finally, this is approximately the figure projected for per diem hospital payroll costs, the major component of per diem inpatient general routine service costs. Under the assumptions in the trustee's report, an inflation rate of 11.6 percent is projected for per diem hospital payroll costs for 1978 and 1979; and under the Administration's budget assumptions, an 11.7 percent figure is projected.

There is some reason to believe that an inflation factor of less than 11.5 percent would be appropriate. Our data for the period 1974-1976 show a sharp decline in the proportion of per diem inpatient general routine service costs to per diem total hospital inpatient costs. For the first quarter of 1974, this proportion was approximately 69 percent; for the first quarter of 1975, approximately 65 percent; and for the first quarter of 1976, approximately 62 percent. By projecting a continuation of this decline at the rate of 2 percentage points a year from April, 1976 to April, 1979, and by applying the resulting proportions to the Actuary's projected rates for per diem total hospital costs, we would reach approximately a 10-percent figure. That there may indeed have been such a decline since our 1974-1976 cost reporting data is suggested by the fact that interim rates for per diem routine service costs rose by only 10.3 percent from August, 1976 to August, 1977.

We are nonetheless reluctant to make this projection from historical data covering only a 3-year period. Accordingly, we propose an 11.5 percent figure.

IV. *Extension of grace period for reclassified hospitals.* For the schedule of Medicare limits for cost reporting periods beginning on or after July 1, 1976 (published June 30, 1976 at 41 FR 26992), we began allowing a one year grace period for hospitals that are reclassified into a lower group because of a relative decline in the per capita income of the hospital's area or a change in the area's SMSA/SCSA designation. By virtue of this grace period, a reclassified hospital has been subject to the higher of (a) the current limit of the group in which it was currently classified or (b) the current limit of the group in which it had been classified in the immediately preceding cost reporting year. The purpose of this grace period is to "lessen the effect of unusual short-term fluctuations in area per capita income and the impact of such fluctuations on reimbursement of individual providers." The one year grace period provision was retained in the schedule of limits for cost reporting periods beginning on or after July 1, 1977 (published on July 8, 1977 at 42 FR 35495) and the schedule of limits for cost reporting periods beginning on or after October 1, 1977 (published on October 3, 1977 at 42 FR 53675).

We have received many comments suggesting that a one year grace period does not allow a hospital adequate time to adapt its operation to the limits of the lower group. In recognition that accommodation to a lower cost level may require adjustment of staff schedules and purchasing practices that are hard to accomplish quickly, we have published a notice (on June 15, 1978) that extends the grace period for an additional year from those hospitals that received the grace period for cost reporting years beginning on or after July 1, 1977 but before July 1, 1978. We now propose to reflect this extension in this schedule of limits by making a hospital subject to the highest of (a) the current limit of the group in which it is currently classified; or (b) the current limit of the group in which it was classified in the immediately preceding cost reporting period; or (c) the current limit of the group in which it was classified in the second preceding cost reporting period.

The following examples illustrate how this would work.

Example A. Hospital A's cost reporting period begins on October 1. On October 1, 1976 and again on October 1, 1977, it was classified in Group II. On October 1, 1978, it was classified in Group III. For its cost reporting year beginning October 1, 1978, it will be subject to the higher of the current Group II or the current Group III limit.

Example B. Hospital B's cost reporting period begins on October 1. On October 1, 1976, it was classified in Group I; on October 1, 1977, it was classified in Group II; and on October 1, 1978, it was classified in Group III. For its cost reporting period beginning October 1, 1978, it will be subject to the highest of the current Group I or the current Group II or the current Group III limits.

We are not proposing a permanent two year grace period for reclassified hospitals. We are providing this one year extension on an interim basis pending further review of the problem and consideration of other alternatives.

V. *Classification of geographical areas.* The Standard Metropolitan Statistical Area/Standard Consolidated Statistical Area (SMSA/SCSA) groupings were developed by:

1. Arraying the SMSA/SCSAs by size of per capita income; and
2. Combining those with similar economic environment as reflected in per capita income.

The same procedure was followed for grouping the non-SMSA/SCSA areas to arrive at State groups. There are five groups for each of these two categories. Counties, rather than SMSA/SCSA areas, are listed for New England States in the first category.

Hospitals located within SMSA/SCSA areas identified by figure (1) are reclassified in this schedule and will receive the 1-year grace period for reclassified hospitals. They will follow Example A under section IV in determining the applicable limit.

Hospitals located within SMSA/SCSA areas identified by figure (2) have a classification in this schedule different from their classification for the schedule of limits for cost reporting periods beginning on or after July 1, 1976 (published on June 30, 1976 at 41 FR 26992). They will follow Example B under section IV in determining the applicable limit.

Hospitals that are not located in SMSA/SCSA areas but that are located in States identified by a figure (3) are reclassified in this schedule and will receive the 1-year grace period for reclassified hospitals. They will follow Example A under section IV in determining the applicable limit.

Hospitals that are not located in SMSA/SCSA areas but that are located in States identified by a figure (4) have a classification in this schedule different from their classification for the schedule of limits for cost reporting periods beginning on or after July 1, 1976. They will follow Example B under section IV in determining the applicable limit.

LOCATIONS WITHIN SMSAs

SMSA/SCSA GROUP I

Alaska

Anchorage.

California

Los Angeles-Long Beach-Anaheim (SCSA)
Los Angeles-Long Beach; Anaheim-Santa Ana-Garden Grove; Oxnard-Simi Valley-Ventura; and Riverside-San Bernadino-Ontario.
Salinas-Seaside-Monterey.
San Francisco-Oakland-San Jose (SCSA)
San Francisco-Oakland; San Jose; and Vallejo-Fairfield-Napa.

Colorado

Denver-Boulder.

Connecticut

Fairfield; Hartford; Litchfield; Middlesex; and Tolland Counties.

District of Columbia

Washington, D.C., District of Columbia, Maryland, and Virginia.

Florida

Sarasota; West Palm Beach-Boca Raton.

Hawaii

Honolulu.

Illinois

Chicago-Gary, IL-IN (SCSA)
Chicago, Ill; Gary-Hammond-East Chicago, Ind.
Peoria; Springfield.

Iowa

Davenport-Rock Island-Moline, Iowa-Illinois; Des Moines.

Michigan

Detroit-Ann Arbor (SCSA)
Detroit; Ann Arbor.

Nevada

Las Vegas; Reno.

New Jersey

See New York SCSA.

New York

New York-Newark-Jersey City, N.Y., N.J., and Conn. (SCSA)
New York, N.Y.-N.J.; Newark, N.J.; Jersey City, N.J.; Patterson-Clifton-Passaic, N.J.; Nassau-Suffolk, N.Y.; Long Branch-Asbury Park, N.J.; New Brunswick-Perth Amboy-Sayreville, N.J.
Poughkeepsie; Rochester.

Texas

Houston-Galveston (SCSA)
Houston; Galveston-Texas City.
Midland.

Virginia

Richmond.

Washington

Richland-Kennewick.
Seattle-Tacoma (SCSA)
Seattle-Everett; Tacoma.

Wisconsin

Kenosha

SCSA/SMSA GROUP II

California

Fresno; Sacramento; San Diego; Santa Barbara-Santa Maria-Lompoc; Santa Cruz; Santa Rosa; and Stockton.

Connecticut

New Haven and New London Counties.

Delaware

See Philadelphia SCSA.

Florida

1 *Miami Ft. Lauderdale (SCSA)*
Fort Lauderdale-Hollywood; Miami.

Georgia

Atlanta.

Idaho

Boise City.

Illinois

Bloomington-Normal; Decatur; Kankakee; and 2 Rockford.

Indiana

Fort Wayne; Indianapolis; and Kokomo.

Iowa

Cedar Rapids; Sioux City, Iowa-Nebr.; and Waterloo-Cedar Falls.

Kansas

Topeka and Wichita.

Kentucky

Louisville, Ky.-Ind.

Maryland

Baltimore.

Massachusetts

2 Essex; 2 Middlesex; 2 Norfolk; 2 Plymouth; and 2 Suffolk Counties.

Michigan

2 Flint; Jackson; and Saginaw.

Minnesota

1 Minneapolis-St. Paul, Minn.-Wis.; Rochester.

Missouri

Kansas City, Mo.-Kans.; St. Louis, Mo.-Ill.

Montana

Billings.

Nebraska

Lincoln; Omaha, Nebr.-Iowa.

New Hampshire

Rockingham County.

New Jersey

See Philadelphia SCSA.

New York

Albany-Schenectady-Troy; Buffalo.

North Dakota

Grand Forks, N. Dak.-Minn.

Ohio

1 *Cleveland-Akron-Lorain (SCSA)*
Cleveland; Akron; and Lorain-Elyria.
Dayton; Toledo, Ohio-Mich.

Oklahoma

Tulsa.

Oregon

Portland, Oreg.-Wash.

Pennsylvania

Philadelphia-Wilmington-Trenton, Pa.-Del.-Md.-N.J. (SCSA)
Philadelphia, Pa.-N.J.; Trenton, N.J.; Wilmington, Del.-N.J.-Md.
Allentown-Bethlehem-Easton, Pa.-N.J.; Harrisburg; Lancaster; Pittsburgh; and Reading.

Rhode Island

Bristol; Kent; Newport; Providence; and Washington Counties.

Texas

Amarillo; Beaumont-Port Arthur-Orange; Dallas-Fort Worth.

West Virginia

Charleston.

Wisconsin

1 *Milwaukee-Racine (SCSA)*
Milwaukee and Racine.
Madison.

SCSA/SMSA GROUP III

Alabama

Birmingham.

Arizona

1 Phoenix.

Arkansas

Little Rock-North Little Rock.

California

1 Bakersfield and Modesto.

Colorado

Greeley and Pueblo.

Florida

Jacksonville; Orlando; and Tampa-St. Petersburg.

Illinois

Champaign-Urbana-Rantoul.

Indiana

2 Anderson; Evansville, Ind.-Ky.; and 2 South Bend.

Iowa

Dubuque.

Kentucky

Lexington-Fayette.

Louisiana

Baton Rouge and New Orleans.

Maine

Cumberland and York Counties.

Massachusetts

1 Berkshire, Hampden, Hampshire; 1 Worcester Counties.

Michigan

2 Battle Creek, Bay City; 1 Grand Rapids; 1 Kalamazoo-Portage; 2 Lansing-East Lansing.

Minnesota

Duluth-Superior, Minn.-Wis.

Montana

Great Falls.

New Hampshire

Hillsborough; Merrimack Counties.

New Jersey

Atlantic City.

New York

Binghamton, N.Y.-Pa.; Elmira; Syracuse.

North Carolina

Charlotte-Gastonia; 1 Greensboro-Winston Salem-High Point; Raleigh-Durham.

North Dakota

2 Fargo-Moorehead, N.D.-Minn.

Ohio

1 *Cincinnati-Hamilton, Ohio-Ky.-Ind. (SCSA)*. Cincinnati, Ohio-Ky.-Ind.; Hamilton-Middletown, Ohio; Canton; Columbus; 1 Lima, Mansfield; Springfield; Steubenville-Weirton, Ohio-W. Va.; 1 Youngstown-Warren.

Oklahoma

Oklahoma City.

Oregon

Salem.

Pennsylvania

Erie; York.

South Dakota

Sioux Falls.

Tennessee.

Memphis, Tenn.-Ark.-Miss.; Nashville-Davidson.

Texas

Abilene; Killen-Temple; Longview; Odessa; San Angelo; Tyler; Wichita Falls.

Utah

Salt Lake City-Ogden.

Virginia

Newport News-Hampton; Petersburg-Colonial Heights-Hopewell; Roanoke.

Washington

Spokane; Yakima.

West Virginia

Wheeling, W. Va.-Ohio.

Wisconsin

Appleton-Oshkosh.

SCSA/SMSA GROUP IV

Alabama

Anniston; Huntsville; Montgomery.

Arizona

1 Tucson.

Colorado

Colorado Springs; Fort Collins.

Florida

Bradenton; Daytona Beach; Fort Myers; Lakeland-Winter Haven; Melbourne-Titusville-Cocoa.

Georgia

Augusta, Ga.-S.C.; Columbus, Ga.-Ala.; Macon; Savannah.

Indiana

2 Lafayette-West Lafayette; Muncie; Terra Haute.

Kentucky

Owensboro.

Louisiana

Lafayette; Lake Charles; Shreveport.

Massachusetts

Bristol County.

Michigan

Muskegon-Norton Shores-Muskegon Heights.

Mississippi

1 Jackson; Pascagoula-Moss Point.

Missouri

Columbia; 2 St. Joseph; Springfield.

New Jersey

1 Vineland-Millville-Bridgeton.

New Mexico

Albuquerque.

New York

Utica-Rome.

North Carolina

Burlington.

Oregon

Eugene-Springfield.

Pennsylvania

Johnstown; Wilkes-Barre-Scranton-Hazleton (Northeast Pa.); Williamsport.

South Carolina

Columbia; Greenville-Spartanburg.

Tennessee

Chattanooga, Tenn.-Ga.; Knoxville.

Texas

Austin; Corpus Christi; Lubbock; San Antonio; Sherman-Denison; Waco.

Virginia

Lynchburg; 1 Norfolk-Virginia Beach-Portsmouth, Va.-N.C.

West Virginia

Huntington-Ashland, W. Va.-Ky.-Ohio; Parkersburg-Marrietta, W. Va.-Ohio.

Wisconsin

Green Bay; Eau Claire, La Crosse.

SCSA/SMSA GROUP V

Alabama

Florence, Gadsden, Mobile, Tuscaloosa.

Arkansas

Fayetteville-Springdale; Fort Smith, Ark.-Okla.; Pine Bluff.

Florida

1 Gainesville, Panama City, Pensacola, 1 Tallahassee.

Georgia

Albany.

Indiana

Bloomington.

Kansas

Lawrence.

Louisiana

Alexandria, Monroe.

Maine

Androscoggin County.

Minnesota

St. Cloud.

Mississippi

Biloxi-Gulfport.

North Carolina

1 Asheville, Fayetteville, Wilmington.

Oklahoma

Lawton.

Pennsylvania

Altoona.

Puerto Rico

Caguas, Mayaguez, Ponce, San Juan.

South Carolina

Charleston-North Charleston.

Tennessee

1 Clarksville-Hopkinsville, Tenn.-Ky.; Johnson City-Kingsport-Bristol, Tenn.-Va.

Texas

Brownsville-Harlingen-San Benito, Bryan-College Station; El Paso, Laredo, McAllen-Pharr-Edinburg, Texarkana, Tex.-Ark.

Utah

Provo-Orem.

LOCATIONS NOT WITHIN SMSA'S

GROUP I

Alaska, Iowa, Kansas, Massachusetts, Nebraska, Nevada, New Jersey, North Dakota, Washington, Wyoming.

GROUP II

California, Delaware, Hawaii, 4 Illinois, Indiana.

GROUP III

Colorado, 3 Connecticut, Idaho, 3 Maryland, Michigan, 4 Minnesota, Montana, New Hampshire, New York, Ohio, Oregon, Pennsylvania, 4 South Dakota, Vermont, Wisconsin.

GROUP IV

Arizona, 3 Florida, Maine, North Carolina, 4 Oklahoma, Texas.

GROUP IV

Arizona, 3 Florida, Maine, North Carolina, 4 Oklahoma, Texas.

GROUP V

Alabama, 4 Arkansas, Georgia, Kentucky, Louisiana, Mississippi, 4 Missouri, New Mexico, Puerto Rico, South Carolina, Tennessee, Utah, 4 Virginia, Virgin Islands, West Virginia.

VI. *Classification by bed size.* The folowing bed-size categories are used to classify hospitals:

STANDARD METROPOLITAN STATISTICAL AREAS

GROUPS I AND II

Less than 100, 100-404, 405-684, 685 and above.

GROUPS III, IV, AND V

Less than 100, 100-404, 405 and above.

NONSTANDARD METROPOLITAN STATISTICAL AREAS

Less than 100, 100-169, 170 and above.

VII. *Schedule of limits.* The schedule of limits set forth below is applicable to 12-month cost reporting periods. Intermediaries for providers with shorter (or longer) cost-reporting periods must contact the Health Care Financing Administration for adjustment factors.

The limits are applicable to any hospital with a cost reporting period beginning on or after October 1, 1978. For a hospital that has a cost reporting period beginning after October 1, 1978, the published limit will be adjusted upward by a factor of 0.96. percent for each elapsed month between October 1, 1978, and the month in which the hospital's reporting period begins. The result of this calculation is not rounded and is to be given in dollars and cents.

Example. Hospital A's cost reporting period begins January 1, 1979, and ends December 31, 1979. Assume that the published cost limit for hospital A's group is $100.

Computation of adjusted cost limit

Published cost limit	$100.00
Plus: Adjustment for 3-mo period (Oct. 1, 1978, to Dec. 31, 1978), 3 mo×0.96=2.88 pct; 2.88 pct×cost limit.	2.88
Adjusted cost limit applicable to hospital A for the Jan. 1, 1979, to Dec. 31, 1979, reporting period	102.88

Limits for hospitals located within SMSA's by bed capacity

SMSA group	Less than 100	100 to 404	405 to 684	685 and above
I[1]	$157	$154	$172	$214
II	128	137	148	161
III	121	119	120	120
IV	113	113	111	111
V	101	101	123	126

[1] Limits apply to all SMSA's except Anchorage, Alaska, and Honolulu, Hawaii, where cost-of-living adjustment (25 percent Anchorage, Alaska; 17.5 percent Honolulu, Hawaii) was made. The limits for these areas are as follows:

	Less than 100	100 to 404	405 to 684	685 and above
Anchorage	$196	$192	$214	$268
Honolulu	184	180	201	252

LIMITS FOR HOSPITALS LOCATED OUTSIDE SMSA'S BY BED CAPACITY

State group	Less than 100	100-169	170 and above
I[2]	$113	$124	$124
II[2]	143	128	113
III	111	116	112
IV	110	107	109
V	90	90	91

[1]Limits apply to all group I States except Alaska where cost-of-living adjustment (25 pct) was made; limits for Alaska are:

Less than 100	$141
100 to 169	155
170 and above	155

[2]Limits apply to all group II States except Hawaii where cost-of-living adjustment (12.5 pct) was made; limits for Hawaii are:

Less than 100	$161
100 to 169	144
170 and above	127

(Secs. 1102, 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 49 Stat. 647; 79 Stat. 322; 79 Stat. 327; 79 Stat. 331; 86 Stat. 1393; 42 U.S.C. 1302, 1395x(v)(1), 1395cc(a) and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance.)

Dated: June 2, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: June 7, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-16364 Filed 6-14-78; 8:45 am]

[4110-35]

MEDICARE PROGRAM

Extension of Grace Period for Recently Reclassified Hospitals

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice.

SUMMARY: This notice provides an additional 1-year grace period for all hospitals that received the grace period for reclassified hospitals for cost reporting periods beginning on or after July 1, 1977 but before July 1, 1978.

EFFECTIVE DATE: This notice will become effective July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Bill Goeller, 301-594-9820.

SUPPLEMENTARY INFORMATION: A schedule of Medicare limits is promulgated each year. For cost reporting periods beginning on or after July 1, 1976 (schedule published on June 30, 1976 at 41 FR 26992), we have allowed a 1-year grace period for hospitals that are reclassified into a lower group because of a relative decline in the per capita income of the hospital's area or a change in the area's SMSA/SCSA designation. By virtue of this grace period, a reclassified hospital is subject to the higher of (a) the current limit of the group in which it is currently classified or (b) the current limit of the group in which it was classified in the immediately preceding cost reporting year. The purpose of this grace period is to "lessen the effect of unusual short-term fluctuations in area per capita income and the impact of such fluctuations on reimbursement of individual providers." The 1-year grace period provision was retained in the schedule of limits for cost reporting periods beginning on or after July 1, 1977 (published on July 8, 1977 at 42 FR 35495) and the schedule of limits for cost reporting periods beginning on or after October 1, 1977 (published on October 3, 1977 at 42 FR 53675).

We have received many comments suggesting that a 1-year grace period does not allow a hospital adequate time to adapt its operation to the limits of the lower group. We recognize that accommodation to a lower cost level may require adjustment of staff schedules and purchasing practices that is hard to accomplish quickly. Accordingly, pending further review of this matter, we have decided to, and hereby do, extend the grace period for an additional year for those hospitals that have received the grace period for cost reporting years beginning on or after July 1, 1977 but before July 1, 1978.

The following example illustrates the effect of this rule:

Example. Hospital A's cost reporting period begins on July 1. On July 1, 1976, it was classified in Group II. On July 1, 1977 and again on July 1, 1978, it was classified in Group III. for its cost reporting year beginning July 1, 1978, Hospital A will be subject to the higher of the current Group II or the current Group III limit.

We find good cause for dispensing with opportunity for public comment and for making this policy effective July 1, 1978. It is needed to assure that hospitals not experience unnecessary hardship from a recent reclassification. It does not prejudice any hospital but provides a benefit (which we believe to be in the public interest) for a substantial number of recently reclassified hospitals.

(Secs. 1102, 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 49 Stat. 647; 79 Stat. 322; 79 Stat. 327; 79 Stat. 331; 86 Stat. 1393; 42 U.S.C. 1302, 1395x(v)(1), 1395cc(a) and 1395hh.)

(Calalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance.)

Dated: May 26, 1978.

WILLIAM D. FULLERTON,
Acting Administrator, Health Care Financing Administration.

Approved: June 8, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-16365 Filed 6-14-78; 8:45 am]

[4110-92]

Office of Human Development Services

[Program Announcement No. 13636-781]

RESEARCH AND DEVELOPMENT PROJECTS IN AGING

Availability of Grant Funds

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Grants Funds for the Research and Development Projects in Aging Program.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted for grants under Title IV, Part B of the Older Americans Act of 1965, as amended for the Research and Development Projects in Aging Program. Regulations governing this program are published in the Code of Federal Regulations in 45 CFR Part 1322.

DATE: The closing date for the applications is July 28, 1978.

SCOPE OF THIS PROGRAM ANNOUNCEMENT

This program announcement identifies the general program objectives and the funding priorities of the Research and Development Projects in Aging Program for Fiscal Year 1978 and the first quarter of Fiscal Year 1979. Additional funding priorities will be announced later for the remainder of Fiscal Year 1979.

PROGRAM PURPOSE

The Research and Development Projects in Aging Program is the foundation of AoA knowledge building efforts. The purpose of this program is to award grants and contracts which will contribute to the well-being of the elderly by: (1) identifying and studying current patterns and factors that affect the lives of older persons; and (2) developing, demonstrating, and evaluating approaches and methods for improving the life circumstances of older persons. This program, gives particular attention to the needs of the very old and impaired whose problems are aggravated by social isolation, low income, and minority status.

PROGRAM OBJECTIVES

The Research and Development Program authorized in Title IV-B of the Older Americans Act is primarily intended to build knowledge in support of two (2) objectives. These are: (1) developing or modifying public and private policies to improve the life circumstances of older persons; and (2) developing and implementing comprehensive and coordinated community based service systems. AoA has identified six (6) Strategy Areas or informa-

tion needs categories relevant to the objective of developing or modifying public and private policies and one (1) Strategy Area relevant to the objective of developing community based service systems. AoA intends to award grants pursuant to this notice to proposed projects addressing questions in these Strategy Areas as well as to cross-cutting projects which are relevant to both of the program objectives.

Funding Priorities and Strategy Areas

In each of the Strategy Areas, AoA has identified researchable questions delineating topics about which AoA believes that more knowledge should be generated. These researchable questions are the AoA funding priorities for each Strategy Area. The researchable questions are described in a Guidelines document which is included in the application kit and can be obtained from AoA as described below.

An applicant may submit a proposal addressing a question not specified by AoA which the researcher considers as important or more important than the researchable questions specified. Such proposals may include, among others, the further development of research currently or previously supported by AoA. As long as such proposals fall within one or more of the seven (7) Strategy Areas, they may be submitted. In such cases, the applicant must demonstrate convincingly that the proposed research will be equally or more significant, as well as equally or more policy relevant, than research responsive to the researchable questions within the Strategy Area(s) to which the proposed research pertains.

Each Strategy Area, including information about the researchable questions falling within the Area, is set forth below:

Objective I. Developing or Modifying Public and Private Policies to Improve the Life Circumstances of Older Persons

Strategy Area A: Policy on Employment. This Strategy Area is concerned with research related to policy issues relative to employment opportunities for older persons. This includes knowledge about issues related to the problems of still productive older workers being able to retain their current jobs or finding employment elsewhere. Three (3) questions have been identified relating to potential barriers to employment in the private sector, opportunities in public employment programs, and opportunities provided through part-time employment.

Strategy Area B: Retirement. This Strategy Area is concerned with research relevant to policy issues related to retirement. This includes knowledge building about the attitudes and behavior of elderly persons concerning retirement and the consequences of organizational practices and statutory provisions relative to retirement. One (1) question has been identified, relating to the effects of changes in the mandatory retirement age on older workers and other population groups.

Strategy Area C: Income. This Strategy Area is concerned with research relevant to policy issues related to the income of elderly people, both with and without labor force attachment, including knowledge about the adequacy of income during the later years and employment related sources of income, such as social security and private pensions. One (1) question has been identified, relating to the adequacy of private pension plans in meeting current and projected retirement income needs.

Strategy Area D: Housing. This Strategy Area is concerned with research relevant to policy issues related to housing of the elderly. It addresses issues of numbers and types of housing units best suited to the needs and preferences of older people, the services required in different housing environments and the role of the private sector and government in meeting current and projected needs of elderly renters and home owners. In this Strategy Area two (2) questions have been identified which focus on the need for and use of services in public and other group housing and on the adequacy of Federal programs to assist elderly homeowners.

Strategy Area E: Health. This Strategy Area is concerned with research relevant to policy issues related to the health of and health care for elderly persons. This includes knowledge about the need for and use of health care by older persons and the adequacy of public and private health insurance. Two (2) questions have been identified which address these issues.

Strategy Area F: Services. This Strategy Area is concerned with research relevant to policy issues related to services for older persons. In this Area the focus is on decisions with respect to resource allocation and the targeting of resources on population groups with special needs, as well as policies affecting the coordination of programs funded under different authorities. These issues are distinguished from those presented in the next Section, which addresses questions concerning the development and implementation of service systems. One (1) question has been identified relating to the allocation and targeting of resources for services to elderly persons.

Number of Awards Anticipated. Provided that a sufficient number of acceptable proposals are received, AoA expects to award two or three grants in each of six (6) Strategy Areas described above. This includes awards for proposals addressing redirected and additional researchable questions within those Strategy Areas.

Objective II. Developing and Implementing Comprehensive and Coordinated Community Based Service Systems

Strategy Area G: Community-Based Long-Term Service Systems. The focus of this research will be on the needs of the vulnerable elderly, those who are older, more likely to be functionally impaired and socially isolated. This research will address issues relative to the development of continuum of care systems ranging from services in the home to institutional care with particular emphasis on services which strengthen family and other sources of informal support in order that elderly persons can remain in the least protective setting consonant with their needs.

Four (4) questions have been identified: The conditions which affect decisions by families and physicians with respect to alternatives of care for older persons; the effects of alternative reimbursement policies on the supply and quality of services of community-based services; domiciliary care facilities as an option on the continuum of care; and the cost-benefits of alternative service modalities for older persons.

Number of awards anticipated. Provided that a sufficient number of acceptable proposals are received, AoA expects to award ten (10) grants in this strategy area. This includes awards for proposals addressing redirected and additional researchable questions within this strategy area.

Objective III. Crosscutting studies based on both objectives. A number of questions which are relevant to the pursuit of the objectives of AoA cannot be categorized within the two-tiered framework described above. These questions cut across strategy areas and/or focus on specific subgroups among the elderly. Four (4) such questions have been identified. One question deals with the development of methods through which Federal policy and program development may become more responsive to the needs and interests of the elderly. The second question focuses on the minority elderly and addresses the issue of equity in access to and use of public benefit programs. The third question deals with the development of methods for identifying the incidence of maltreatment of the elderly. The fourth question addresses issues relating to public guardianship for the elderly.

Number of awards anticipated. Provided that a sufficient number of acceptable proposals are received, AoA expects to make four awards, one relative to each of these four researchable

questions, including redirected versions of these researchable questions.

Additional Information on This Program

AoA expects that, to the extent feasible, proposals will address the researchable questions in terms of past, current and future conditions, i.e., in terms of changing characteristics of the elderly and changing conditions affecting the demand for and supply of resources, benefits and services.

As the focal point within the Federal Government of efforts to improve the life circumstances of the elderly, AoA will consider funding of not more than five applications within the framework of the strategy areas which have an international component. Such proposals may address researchable questions in terms of comparisons between the conditions of the elderly, policies, programs, and service delivery systems in the United States and other countries.

In order to insure the maximum usefulness and generalizability of research funded under this program, AoA seeks proposals of national scope. Proposals addressing a question in terms of a particular community are unlikely to be funded. Applicants may present arguments for less-than-national scale research based on such consideration as:

That valid national generalizations could be drawn from research proposed on a smaller scale,

That the proposal calls for study of a prototype suitable for national dissemination,

That a unique but nationally significant situation is proposed for study, or

Where it is not feasible because of cost or other technical problems to conduct the proposed research on a national scale.

In view of the considerable amount of Federal resources which have been invested in national studies of the demographic, social, economic, and health characteristics of the American people, applicants are expected to employ secondary analysis of such data sets to the extent feasible. The guidelines document contains further information concerning the nature and availability of sources of such data.

Eligible Applicants

Any public or private nonprofit agency or organization may apply for a grant under this announcement.

Available Funds

The Administration on Aging expects to award $3.4 million (of the $8.5 million appropriated by Congress for fiscal year 1978) for new and competing extension grants for this research and development program. It is also anticipated that $1 million will be available for new and competing extension grants during the first quarter of fiscal year 1979.

A new grant is the initial grant made in support of a project for this program. A competing extension grant is the grant award to continue a project beyond the project period for which the initial grant was made. It is awarded on the basis of successful competition against all other applicants for new and competing extension grants.

It is expected that 30-35 grants will be awarded pursuant to this announcement. The range of grant awards is expected to be between $25,000 and $250,000, with the average award expected to be between $75,000 and $125,000. Projects will be supported for periods of nine months to three years.

The initial grant sustains the Federal share of the budget for the first year of the project. Support for any additional time remaining in the project depends on the availability of funds and the grantee's satisfactory performance of the project for which the grant was awarded.

In response to the fiscal year 1977 announcement, 248 applications for grants in the research and development projects in aging program were accepted for review and evaluation. About $4 million was awarded to 41 grantees.

Grantee Share of the Project

Grantees must provide at least five (5) percent of the total cost of a research and development projects in aging program grant. The grantee share may be cash or in-kind and must be project related and allowable under the Department's applicable cost principles in 45 CFR Part 74 (see 38 FR 26274, September 14, 1973).

The Application Process

Availability of forms and guidelines

Additional information about this program including the priority researchable issues and the application forms are contained in a guidelines document which may be obtained by contacting:

Division of Research—Guidelines, Administration on Aging, OHDS, DHEW North Building, Room 4640, 330 Independence Avenue SW., Washington, D.C. 20201, 202-245-0004.

The researchable questions identified in this guidelines document were developed in part on the basis of reports submitted by five (5) AoA funded projects. Copies of these reports are available for inspection during normal business hours in the central office and the AoA regional offices. A list of the addresses of the AoA regional offices is contained in the appendix to this announcement.

Application submission

A signed original and two additional copies should be submitted to the central receiving office of the Office of Human Development Services. An additional copy of the application is to be submitted concurrently to the State Agency on Aging.

A-95 notification process

The research and development projects in aging program is exempt from the provisions of OMB Circular A-95.

Application consideration

The Commissioner on Aging determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement will be considered. All accepted grant applications are subjected to a comprehensive review and evaluation by qualified reviewers who are not employees of the Administration on Aging.

The results of the competitive review supplement and assist the Commissioner's consideration. After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

The Commissioner makes grant awards consistent with the purposes of the act, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting research and development projects in aging. The official grant award document is the notice of grant awarded. The notice of grant awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, and the budget period for which support is given.

Special consideration for funding

AoA particularly encourages and the Commissioner on Aging will give special consideration to applications by minority researchers within the framework of the priorities for research identified herein. This preference applies with reference to the following four minority groups: Black, Hispanic, Asian-American, and American Indian.

Criteria for Review and Evaluation of Applications

The following criteria will be used to evaluate the grant applications competing under this announcement. Two (2) different minimal scores of acceptability have been established for all grant proposals. First, with respect to part A of criterion I, "Program and

Policy Relevance," proposals must receive a score of at least 13 points out of a possible 20 points. Second, proposals must receive an overall score of 60 points out of a possible 100 points. Only those proposals which meet both minimal levels will be considered acceptable and ranked by score as a basis for funding decisions by the Commissioner on Aging.

Criterion I—Program and policy relevance (30 points). That the proposed project will make a significant contribution to building knowledge immediately relevant to the formulation or implementation of policy, including:

(A) That the proposed project adequately responds to a researchable question as set forth in the AoA fiscal year 1978 research program guidelines, or demonstrates convincingly that the proposed research will be equally or more significant as well as equally or more policy relevant than research responsive to the researchable questions within the strategy area(s) to which the proposed research pertains in that the projected results have a significant potential for assisting in solving problems either in developing service systems or modifying public or private policies; (20 points)

(B) That the proposed project contains an appropriate focus on the vulnerable and/or on the low income and/or minority elderly. (10 points)

Criterion II—Technical approach (research design or other scope of work) (25 points). That the proposed technical approach, if well executed is capable of achieving the objectives of the project; specifically:

(A) That the application clearly defines the problems to be studied, adequately reviews the relevant literature on this subject, and formulates an appropriate conceptual framework; (10 points)

(B) That the application clearly specifies appropriate hypotheses and variables; and (5 points)

(C) That the application clearly describes a suitable, scientifically sound plan for data collection and/or analysis. (10 points) (Applications which do not involve hypothesis testing and data collection and/or analysis—will be evaluated as to whether the proposed technical approach, if well executed, is capable of achieving the objectives of the project. (25 points)

Criterion III—Project implementation plan (20 points).

(A) That the application specifies a sound plan for task accomplishment over the proposed project period and staff loadings by task; and (10 points)

(B) That the proposal contains a suitable plan for dissemination and utilization of its projected findings which concretely specifies who will disseminate what, to whom, for what purpose, and how the information so disseminated is expected to be used. (10 points)

Criterion IV—Staffing and management (15 points).

(A) That the allocation of responsibilities and time of senior staff assures adequate management of the project; and (5 points)

(B) That the proposed project staff are well qualified to carry out the project; and (5 points)

(C) That the applicant organization has adequate facilities, resources, and experience to carry out the tasks of the proposed project. (5 points)

Criterion V—Budget appropriateness and reasonableness (10 points). That the proposed budget is commensurate with the level of effort needed to accomplish the project objectives, and that the cost of the project is reasonable in relation to the value of the anticipated results.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is July 28, 1978. Applications may be mailed or hand delivered to: Receiving Office, Division of Grants and Contracts Management, Office of Human Development Services, DHEW, Room 1427, Mary E. Switzer Building, 330 C. Street SW., Washington, D.C. 20201, Attention: AoA IV-B 13636-781. Hand-delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if:

(a) The application is at the OHDS Receiving Office on or before the closing date, or

(b) The application is postmarked at least 2 days prior to the closing date as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or by an original receipt from the U.S. Postal Service.

Late applications are not accepted and applicants are notified accordingly.

(Catalog of Federal Domestic Assistance Program No. 13.636, Programs for the Aging: Research and Development Projects.)

Dated: June 6, 1978.

Robert Benedict,
Commissioner on Aging.

Approved: June 12, 1978.

Arabella Martinez,
Assistant Secretary for Human Development Services.

Regional Offices, Administration on Aging, Office of Human Development Services, Department of Health, Education, and Welfare

REGION I

John Fitzgerald Kennedy Federal Building, Room 2007, Boston, Mass. 02203 (Rhode Island, Vermont, Connecticut, Maine, Massachusetts, New Hampshire); telephone 617-223-6885.

REGION II

26 Federal Plaza, Room 4106, Broadway and Worth Streets, New York, N.Y. 10007 (New Jersey, New York, Puerto Rico, Virgin Islands); telephone 212-264-4592.

REGION III

P.O. Box 13716, Philadelphia, Pa. 19101 (District of Columbia, Maryland, Virginia, West Virginia, Delaware, Pennsylvania); telephone 215-596-6892.

REGION IV

101 Marietta Towers Suite 901, Atlanta, Georgia 30323 (Alabama, Florida, Mississippi, South Carolina, Tennessee, North Carolina, Kentucky, Georgia); telephone 404-221-5900.

REGION V

300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin); telephone 312-353-3141.

REGION VI

Fidelity Union Tower Building, Room 500, 1507 Pacific Avenue, Dallas, Texas 75201 (Arkansas, Louisiana, Oklahoma, New Mexico, Texas); telephone 214-749-7286.

REGION VII

601 East 12th Street, Kansas City, Missouri 64106 (Iowa, Kansas, Missouri, Nebraska); telephone 816-374-2955

REGION VIII

Federal Office Building, Room 7430, 19th and Stout Streets, Denver, Colorado 80202 (Colorado, Montana, Utah, Wyoming, North Dakota, South Dakota); telephone 303-837-2951.

REGION IX

50 United Nations Plaza, Room 206, San Francisco, California 94102 (California, Nevada, Arizona, Guam, Hawaii, Samoa); telephone 415-556-6003.

REGION X

Arcade Plaza Building, 1321 Second Avenue, Mail Stop 622, Seattle, Washington 94101 (Alaska, Idaho, Oregon, Washington); telephone 206-442-5341.

[FR Doc. 78-16555 Filed 6-14-78; 8:45 am]

[4110-12]

Office of the Secretary

Office of the Assistant Secretary for Planning and Evaluation

TELECOMMUNICATIONS DEMONSTRATION PROGRAM

Solicitation

Pursuant to section 392A of the Communications Act of 1934, as amended by section 8 of the Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976, the Assistant Secretary for Planning and Evaluation (hereafter the Assistant Secretary) is seeking applications from public and private non-profit agencies, organizations, and institutions for the purpose of carry-

ing out telecommunications demonstrations using non-broadcast technology for the delivery of health, education, and social services. This solicitation specifically seeks applications for projects which:

Add to the Nation's knowledge of ways to deliver health, education, and social services using non-broadcast telecommunications;

Show potential for being cost-effective, perhaps through sharing hardware facilities, particularly among various service delivery agencies;

Have a strong base of local support, including financial and/or in-kind support;

Successfully implement the institutional changes necessary to the new delivery approach, including collaboration with others in the community, such as various service delivery agencies.

A. Applicable Regulations

The regulations applicable to the Telecommunications Demonstration Program are:

1. 45 CFR Part 63—Grant programs administered by the Office of the Assistant Secretary for Planning and Evaluation, as amended.

2. 45 CFR Part 63—DHEW, Office of the Assistant Secretary for Planning and Evaluation, Telecommunications Demonstration grants—final regulations.

3. 45 CFR Part 74—Administration of grants.

The regulations define program objectives, limitations, and criteria for evaluation of proposed demonstration projects.

B. Effective Date and Duration

1. This Solicitation is intended for grant applications and awards to be made on or about October 30, 1978. Should this Solicitation remain in effect for any succeeding fiscal year or portion thereof, it shall be applied as if issued in said fiscal year, subject only to those changes in specification of dates necessary to allow it to be read as applying to such year.

2. This Solicitation shall not be construed as limiting or preventing the issuance of additional solicitations by the Department under these authorities in fiscal year 1978, even though such additional solicitations would reduce the amount of funds under this Solicitation or might duplicate in part the substantive scope of this Solicitation.

3. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. Applications will be accepted no later than 5:30 p.m. August 14, 1978.

C. Statement of Funds Availability

1. The Act, as amended, authorized $1,000,000 for the fiscal year ending September 30, 1978, for the award of grants.

2. Since it is desired to explore a variety of innovative and cost effective telecommunications applications which might improve the delivery of health, education, rehabilitation and other social services, it is expected that up to five new projects may be funded. However, the proposal review committee will retain flexibility on size and number of grants based on the proposals received. Obviously, this may simultaneously limit the size of individual grants and may require that significant support, in addition to this Program, be available to some projects. Such support and its sources should be substantiated in individual applications.

Those awarded grants in January 1978 are eligible to apply for second year funding, although second year awards are not assured.

3. Funds will not be available for acquisition or development of programming materials and content, and/or acquisition of studio production equipment. If such material or equipment is necessary to the project, its sources or funding will have to be found elsewhere and substantiated in the applications.

4. Since there can be no guarantee of continuous funding, projects should be designed to produce significant results during the first year of performance and applicants should be aware that continued funding will depend, in part, upon renewed legislative authority for the program.

Applications may be submitted with budgets for up to 3 years durations, but funds awarded under this Solicitation will be awarded for only 1 year of any project, so as to respond to the greatest possible number of applicants. However, projects which propose 3-year demonstrations, and which are accepted for first year awards, will be eligible for second or third year funding on a competitive basis, providing funds are available in succeeding years and projects are performing acceptably. To be considered for a 3-year period of performance, applications must contain detailed work statements and budgets that reflect reduced levels of funding for succeeding years in order to provide for gradual transition of projects to self-sustaining operations.

D. Application Processing

1. Grant applications will be reviewed and awards made by an interagency panel of HEW staff with expertise in substantive and technology disciplines. Advice and assistance will be sought, where appropriated, from outside agencies such as the National aeronautics and Space Administration, the Federal Communications Commission, relevant community organizations, and outside consultants. (Additional reviewers with similar expertise may be recruited from State agencies and other sources if required by the volume of applications.)

2. Applicants will be judged as to eligibility and, if eligible, as to priority for awards, strictly and literally according to the criteria set forth in § 63.6(c) of the Final Regulations. Priority will be given to applicants who, in the judgment of the Assistant Secretary, best meet these criteria. The relative weighting of the criteria are as listed below:

Criterion:	*Weighting (points)*
1	15
2	10
3	10
4	5
5	15
6	5
7	5
8	5
9	15
10	15

3. Applications judged to be below an acceptable level on any criterion may be classifed as conditionally unacceptable, regardless or overall point standing. Such proposals would require modification and, for practical purposes, would have to be deferred for consideration under fiscal year 1979 funding.

4. Applications should be as brief and concise as is consistent with communication to the reviewers. Excessive bulk in a proposal may detract from its rating.

5. The first chapter of each proposal should be a brief (no more than five pages) overall summary description of the project. It should include a simple drawing of the proposed hardware system, a chart of institutional relationships (if appropriate) and other summary materials designed to quickly orient the reviewers to the essence of the project. For example, the technical description must be sufficient to allow the FCC to determine whether the proposal is generally within regulatory and technical feasibility, and should give relevant license and docket information.

The summary description should briefly address how the proposed project would be responsive to each of the ten criteria listed in the Regulations (sec. 63.6).

The body of the proposal should include adequate descriptions of the assessment of local needs to be met, the service to be rendered, the specific content to be communicated (even though that content material will not be funded under this specific authority), a description of the hardware system to be used, organizational and institutional arrangements and relationships, evaluation plans, budgets, schedules, and other relevant information required. Applications should make certain that the ten criteria are

fully addressed in the proposal since failure to satisfy even one criterion could seriously weaken or even invalidate a proposal.

6. Results of the first year's experience with this program have suggested that futher explanation of the criteria would be useful: (Numbers refer to the specific criteria in the regulations.)

(1) "Innovative methods or techniques of utilizing" means that the innovation sought is in the way in which the technology is used to deliver services. A specific technology per se is not adequate to fulfill the innovative criteria. Almost all relevant technologies have been used already in service delivery. Wholly new technological systems are not generally what is sought, but rather innovative applications of what may in some cases be fairly mundane technologies.

(2) "Original research value" is intended to mean that the project results will provide heretofore unavailable information to other potential users in a form that will assist them in making decisions about their own approaches to the delivery of services. Thus "research" is used more in the practical, developmental sense than in the pure scientific sense. This criterion also deals with the cost effectiveness of the project, which means the potential of the project to cost effectively deliver services once it reaches, or leads to, a full operational status and is no longer a "demonstration" type of activity.

(3) "Responsiveness to local needs" means that the applicant should actually assess the local needs and present evidence that he has done so. He must also make the explicit case that his proposed services respond to those needs.

(4) "Assessment of existing telecommunications facilities" serves the purpose of avoiding unnecessary duplication or use of grant funds for the acquisition of facilities or communications capacities which could be provided over existing systems. As with all the criteria, a mere statement that this has been done is inadequate. Relevant details and explanations are necessary.

(5) "Local support or commitment" is important since, absent any major new Federal programs, projects such as will be supported initially by this demonstration program must ultimately be somehow self supporting or locally subsidized. Early evidence of such support, especially including commitment of resources—even if limited—gives evidence that long term prospects are good and that (additionally) the project evidences a responsiveness to local needs.

(6) Administrative control simply establishes that the grantee will and must be responsible for proper use of grant funds in accordance with the terms of the grant.

(7, 8) No further explanation required.

(9) An evaluation plan of some substance is vital to the purposes of this program. A demonstration program has its value in experience and information transferred to other potential users of telecommunications applications. Much of this value derives from an adequate evaluation of the project results, cost-effectiveness, problems, etc. A detailed plan of how such an evaluation is to be accomplished is required.

(10) The institutional impact—overcoming institutional resistances, stimulating cooperation, sharing of common facilities among a variety of services, increasing the organizational effectiveness of communities, agencies, and service deliverers may be one of the most difficult problems and important outcomes of telecommunications applications. The projected effects of the project and in some cases the institutional achievements in evidence at the time of the proposal are extremely important considerations in this program.

7. Applications which propose access to specific telecommunications systems in order to carry out a demonstration must show adequate evidence that such access is assured in order to demonstrate the technical feasibility of the project. The applicant should determine if an FCC license is required for any aspect of the project and show evidence that a filing for such licensing has been submitted to the FCC. Any necessary license must be granted by the FCC before actual funds are released to the applicant. However, the final license grant need not take place until after the applicant has been notified of his selection as a grantee.

8. Nothing in this Solicitation should be construed as committing the Assistant Secretary to dividing available funds among all qualified applicants.

E. Applications Sent by Mail

An application sent by mail will be considered to be received on time by the Grants Officer if:

1. The application was sent by registered or certified mail and mailed not later than August 14, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

F. Hand-Delivered Applications

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this Solicitation. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and 5:30 p.m. (Washington, D.C. time), except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 5:30 p.m. on the closing date.

G. Disposition of Applications

1. *Approval, disapproval, or deferral.* On the basis of the review of an application, the Assistant Secretary will either (a) approve the application in whole or in part, for such amount of funds and subject to such conditions as he deems necessary or desirable for the completion of the approved project, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further review.

2. *Notification of Disposition.* The Assistant Secretary will notify the applicants in writing of the disposition of their applications. A signed notification of grant award will be issued to notify the applicant of an approved project application.

H. Application Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations shall be obtained from, or submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Room 405F, Hubert H. Humphrey Building, Washington, D.C. 20201.

Dated: June 8, 1978.

Henry Aaron,
Assistant Secretary for Planning and Evaluation.

[FR Doc. 78-16698 Filed 6-14-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 17190]

COLORADO

Termination of Proposed Withdrawl and Reservation of Lands

June 8, 1978.

Notice of a Forest Service, U.S. Department of Agriculture application, Colo. 17190, for withdrawal and reservation of lands for public purposes, was published as F.R. Doc. 72-20531, on pages 25419-25420 of the issue of November 30, 1972. It was republished as F.R. Doc. 77-37089 on pages 65281-65282 of the issue of December 30, 1977. The applicant agency has cancelled the application in its entirety. The lands involved are described as:

Sixth Principal Meridian, Meeker Administrative Site

T. 1 S., R. 94 W.
Sec. 14, N½NW¼NW¼;
Sec. 15, N½NE¼NE¼.
The area described contains 40 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311,

such lands, at 10 a.m., on July 17, 1978, will be relieved of the segregative effect of the above-mentioned application.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-16560 Filed 6-14-78; 8:45 am]

[1505-01]

[Tentative Sale No. 55]

GULF OF ALASKA, ALASKA OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Correction

In FR Doc. 78-14690 appearing on page 22456 in the issue of Thursday, May 25, 1978, in the 3rd column, the 2nd line should read, "185-186; 188-193; 195-196; 198; 200-204; 206-".

Also in the 3rd column, the last paragraph, the 9th line should read, "conflicting values or environmental * * *".

[4310-84]

[NM 33483, 33485, 33502, 33537, 33538, 33539, 33540, and 33550]

NEW MEXICO

Applications

JUNE 5, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for eight 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 6 W.,
Sec. 17, N½NW¼ and SW¼NW¼.
T. 24 N., R. 7 W.,
Sec. 12, SW¼NE¼, SE¼NW¼ and NE¼SW¼.
T. 26 N., R. 7 W.,
Sec. 12, SW¼SW¼.
T. 27 N., R. 7 W.,
Sec. 29, SE¼SW¼
T. 28 N., R. 8 W.,
Sec. 29, NE¼SW¼.
T. 30 N., R. 8 W.,
Sec. 1, lot 4.
T. 30 N., R. 10 W.,
Sec. 3, lots 12 and 13;
Sec. 4, lot 13.
T. 31 N., R. 10 W.,
Sec. 23, lots 1 and 2.

These pipelines will convey natural gas across 1.549 miles 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. 78-16508 Filed 6-14-78; 8:45 am]

[4310-84]

[NM 33552 and 33553]

NEW MEXICO

Applications

JUNE 5, 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), Northwest Pipeline Corp. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 7 W.,
Sec. 24, NE¼SE¼.
T. 32 N., R. 7 W.,
Sec. 35, NE¼NE¼.

These pipelines will convey natural gas across 0.170 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. 78-16509 Filed 6-14-78; 8:45 am]

[4310-84]

[NM 33542, 33543, 33546, 33563 and 33564]

NEW MEXICO

Applications

JUNE 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 25 E.,
Sec. 8, S½NE¼.
T. 24 S., R. 26 E.,
Sec. 5, lot 7;
Sec. 8, W½NE¼ and NW¼SE¼.
T. 19 S., R. 27 E.,
Sec. 36, NE¼NE¼ and W½E½.
T. 20 S., R. 28 E.,
Sec. 29, SE¼NW¼ and N½SW¼.

These pipelines will convey natural gas across 2.642 miles of public lands in Eddy County, 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 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-16561 Filed 6-14-78; 8:45 am]

[4310-84]

[NM 33482]

NEW MEXICO

Application

JUNE 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for a compressor site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 10 S., R. 30 E.,
Sec. 6, NW¼SE¼.

This compressor site will be used for natural gas operations across 0.918 acres of public land in Chaves County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land

Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-16562 Filed 6-14-78; 8:45 am]

[4310-84]

[NM 33544]

NEW MEXICO

Application

JUNE 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 33, SE¼NE¼.
T. 25 S., R. 26 E.,
Sec. 4, lot 2.

This pipeline will convey natural gas gas across 0.269 of a mile of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-16563 Filed 6-14-78; 8:45 am]

[4310-84]

[NM 33495]

NEW MEXICO

Application

JUNE 6, 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), Texas-New Mexico Pipe Line Co. has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 33 E.,
Sec. 30, S½NE¼, E½SW¼ and NW¼SE¼.

This pipeline will convey natural gas across 0.573 of a mile of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-16564 Filed 6-14-78; 8:45 am]

[4310-84]

[NM 33484]

NEW MEXICO

Application

JUNE 6, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 10 W.,
Sec. 3, lot 6.
T. 31 N., R. 10 W.,
Sec. 34, lot 9.

This pipeline will convey natural gas across 0.131 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should 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. 78-16565 Filed 6-14-78; 8:45 am]

[4310-84]

NEVADA

Filing of Plat of Survey and Order Providing for Opening of Lands

1. The Plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nev., effective 10 a.m. on July 10, 1978:

MOUNT DIABLO MERIDIAN, NEVADA

T. 2 N., R. 56 E.

A dependent Resurvey of a portion of the west boundary of T. 2 N., R. 57 E., H. E. S. Nos. 117, 118 and 153 and the survey of a portion of the north boundary and a portion of the subdivisional lines.

2. The area surveyed and resurveyed ranges from about 5,700 to 6,000 feet above sea level and is mostly rolling. The soil varies from sandy clay loam to rocky vegetation consisting of sagebrush with willows along the creek. The timber is juniper and pinon. The township is drained by Pine Creek which flows southeast through section 1 and other minor dry washes. Principal users of the area are cattlemen and access into the township is provided by improved and unimproved roads.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on July 10, 1978, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89509.

Date signed: June 5, 1978.

LOYD C. MILLER,
Chief, Branch of Records and Data Management.

[FR Doc. 78-16566 Filed 6-14-78; 8:45 am]

[4310-84]

NEVADA

Filing of Plat of Survey and Order Providing for Opening of Lands

1. The Plat of Survey of lands described below will be officially filed in the Nevada State Office, Reno, Nev., effective at 10 a.m. on July 14, 1978:

MOUNT DIABLO MERIDIAN, NEVADA

T. 13 N., R. 43 E.

Dependent Resurvey of the exterior boundaries and a portion of the subdivisional lines and the survey of the East one-half mile between sections 25 and 36.

2. Land within the above area is nearly level to rolling and is located in Big Smoky Valley. Soil consists of alkali and sandy clay. Vegetation consists of sagebrush, buckthorn brush and native grasses. No mineral formations of consequence were noted.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications

and petitions as may be permitted. All such valid applications received at or prior to 10 a.m. on July 14, 1978, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89509.

Date signed: June 5, 1978.

LOYD C. MILLER,
Chief, Branch of Records and Data Management.

[FR Doc. 78-16567 Filed 6-14-78; 8:45 am]

[4310-84]

[Colorado 26299-B]

NORTHWEST PIPELINE CORP.

Pipeline R/W Application (Correction)

JUNE 7, 1978.

In FR Doc. 78-15373, appearing on page 24145 in the issue of Friday, June 2, 1978, the legal description was in error as stated, T. 12 N., R. 95 W., Section 19: Lots 2, 3, 9 and 11, NE¼SW¼, NE¼SE¼. It should have read T. 12 W., *R. 94 W.*, Section 19: Lots 2, 3, 9 and 11, NE¼SW¼, *NW¼SE¼* which is the correct legal description.

ANDREW W. HEARD, Jr.,
Leader, Craig Team Branch of Adjudication.

[FR Doc. 78-16507 Filed 6-14-78; 8:45 am]

[4310-84]

[Colorado 255122 W, X, Y]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

JUNE 9, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 8411, has applied for a right-of-way for a 4¼" o.d. natural gas pipeline for the Foundation Creek Gathering System approximately 0.937 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 4 S., R. 101 W.
Sec. 3, N½SW¼
Sec. 4, S½NE¼
Sec. 21, NW¼NE¼.

The above-named gathering system will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the application, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team, Branch of Adjudication.

[FR Doc. 78-16559 Filed 6-14-78; 8:45 am]

[4310-84]

[Colorado 25378 & A-C]

NORTHWEST PIPELINE CORP.

Pipeline Application; Correction

JUNE 6, 1978.

In FR Doc. 77-33958 appearing on page 60229, in the issue for Friday, November 25, 1977, the legal descriptions for Sections 10 and 34, T. 6 S., R. 102 W., were incorrectly stated as Section 10, E½NE¼, NE¼SW¼, NW¼SE¼, and Section 34, NE¼NE¼, S½NE¼. The descriptions should have read as follows: Section 10, E½NE¼, and Section 34, NE¼NE¼, S½NE¼.

THOMAS N. HARDIN,
Chief, Branch of Adjudication.

[FR Doc. 78-16558 Filed 6-14-78; 8:45 am]

[4310-84]

RAWLINS DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Rawlins District Grazing Advisory Board will be held on July 10, 1978, at 1 p.m., in the conference room of the Bureau of Land Management Office at 1300 Third Street, Rawlins, Wyo.

The agenda for the meeting will include: (1) a discussion of proposed expenditures of range betterment funds during the 1979 fiscal year; (2) a discussion of the Board's future involvement in the allotment management plan program; and (3) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 and 3:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the Rawlins District Manager, Bureau of Land Management by July 6, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FRED WOLF,
District Manager.

[FR Doc. 78-16582 Filed 6-14-78; 8:45 am]

[4310-05]

Office of Surface Mining Reclamation and Enforcement

PERMANENT REGULATORY PROGRAM FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of Interior.

ACTION: Notice of public seminars, public meetings and availability of draft rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) hereby gives notice of opportunities for public participation in developing the draft rules for the permanent regulatory program for surface coal mining and reclamation operations under section 501(b) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87, 91 Stat. 445, 30 U.S.C. 1201 et seq.). Under the terms and according to the schedule set forth below, copies of the draft rules for the permanent regulations will be available to the public, public seminars will be held in several cities, and OSM personnel will be available for meetings with interested members of the public upon their request.

DATES: Copies of draft rules for the permanent program will be available in two phases according to their completion date: the first set of drafts will be available to the public during the week of June 26, 1978, and the remaining portion will be available by July 14, 1978. Public seminars concerning those drafts will be held in Washington, D.C. on August 3 and 4, 1978; in Knoxville, Tenn. on August 7, 1978, in Charleston, W. Va. on August 8, 1978;

in Indianapolis, Ind. on August 9, 1978; in Kansas City, Mo. on August 10, 1978; and in Denver, Colo. on August 11, 1978. The public seminars will begin at 9:30 a.m. at each location. From June 26 to August 18, 1978, OSM personnel in Washington, D.C. will be available to meet at the request of the public to discuss the draft rules.

ADDRESSES: Copies of the draft rules will be available upon request, on the dates listed above, from OSM, Department of Interior, Washington, D.C. and from the five regional offices of OSM at the following addresses:

OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard, East, Charleston, W. Va. 25301, 304-342-8125.
OSM Region II, Northshore Building 2, Sixth Floor, 1111 North Shore Drive, Knoxville, Tenn. 37902, 615-588-5396.
OSM Region III, Federal Building and Courthouse, Ohio and Pennsylvania Streets, Indianapolis, Ind. 46205, 317-269-7068.
OSM Region IV, 601 East 12th Street, Room 1768, Kansas City, Mo. 64116, 816-374-5162.
OSM Region V, Old Post Office Downtown, 1632 Stout Street, Denver, Colo. 80202, 303-571-4301.

The public seminars will be held at the Department of Interior Auditorium, 18th and C Streets NW., Washington, D.C.; the Mississippi Room of the Hyatt Regency Hotel, 500 Hill Avenue, Knoxville, Tenn.; the Rigelman Hall at Morris Harvey College, 2300 McCorkle Avenue, Southwest, Charleston, W. Va.; the Wyer Auditorium of the Denver Public Library, 1357 Broadway, Denver, Colo.; and at locations in Kansas City, Mo. and Indianapolis, Ind. to be announced later. The meetings of members of the interested public with OSM personnel will be scheduled as requested by the public and will be held at OSM offices at the Department of Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Patricia Foulk, Office of Surface Mining, Department of Interior, Washington, D.C. 20240, telephone 202-343-4719.

SUPPLEMENTARY INFORMATION: The Office of Surface Mining is subject to several requirements for public participation in the development of its regulations. Section 102(i) of the Surface Mining Act requires OSM to "assure that appropriate procedures are provided for the public participation in the development, revisions, and enforcement of regulations, standards, reclamation plans or programs established by the Secretary or any State under this Act." Similarly, Executive Order No. 12044 requires "early and meaningful opportunity" for public participation in the development of agency regulations. In order to implement these directives, OSM is proposing in this notice several methods for public participation in the development of the permanent regulatory program for surface coal mining and reclamation operations prior to promulgating the proposed permanent rules.

First, drafts of the proposed rules will be available to the public, upon request, from OSM's offices in Washington and from each regional office of OSM. The first portion of all available draft rules will be provided to the public during the week of June 26, 1978. The balance of all other draft rules will be made publicly available by July 14, 1978. Inquiries should be made to Patricia Foulk or the regional offices at the telephone numbers listed above, concerning which portions of the draft rules are available at any particular time.

Second, there will be a series of public seminars in five regional cities during the week of August 7-11, 1978, and in Washington, D.C. on August 3 and 4, 1978. These public seminars are being held for the purpose of receiving comments, relevant technical data and recommendations from the public concerning the draft rules and to enable OSM personnel to ask questions about the information submitted by the public. Members of the public, representatives of organizations and public officials are invited to attend the seminar at the location most convenient for them. Those who wish to speak at a seminar may be scheduled on the program in advance by telephoning Patricia Foulk for the Washington seminar and the appropriate regional office of OSM for each regional seminar on or before August 1, 1978. Other persons attending the seminar who wish to speak may indicate their desire to do so by signing a list before the seminar begins. Speakers will not be assigned particular times to speak, but will be scheduled on a first-come-first served basis. The seminar will be informal and individual oral statements will be limited to 15 minutes. After the scheduled speakers have been heard, all others attending the seminar will have an opportunity to speak in the order that they have signed up to do so at the seminar. Each seminar will be terminated at 5:30 p.m. on the assigned dates or when there are no longer any speakers present to be heard, whichever occurs first. A panel of OSM personnel will be available at each seminar to listen to the statements, to receive written comments, and to ask questions of the speakers. Written statements will be welcome and will be given equal consideration. All material submitted at the seminars and a verbatim transcript of the oral statements will be included in the public record and will be available for public inspection at OSM headquarters in Washington, D.C.

Third, during the period from June 26 to August 18, 1978, OSM personnel will be available to meet at the request of the public to discuss the draft rules. A list of all such meetings will be posted and made publicly available, at OSM's offices in Washington, D.C. in advance of the meetings when possible. The meetings will be open to the public. Written summaries of all meetings will be made available in the public record as soon as possible after the meetings. All documents or other submissions received from the public will be included in the public record and will be available for public inspection. During those meetings, OSM personnel will receive suggestions for substantive changes and recommended clarifications, receive questions about the meaning of draft rules, provide references to technical data as requested and receive the comments supporting data and recommendations of the public. Any member of the public may request such a meeting by contacting Patricia Foulk at the address and telephone number listed above. The requester of a meeting should specify the topics to be discussed so that arrangements can be made for appropriate OSM personnel to attend the meetings.

All comments, statements and recommendations from the public will be considered by OSM in drafting the proposed permanent program regulations. Implementation of these procedures for public participation in developing the draft rules for the permanent regulatory program should enable OSM to publish those rules in proposed form, along with a draft environmental impact statement and a draft regulatory analysis, by approximately September 15, 1978. Once the proposed rules are published in the FEDERAL REGISTER, a further opportunity for written comments and a formal public hearing will be provided prior to adoption of the final permanent regulations.

Dated: June 12, 1978.

WALTER N. HEINE,
Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 78-16615 Filed 6-14-78; 8:45 am]

[4310-84]

Bureau of Land Management

WORLAND DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Worland District Grazing Advisory Board will be held at 8 a.m., July 17, 1978, is the conference room of the BLM District Office in Worland, Wyo.

The agenda for this meeting will include: (1) Opportunity for public comment; (2) discussion of range improvement projects for the 1979 fiscal year; (3) a field inspection of selected AMPS; (4) a field demonstration of the soil-vegetation inventory method (SVIM); and (5) the arrangements for the next meeting.

The meeting will be open to the public. Interested persons may make oral statements to the board between 8 a.m. and 9 a.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1700 Robertson, Worland, Wyo., 82401, by July 10, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Agenda items 3 and 4, above, will require travel in the field from 10 a.m. to 5 p.m., weather permitting. Persons desiring to make this field trip must furnish their own transportation, food, and drink. Four-wheel drive or pickup vehicles are recommended.

Summary minutes of this meeting will be on file in the district office and available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

JOHN A. KWIATKOWSKI,
District Manager.

[FR Doc. 78-16568 Filed 6-14-78; 8:45 am]

[4310-84]

[W-63842]

WYOMING

Application

JUNE 8, 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 Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 6⅝-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 111 W.,
Sec. 32, S½S½;
Sec. 34, S½S½;
Sec. 36, S½S½.

The proposed pipeline will transport natural gas from a point in the SE¼SE¼, sec. 36, to a point in the SW¼SW¼, sec. 32, all within T. 21 N., R. 111 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-16569 Filed 6-14-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 791-78]

PRIVACY ACT OF 1974

System of Records (Amended)

On Friday, September 30, 1977, notice of the existence of a system of records maintained by the Drug Enforcement Administration, entitled "Drug Enforcement Administration Accounting System (DEAAS)," was published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552a(e)(4).

Notice is hereby given that pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, the Drug Enforcement Administration, Department of Justice, proposes to further refine the automation of its system (DEAAS). The new system (DEAAS II) will provide an online input and query capability for budget and accounting information from DEA field office accounting stations and DEA headquarters. This capability will provide management with the ability to meet internal and external reporting requirements in an expeditious manner and will ensure prompt accounting of government funds.

The amended system notice is reprinted below. Changes, including minor clarifications, have been highlighted by italicizing the revised portions.

Interested persons are invited to submit comments to the Office of Administrative Counsel, Room 1118, Office of Management and Finance, Department of Justice, Washington, D.C. 20530. All comments must be received on or before July 17, 1978. No oral hearings are contemplated.

Appropriate reports have been filed with Congress and the Office of Management and Budget.

Dated: June 6, 1978.

GRIFFIN B. BELL,
Attorney General.

JUSTICE/DEA-016

System name:

Drug Enforcement Administration Accounting System (DEAAS II).

System location:

Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.[1]

Categories of individuals covered by the system:

All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DEA employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

Categories of records in the system:

All vouchers paid except payroll vouchers for DEA employees. *In addition, all advance of funds issued to DEA travelers.*

Authority for maintenance of the system:

The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended, 31 U.S.C. 66a and 31 U.S.C. 200(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

Release of Information to the News Media: Information permitted to be released to the news media and the public pursuant to 28 CFR § 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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[1] See Justice/DEA system 999, DEA Appendix 1, list of record location addresses, published at 42 FR 53309, Sept. 30, 1977.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual voucher files are maintained alphabetically by payee's name. *Travel advance information and other budget and accounting data are maintained by an online computerized file. Information on travel advances is stored by employee identification number; other budget and accounting data is maintained by obligation number or other program identifier.*

Retrievability:

Information from manual voucher files is retrieved by using the name of the payee. *Travel advance information is retrieved by employee identification number; other budget and accounting data is retrieved by obligation number or other program identifier.*

Safeguards:

Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures. *Access to manual voucher files is restricted to employees on a need to know basis. Information that is retrievable by terminals can be retrieved only by authorized employees of the Department of Justice who have been issued user identification numbers.*

Retention and disposal:

The payment documents are retained at this location for three fiscal years (current and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration. *In the computerized file for travel advances, only the last two transactions in any particular account are retained in the file. Old transactions are automatically purged as new transactions are entered.*

System manager(s) and address:

Controller, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

Notification procedure:

Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537.

Record access procedures:

Same as "Notification Procedure" above.

Contesting record procedures:

Same as "Notification Procedure" above.

Record source categories:

Submitted by the payee involved.

System exempted from certain provisions of the act:

None.

[FR Doc. 78-16576 Filed 6-14-78; 8:45 am]

[4410-05]

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat, 770) will meet on Sunday, July 30, 1978, starting at 1 p.m. in the Conference Room (Room 500) of the Federal Bureau of Prisons, H.OLL.C. Building, 320 First Street NW., Washington, D.C. 20534.

The primary purpose of this meeting is program planning for fiscal year 1979.

Signed at Washington, D.C., this 9th day of June 1978.

LARRY SOLOMON,
For the Director of the National Institute of Corrections.

[FR Doc. 78-16570 Filed 6-14-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration

OFFICE OF CRIMINAL JUSTICE EDUCATION AND TRAINING

Solicitation

The Office of Criminal Justice Education and Training and the National Institute of Law Enforcement and Criminal Justice announce the fifth annual graduate research fellowship program competition. This program provides financial support up to $10,000 for doctoral candidates writing dissertations in crime-related fields. Doctoral candidates in crime-related fields of study who have finished their course work and require support while they are writing their dissertations are eligible to compete for grants.

Candidates must submit a brief concept paper describing the project to the Office of Criminal Justice Education and Training by October 1, 1978. These concept papers are reviewed by qualified criminal justice academicians and a panel of LEAA specialists. The universities enrolling those candidates whose concept papers are selected following these two levels of review, will be invited to submit formal applications by January 1, 1979. Final selection of fellows will be made following review of the formal applications. Grant awards will be made between March 1 and April 1, 1979.

Further information and copies of the Guidelines for this Program may be obtained by contacting Mary Ellen Brace, Office of Criminal Justice Education and Training, 633 Indiana Avenue NW., Washington, D.C. 20531, telephone number 202-376-3560.

Dated: June 2, 1978.

J. PRICE FOSTER,
Director, Office of Criminal Justice, Education and Training.

[FR Doc. 78-16511 Filed 6-14-78; 8:45 am]

[4510-30]

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The fourth meeting of the National Commission on Unemployment Compensation will be held in Room C5515 (Seminar Room 6), U.S. Department of Labor Building, Second and Constitution Avenue NW., Washington, D.C. 20210, beginning at 10 a.m., Monday, June 26, 1978. This session will conclude at 5 p.m., and resume at 9 a.m., on Tuesday, June 27, 1978. The tentative agenda follows:

AGENDA

Monday, June 26 (10 a.m.)

1. Panel discussion of past, present, and future costs of unemployment insurance, including comments on cost equilization and reinsurance. 10 a.m. to 12:30 p.m.

LUNCH

2. Public hearings—
National Governors' Association 2 p.m.
Legal Aid Bureau (Baltimore) 2:45 p.m.
Migrant Legal Action Program, Inc. 3 p.m.
U.S. Army Warrant Officers' Association 3:15 p.m.
Air Force Sergeants' Association 3:30 p.m.
Maryland State and D.C. AFL-CIO 3:45 p.m.
Virginia State AFL-CIO 4 p.m.

3. NCUC business session, 4:30 p.m. to 5 p.m.

ADJOURN—5 P.M.

Tuesday, June 27 (9 a.m.)

1. Public hearings—
Chamber of Commerce of United States 9 a.m.
National Association of Manufacturers 9:45 a.m.
Council of State chambers of commerce 10:15 a.m.

BREAK—10:45-11 A.M.

Panel of State employer organizations 11 a.m.
National council of agricultural employers 11:30 a.m.

5. NCUC business session noon to 12:30 p.m.

LUNCH

6. NCUC business session (continued) 1:30 p.m. to 5 p.m.

ADJOURN—5 P.M.

Telephone inquiries and communication concerning this meeting should be

directed to: Mr. James M. Rosbrow, Interim Executive Director, National Commission on Unemployment Compensation, Room 7000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20212, phone: 202-376-7034.

Signed at Washington, D.C., this 12th day of June 1978.

JAMES M. ROSBROW,
Interim Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 78-16580 Filed 6-14-78; 8:45 am]

[4510-30]

MEETING

The fifth meeting of the National Commission on Unemployment Compensation will be held in the House of Delegates Chambers, West Virginia State legislature, beginning at 9 a.m., July 14, 1978. This session will conclude at 5:30 p.m. The meeting will resume at 9 a.m., on Saturday, July 15, 1978, in the Charleston House Hotel (Holiday Inn), and conclude at approximately 3 p.m.

Telephone inquiries and communications concerning this meeting should be directed to: Mr. James M. Rosbrow, Interim Executive Director, National Commission on Unemployment Compensation, Room 7000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20212, phone: 202-376-7034.

Signed at Washington, D.C., this 12th day of June 1978.

JAMES M. ROSBROW,
Interim Executive Director, National Commission on Unemployment Compensation.

[FR Doc. 78-16581 Filed 6-14-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329A and 50-330A]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Order

Pursuant to an order of this Board dated the 26th day of May 1978, a conference with counsel was held on May 31, 1978, at which time there was a progress report concerning settlement negotiations. The report satisfied the Board that the parties were diligently pursuing negotiations and had made substantial progress toward reaching a settlement.

In order to continue the monitoring of the progress of the negotiations and receive a progress report, a conference with counsel will be held, by agreement with all concerned, at 8 p.m., local time, on July 11, 1978, in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

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

It is so ordered.

For the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc. 78-16522 Filed 6-14-78; 8:45 am]

[7590-01]

[Docket No. 50-302]

FLORIDA POWER CORPORATION, ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-72 issued to Florida Power Corp., city of Alachua, city of Bushnell, city fo Gainesville, city of Kissimmee, city of Leesburg, city of New Smyrna Beach, and Utilities Commission, city of New Smyrna Beach, city of Ocala, Orlando Utilities Commission, and city of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the city of Tallahassee (the licensees), for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility), located in Citrus County, Fla.

The amendment would revise the provisions in the Technical Specifications to permit the expansion of the spent fuel storage capacity at the facility from 240 to 1153 storage locations, in accordance with the licensees' application for amendment dated March 17, 1978.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 17, 1978, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specificially explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which he seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satifies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to S. A. Brandimore, vice president and general counsel, P.O. Box 14042, Saint Petersburg, Fla., attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions,

supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment (Technical Specification Change Request No. 23), dated March 17, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Crystal River Public Library, Crystal River, Fla.

Dated at Bethesda, Md., this 8th day of June 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-16520 Filed 6-14-78; 8:45 am]

[7590-01]

[Docket No. 50-250]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-31, issued to Florida Power & Light Co., for operation of the Turkey Point Nuclear Generating Unit No. 3 located in Dade County, Fla. The amendment is effective as of the date of issuance.

The amendment to the operating license will extend the allowed continued operation of Turkey Point Unit No. 3 from 6 equivalent full-power months of operation (EFPM) beyond February 1, 1978, as authorized by Amendment No. 32 to Facility Operating License No. DPR-31 issued on January 31, 1978, at which time the steam generators shall be inspected, unless (1) an inspection of the steam generators has previously been performed within this 8 EFPM period or (2) an acceptable analysis of the susceptibility for stress corrosion cracking of tubing is submitted to explicitly justify continued operation beyond this 8 EFPM period.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 8, 1978, (2) Amendment No. 36 to License No. DPR-31, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2d day of June 1978.

For The Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-16523 Filed 6-14-78; 8:45 am]

[7590-01]

[Docket Nos. 50-250 and 50-251]

FLORIDA POWER & LIGHT CO. (TURKEY POINT PLANT, UNIT NOS. 3 AND 4)

Order for Modification of License

I

The Florida Power & Light Co (the licensee), is the holder of Facility Operating License Nos. DPR-31 and DPR-41 which authorizes the operation of the nuclear power reactor known as Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) at steady reactor power levels not in excess of 2,200 megawatts thermal (rated power). The facilities consist of a Westinghouse Electric Corp. designed pressurized reactors (PWR) located at the licensee's site in Dade County, Fla.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 27, 1978, and supplemented on February 15 and 17, 1978, an ECCS evaluation for proposed operation using 15×15 fuel manufactured by the Westinghouse Electric Corp. This elevation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been

made for various aspects of the approved model over the course of time provide a reasonable basis for the concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this order and in the SER, operation of the Turkey Point facilities at the peaking factor limit specified in this Order, and in accordance with the operating surveillance requirements specified in this order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable to limit operation to achieve a peaking factor not exceeding the value specified herein, and to submitted operating surveillance procedures to assure operation within such limits for Unit No. 4. Such procedures were submitted and the commitments confirmed by the licensee's letter of April 10, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

III

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla. 33199.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Florida Power & Light Co., to Mr. Victor Stello, Office of Nuclear Reactor Regulation, dated April 10, 1977.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered,* That Facility Operating License Nos. DPR-31 and DPR-41 are hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_Q) for the facility shall be limited to 2.03 and 1.91 for Unit Nos. 3 and 4 respectively.

(3) Until further authorization by the Commission, the licensee shall conduct the operating surveillance program described in its letter of April 10, 1978.

Dated at Bethesda, Md., this 7th day of June 1978.

For The Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-16524 Filed 6-14-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

[NUREG-75/087]

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section Nos. 2.4.1, Hydrologic Description; 2.4.2, Floods; 2.4.4, Potential Dam Failures (Seismically-Induced); 2.4.5, Probable Maximum Surge and Seiche Flooding; 2.4.6, Probable Maximum Tsunami Flooding; 2.4.8, Cooling Water Canals and Reservoirs; and 2.4.9, Channel Diversions, of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvements of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section Nos. 2.4.1, 2.4.2, 2.4.4, 2.4.5, 2.4.6, 2.4.8, and 2.4.9 is $4 per section. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 2d day of June 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 78-16525 Filed 6-14-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

[NUREG-75/087]

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section 2.4.3, Probable Maximum Floods (PMF) on Streams and Rivers, of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements

alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 to section No. 2.4.3 is $4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Maryland, this 2d day of June 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

[FR Doc. 78-16526 Filed 6-14-78; 8:45 am]

[7590-01]

[Construction Permit Nos.: CPPR-139, CPPR-140]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Notice and Order Scheduling Prehearing Conference

Notice is hereby given, that, in accordance with the Commission's "Notice of Hearing" dated May 11, 1978, and published in the FEDERAL REGISTER on Wednesday, May 17, 1978 (43 FR 21389), a Prehearing Conference will be held at 9:30 a.m. e.d.t. in the Nuclear Regulatory Commission Hearing Room, 5th floor, East-West Tower Building, 4350 East-West Highway, Bethesda, Md., on Friday, June 16, 1978.

The Prehearing Conference shall deal with the following:

1. Further identification and clarification of the issues including but not limited to the question of whether or not the Commission, in its investigation, was denied access to records and personnel or to the questions of the nature of the construction problems reported and their relationship to possible unsafe conditions in this activity licensed by the Commission.

2. Preliminary statements of the positions to be presented by the Licensee and the NRC Staff respectively including the names of all witnesses to be called by the parties.

3. Scheduling of the Evidentiary Hearing.

The attorneys for the respective parties are directed to confer, in advance of the Prehearing Conference, in such manner as they deem appropriate, and to report to the Licensing Board at said conference on any stipulations regarding matters in controversy, on any informal discovery that can be arranged between the parties, and on any other mutually agreeable procedures to expidite this matter.

Members of the public are welcome to attend the Prehearing Conference; however, no evidence will be received at the Prehearing Conference on June 16, 1978, which will consist of a Conference of Counsel for the various parties with the Board to develop procedures for the Evidentiary Hearing which will be scheduled for a later date.

Members of the public are invited to attend the Evidentiary Hearing. Notice of the date of the commencement of said hearing will be given, both by publication in the FEDERAL REGISTER and by notice sent by mail directly to all members of the public who have requested to be so notified.

It is so ordered: For the Atomic Safety and Licensing Board,

JOHN F. WOLF,
Chairman.

Issued at Bethesda, Md., this 12th day of June, 1978.

[FR Doc. 78-16742 Filed 6-14-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-24]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report.—The National Transportation Safety Board on June 8 publicly released the formal report of its investigation into the crash of an Alaska Aeronautical Industries DeHavilland DHC-6 into Mt. Iliamna last September 6. The report, No. NTSB-AAR-78-5, indicates that the aircraft, in level flight, struck the glacier-covered southwest side of the mountain at 7,000 feet while en route from Iliamna, Alaska, to Anchorage. Both pilots and all 11 passengers died in the crash. Crevasses, deep snow, and the danger of avalanche prohibited wreckage or body recovery.

The Safety Board determined that the probable cause of the accident was the failure of the flightcrew to use proper navigational procedures for the route to be flown, especially their failure to use the available backup means of navigation to verify the position and the progress of the flight.

As a result of its investigation of this accident, the Safety Board on May 17 issued to the Federal Aviation Administration four recommendations, Nos. A-78-37 through 41—one of which called for more stringent safety monitoring of commuter airlines. (See 43 FR 22465, May 25, 1978.)

Highway Accident Report.—Also released last week was the formal report of investigation into the collision between an out-of-control truck-semitrailer and a van which killed five persons near Marion, North Carolina, May 12, 1977. The report, No. NTSB-HAR-78-3, indicates that the partially loaded flatbed truck was towing a flatbed semitrailer carrying a construction backhoe when it accelerated out-of-control on a 4-mile long, steep grade on U.S. Highway 221. At a curve in the highway, the truck-trailer skidded sideways, and the trailer crossed into the opposing traffic lane. The backhoe then broke free of its chains and vaulted into the path of an on-coming van.

The Safety Board determined that the probable cause of this accident was the loss of braking effectiveness which permitted the truck-semitrailer to accelerate out-of-control down a long, steep grade. The loss of braking effectiveness was caused by inoperative brakes on the semitrailer, which resulted from inept and inadequate maintenance, and by the operation of this unsafe vehicle.

Following its investigation, the Safety Board on May 16 issued five recommendations (Nos. H-78-40 through 44) to the Federal Highway Administration, urging that FHWA establish a procedure that will serve to inform all carriers and drivers under the FHWA's jurisdiction of their responsibilities in regard to the Federal Motor Carrier Safety Regulations, that FHWA maintain strict surveillance of compliance of the Ford Construction Company (owner of the truck) with the provisions of the Federal Motor Carrier Safety Regulations, and that FHWA expedite action to establish a design policy that would prevent construction of long and steep highway grades that have the potential for generating runaway vehicles without providing escape routes. (See also 43 FR 22466, May 25, 1978.)

Highway Safety Recommendations.—The necessity for removing problem drivers from the Nation's highways was emphasized by the Safety Board in a recommendation letter forwarded June 7 to the Governors of all States. The "Class I—Urgent Action" recommendation No. H-78-45 contained in the letter was that each State should:

> Review its driver licensing program(s) to insure that it conforms to the one-license concept and the driver improvement program suggested by Highway Safety Program Standard No. 5, Driver Licensing, and by the guidelines set forth in Chapter 6 of the Uniform Vehicle Code.

The recommendation resulted from the Board's investigation of the March 8, 1977, schoolbus-truck collision on U.S. Highway 29, near Rustburg, Virginia, which killed three of the 33 occupants of the schoolbus. The Board found that at the time of the accident, the truckdriver held valid driver licenses from the States of Florida and North Carolina—contrary to the Na-

tional Highway Traffic Safety Administration Highway Safety Program Standard No. 5, which requires that each State have a driver license program that allows each driver to hold only one license, and contrary to Chapter 6 of the Uniform Vehicle Code, which permits a person to have no more than one valid driver's license at any time.

A review of the truckdriver's record over the past 17 years, which included the operation of commercial vehicles, revealed that he had accumulated 38 traffic violation convictions in eight States, six driver license suspensions, and four highway accidents; 21 of these traffic convictions, the suspensions, and the accidents occurred in North Carolina.

A copy of the Safety Board's report (No. NTSB-HAR-78-1) of this accident was forwarded with the June 7 recommendation letter to each Governor. (See also 43 FR 14555, April 6, 1978.)

Marine Safety Recommendations.—The Safety Board has issued 10 recommendations to the U.S. Coast Guard as a result of its investigation into the destruction on April 9, 1974 of the *M/T Elias.* The tanker, of Greek registry, was discharging a cargo of crude oil at the Atlantic Richfield Company's (ARCO) Fort Mifflin Terminal on the Delaware River at Philadelphia, Pennsylvania, when several explosions occurred, fire engulfed the ship, and it sank at it berth.

The *Elias* was destroyed, five crewmembers and three visitors were killed; four crewmembers and one visitor were listed as missing. Damage to the ARCO terminal was estimated at $2 million. The tanker *S/S Steiniger* (Liberian) at the adjoining berth was slightly damaged and surrounding waters were polluted with oil. The sunken hulk of the *Elias* obstructed use of the berth for 19 months before all wreckage was removed.

The Safety Board has determined that the probable cause of the accident was the inadequate maintenance of cargo tanks and the sanitary system which allowed volatile cargo vapors to enter compartments containing ignition sources. The location of the ship's midshiphouse above cargo tanks contributed to the loss of life. A formal report of the investigation will be released by the Safety Board in the near future.

Under date of June 5 the Safety Board recommended that the Coast Guard:

Implement communications practices to insure that pilots, ship operating agents, terminal operators, and port firefighting authorities are informed of potentially hazardous ship movements. (M-78-35)

Improve the promptness and effectiveness of boarding programs and special investigative procedures on tank vessels, and review the adequacy of checklists to aid in the detection of potentially hazardous shipboard conditions. (M-78-36)

In the implementation of the Marine Safety Information System and Port Safety Reporting System, incorporate information on ship safety deficiencies obtained from foreign inspection sources and also from local activities responsible for ship operations, to insure effective control of such ships. (M-78-37)

Establish a plan review program relative to new construction of new port terminals that evaluates the protection of firefighting systems, to minimize damage or loss resulting from explosion and to insure availability and effectiveness for firefighting. (M-78-38)

Study the positioning of shipborne gangways and shoreplaced brows to determine ways to provide for rapid personnel escape from vessels during emergencies. (M-78-39)

Promulgate regulations that control visitor movement through terminals and restrict their boarding of tankers that are not gas-free or inerted. (M-78-40)

Study the feasibility of providing safer means of escape from tankers across piers to safe terminal locations, to improve chances of survival for shipboard personnel when lifeboats cannot be used and swimming ashore is not possible. (M-78-41)

Modify regulations governing "designated waterfront facilities," to require reporting of casualties and accidents to the Coast Guard, conforming to those specified for deep water ports and artificial islands. (M-78-42)

Make public specific policy concerning the frequency of boarding, and the extent of examination to be made, of foreign tank vessels calling at American ports, to insure that such vessels meet U.S. safety and environmental protection regulations, as proposed in the President's message to Congress on March 17, 1977. (M-78-43)

Require expeditious and thorough investigation of arriving tank vessels that might pose a threat to U.S. ports and waterways because of an on-board fire or casualty, at safety zones before permitting berthing in U.S. ports. (M-78-44)

All of the above are "Class II, Priority Action" recommendations.

Responses to Safety Recommendations

AVIATION

A-76-45 through 50.—Letter of May 16 from the Federal Aviation Administration is in response to recommendations stressing the importance of good preflight planning for safe flight and seeking regulatory action to accomplish that objective.

FAA states that all Regional Accident Prevention Coordinators have been supplied with copies of NTSB Report AAS—76-2, "U.S. General Aviation Takeoff Accidents: The Role of Preflight Preparation," and have been directed to stress the importance of thorough preflight preparation and planning at pilot safety meetings. A copy of the reminder memo to all Regional Accident Prevention Coordinators is attached to FAA's letter.

Recommendation A-76-46, asking FAA to amend 14 CFR 141 Appendix A, 14 CFR 61.105 and 14 CFR 61.107 to define the specific elements of preflight operations and to require a separate block of ground and flight training for this subject, was designated "Closed-Reconsidered" by Safety Board letter of June 30, 1977.

FAA does not concur in recommendation A-76-47, which sought amendment of 14 CFR 61.57(b)(2) to specify that the person administering a biennial flight review must ascertain that the applicant understands the elements required for a complete preflight preparation. FAA's letter of June 22, 1976, provided reasons for nonconcurrence and explained preference for an educational program as an alternate solution.

FAA has reviewed Advisory Circular 61-66, Annual Pilot-in-Command Proficiency Checks, as sought by recommendation A-76-48, and has concluded that inclusion of an outline of the subjects in the preflight planning phase is inappropriate.

In answer to A-76-49, FAA has issued Advisory Circular 61-84, Role of Preflight Preparation, April 11, 1977. This circular discusses the elements of thorough preflight preparation; a copy of the circular is provided.

Recommendation A-76-50 asked FAA to revise Advisory Circular 61-21, Flight Training Handbook, to provide a comprehensive description of the information which would be included under the subtopic "Preflight Operations." FAA states that completion of the revision of the circular has been delayed; issuance is expected by the end of October.

A-78-3.—In answer to this recommendation, calling for a joint Government/industry committee to develop flight techniques for coping with inadvertent encounters with severe wind shears at low altitude, FAA's letter of May 5 reports that it is revising Air Carrier Operations Bulletin 7-76-34 on low-level wind shear to ensure that flight crewmembers have procedures, guidance, and training to enable them to deal with these types of wind shear in the future. FAA is also including a requirement for its principal operations inspectors to ask their assigned air carriers to amend appropriate operations manuals to include this information. The information will be based on results of the FAA/NTSB industry simulator studies on wind shear. The bulletin will be coordinated with industry prior to issuance. FAA does not believe that establishment of a joint Government/industry committee to develop wind shear flight techniques is necessary at this time.

A-78-4.—Also on May 5, FAA responded to the recommendation calling for issuance of an Airworthiness Directive applicable to Piper Cheyenne, Navajo, and Aztec airplanes to require a periodic inspection of the forward baggage door locks, and estab-

lishment of an inspection procedure and repair or replacement requirements. The inspection, the Safety Board recommended, should insure that the baggage door lock tang will not disengage from the door handle, and that the latching load imposed during handle operation is a specified minimum consistent with dynamic loads which can be encountered during all ground and fight operations.

FAA states that it has reviewed the design and physically examined the latch and lock mechanisms of the door. FAA does not believe that the door, in good condition, will open in flight if it has been properly latched and locked. FAA has taken the following actions dealing with the operation and maintenance of nose baggage/cargo doors:

Handbook 8430.1A, Change 10, Part 135, Operations Alert 72-2 issued October 12, 1973, directed inspectors to contact all air taxi operators and request that procedures for flightcrew checks of the security of all baggage and cargo doors be established and included in the carriers' operations manuals.

The 1976 General Aviation Inspection Aids Summary contains an item which emphasizes the necessity for proper locking and maintenance of nose cargo doors.

The January 1978 supplement to the General Aviation Inspection Aids contains an item involving an inflight nose cargo door opening and describes the condition of the lock, as found, along with recommendations for inspections.

Copies of the above issuances are attached to the response letter. FAA reports that it also exhibits a Service Difficulty Film at safety seminars. This film relates to maintenance and operation of baggage doors.

FAA states that available records of unwanted door openings on these airplanes do not support mandatory action as recommended, and no action is planned at this time.

HIGHWAY

H-77-10.—A resolution dated May 5, 1978, from the Village of Stratton, Nebraska, indicates that the Village Board of Trustees will participate in providing 10 percent funding for flashing signals and gates at the Beaver Avenue crossing in Stratton. This is in line with the recommendation which was issued following Safety Board investigation of the August 8, 1976, collision between a Burlington Northern freight train and a church-owned bus at the Beaver Avenue railroad/highway grade crossing.

H-77-40.—The Federal Highway Administration on May 12 responded to the recommendation which asked that FHWA require the State of Ohio to renew emphasis on implementation at the local level of established procedures for accurately identifying accident locations on all roads and streets, as outlined in Highway Safety Program Standard No. 9, Chapter 7, Section 3A, B, and C. This recommendation followed investigation of the August 20, 1976, accident on State Route 17 in Valley View, Ohio, in which a tractor-semitrailer went out of control while descending a steep 10-percent grade.

FHWA reports that Ohio does have an accident identification system which reports on accidents and locations; approximately 97 percent of all reportable accidents occurrring in the State regardless of jurisdiction are being included in the State's computerized traffic accident system. After reviewing Ohio's safety program systems in 1976, FHWA recommended that the State expedite and improve its reporting and dissemination of existing accident records to local jurisdictions. The State advised FHWA on July 28, 1976, that lists of accidents and locations had been furnished to all cities over 30,000 population and all counties.

FHWA notes that Ohio, in cooperation with FHWA, is working to improve and refine its system. Further improvement is needed to ensure that local jurisdictions, particularly smaller communities, are furnished traffic accident records and made aware of their use. Further improvement is also needed in the State's location identification system which presently is based on street names and intersections of streets in a link-node fashion.

H-77-42.—Also related to the Valley View, Ohio, accident, this recommendation was directed to the Secretary, U.S. Department of Transportation, and emphasized the need for increased resources for FHWA's Bureau of Motor Carrier Safety. The Safety Board recommended that the Secretary seek the necessary funding from Congress to enable FHWA/BMCS to increase its activities devoted to the roadside inspection of commercial motor vehicles and the safety compliance survey of carrier operations.

The Secretary on April 27 reported that DOT's Fiscal Year 1979 budget request supports an increase in funding for FHWA/BMCS program activities. This request has been forwarded to Congress as part of the President's Budget and includes funds for hiring 26 additional safety investigators and a request for $4 million for a proposed Motor Carrier Safety Inspection and Weighing Demonstration Program. These additional positions should suffice to enable BMCS to increase its roadside inspection activity and the $4 million should be adequate to initiate an inspection and weighing program in two or three States. Based on the results of the demonstration programs, appropriate action can be taken to aid in improving the safety performance of both interstate and intrastate carriers. DOT is currently reviewing the issue of increased resources for the entire motor carrier safety program.

H-78-15 and 16.—Letter of May 9 from the National Highway Traffic Safety Administration is in response to recommendations issued following investigation of the July 14, 1977, collision of an automobile with a Midas Mini Motor Home near McAlester, Oklahoma.

Recommendation H-78-15 called for NHTSA to revise Federal Motor Vehicle Safety Standard No. 206 to require performance tests on door latch assemblies rather than the nondynamic, laboratory tests described in the Society of Automotive Engineers Recommended Practice, SAE J8396. In response, NHTSA refers to its proposed rule, Docket 78-07, published March 16, 1978, at 43 FR 11100, "Five Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking and Invitation for Applications for Financial Assistance." NHTSA states that the exploratory rulemaking section of the new plan addresses the crashworthiness of vehicle systems in comprehensive systems tests that would preclude ejections due to door openings. The test methodology would examine the door lock system to attest to its adequacy for occupant retention.

Recommendation H-78-16 asked that NHTSA work with the Society of Automotive Engineers to devise methods of testing to demonstrate experimentally the satisfactory performance of latching systems. NHTSA has sent copies of the 5-year rulemaking plan for comment to interested parties, including the SAE.

H-78-18.—Also in connection with the Midas Mini Motor Home accident, the Safety Board on May 1 recommended that the Motor Vehicle Manufacturers Association of the United States (MVMA) inform its members of the details of the unwanted actuation of the door latch and encourage them to consider ways to prevent such failures in the manufacture of future door-latch assemblies.

On May 12, MVMA responded, indicating that it has informed its members of the "unwanted actuation of the door latch assembly on the motor home, one of the involved vehicles." MVMA notes that the constraints of trade regulation law and, in particular, on a Consent Decree entered into with the Department of Justice in 1969, prohibit MVMA from involvement with its members in discussions regarding product design and product performance. MVBA assures the Safety Board that engineers who are specialists in the design and function of door latch assemblies will give a

very serious review to the referenced case and crash occupant retention.

INTERMODAL

I-77-1.—The Federal Highway Administration's letter of May 8 is a followup to its interim response of January 25, 1978, and to the FHWA/NTSB staff discussion held on March 29. The recommendation resulted from investigation of the May 11, 1976, accident in Houston, Texas, involving a tractor-semitrailer which was transporting some 7,500 gallons of anhydrous ammonia.

FHWA notes that the public hearing called by notice published at 42 FR 55960 has been held and an Inconsistency Rule (IR-1) dated April 5, 1978, has been issued by the Materials Transportation Bureau (MTB). A copy of the ruling is attached to FHWA's May 8 letter. FHWA states that while Federal preemption over local law was not asserted in this case, the prudence of hazardous materials routings or traffic diversions made solely by local authorities was questioned. According to FHWA, MTB intends to begin Federal rulemaking action within 60 days on routing requirements for transporting all types of hazardous materials, and FHWA will cooperate.

The recommendation asked FHWA to develop guidelines for local and State agencies to use in designating and periodically reviewing routes for transporting hazardous materials as a means of reducing injury and damage from accidents involving hazardous materials in their jurisdictions. FHWA states that possible development of guidelines for use by State and local authorities in determining such routes will be explored in relationship to the national problem.

MARINE

M-77-7.—Letter of April 28 from the Maritime Administration, U.S. Department of Commerce, is in reply to the Safety Board's inquiry of February 3 regarding the recommendation which resulted from investigation of the collision between the *SS Keytrader* and *SS Baune* in the lower Mississippi River on January 18, 1974: Establish guidelines to provide for the use, at the earliest possible date, of Marine Radar Interrogation Transponders (MRIT) and Collision Avoidance Systems (CAS) by vessels that are navigating by radar on inland waters.

The Maritime Administration believes that the potential for emergence of MRIT as an element in CAS and VTS (Vessel Traffic Systems) must be recognized in regulatory planning, and states that an equally important consideration is provision of essential communications capability to support necessary control interaction. The Administration says that it has authority to develop concepts for MRIT utilization but believes that responsibility for appropriate regulatory implementation should remain with the Coast Guard and the Federal Communications Commission. The Administration will continue coordination efforts with other Government regulatory and executive agencies.

PIPELINE

P-77-27 through 33.—Exxon Gas System, Inc., on May 12 responded to the Safety Board's inquiry of April 27 regarding recommendations developed as a result of investigation and analysis of the gas compressor failure and explosion with fire at the Exxon installation near Robstown, Texas, on December 7, 1976.

The Board expressed its gratification at the prompt, positive action described in Exxon's December 20, 1977, letter. The Board said that actions that Exxon described concerning the proper tightening of engine and compressor component studs (P-77-27), the shortening of the inspection interval for emergency shutdown valve systems (P-77-28), and the training of personnel and distribution of system and emergency contingency plans (P-77-33) are very responsive to those recommendations.

Recommendation P-77-29 asked for a complete systems review of electric, air, and gas operated emergency equipment with emphasis on interconnected air systems and backup of dual-feed air systems in compressor stations. Exxon's December 20 response indicated only a discussion of fail-safe systems. Exxon's May 12 letter indicates that an extensive review of all Exxon emergency equipment is nearing completion. This review, Exxon states, addresses the reliability of all primary power sources (electric, air and gas) required to make the station emergency systems function properly. Review results and a schedule for implementing any necessary modifications will be provided by July 31, 1978.

In response to the Board's inquiry regarding P-77-30, which recommended that emergency shutdown systems include a separate remote control for valves that can independently blow down the station, Exxon states that the independent blowdown valves at Station 1 have been modified to include remote actuation as described in its December 20 response. These became operable prior to April 28, 1978, and Exxon reports that modifications have also been completed at Stations 2, 3, and 4 to permit remote blowdown of station piping. The last of these also became operational on April 28. Exxon further reports that the blowdown valves at all other stations are currently operated by separate control systems, the operation of which is initiated by the full closure of all fire gate valves at the respective stations. Therefore, at each station, Exxon is now able to remotely blow down station piping.

Regarding P-77-31, the Board on April 27 requested similar information on the testing of the proposed high pressure, high volume solenoid valve which would eliminate the four-way valve, as recommended. Exxon reports that its testing has confirmed the use of the high-pressure, high volume solenoid valve as suggested, and that the Station 1 system using this newly developed solenoid valve has been operational since March 20, 1978. Exxon expects to install these valves at Stations 2, 3, 4, 6, 6A, and 7A by the end of the year. The emergency shutdown systems of Stations 5, 7, and 8 utilize hydraulically actuated fire gate valves which are considerably different in design to the corresponding valves at the other stations, according to Exxon.

Exxon reports that a procedure for logging, tagging, and carsealing critical valves on gas, air, and hydraulic control lines, as recommended in P-77-32, was implemented as an integral part of Exxon operations at all of its compressor stations prior to April 28. Also, Exxon has completed color-coding designated control line valves to indicate their normal position.

NOTE.—The above notice summarizes Safety Board documents recently released and recommendation response letters received. Single copies of the accident reports and the Board's recommendation letters in their entirety are available to the general public without charge. Copies of the full text of responses to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction.

All requests to the Board for copies must be in writing, identified by report or recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(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.

JUNE 12, 1978.

[FR Doc. 78-16554 Filed 6-14-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the

public received by the Office of Management and Budget on June 7, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Petroleum Industry Monthly Report for Product Prices, FEA-P302-M-1, monthly 3,600 gas plant operators, petroleum refiner, etc. Office of Federal Statistical Policy and Standard, 673-7959.

NATIONAL SCIENCE FOUNDATION

1978 Survey of Recent Science and Engineering Graduates, single time, 28,000 BA's and MA's in science and engineering, Clearance Office, 395-3772.

TENNESSEE VALLEY AUTHORITY

Survey of Dealers Using Solid Ammonium Phosphates in the Production of Suspension Grades, single time, 768 licensed liquid blenders in Kansas, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Services, energy use in food and fiber processing and marketing, single time, 8,000 food processing and marketing establishments, Ellett, C. A., C. Louis Kincannon, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Pilot Study Eligibility and Participation Under SSI, SSA-3899-BK, single time, 50 low-income aged people, Office of Federal Statistical Policy and Standard, 673-7959, Human Resources Division.

Health Care Financing Administration (Medicare), End-Stage Renal Disease Demonstration Project Under the Medicare Program, HCFA-48T, HCFA-49T, HCFA-9734A, Through C, single time, 56 hospitals and nonhospitals providing aide, Richard Eisinger, 395-3214.

National Institutes of Health, Public Awareness on Asbestos Exposure, semi-annually, 3,000 individuals in general population, Clearance Office, 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Small Cities Full Applications, annually, 1,800 small cities, counties, etc., Budget Review Division, 395-4775.

Government National Mortgage Association:

Issuer's Monthly Summary Report, HUD-1710D, monthly, 8,400 mortgage bankers, Caywood, D. P., 395-3443.

Issuer's Monthly Accounting Report, HUD-1710A, monthly, 8,400 mortgage bankers, Caywood, D. P., 395-3443.

Project Pool Report, HUD-1710C, other (see SF-83), 90 Mortgage Bankers, Caywood, D. P., 395-3443.

Issuer's Monthly Serial Notes Accounting Schedule, HUD-1710-B, monthly, 72 mortgage bankers, Caywood, D. P., 395-3443.

1978 Professional Investor Survey, single time, 4,000 professional investors, Caywood, D. P., 395-3443.

Housing Management, WRDP Housing Position Description Data Collection Form, single time, 350 governmental and quasi-governmental, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration, Cost Questionnaire for Industrial Accidents/Illnesses, OSHA-136, single time, 82 families of industrial accident/illnesses victims, Strasser, A., 395-6132.

REVISIONS

SMALL BUSINESS ADMINISTRATION

Business Loan Application, SBA Form 4, SBA Form 4-I, on occasion, small businesses requesting assistance, 25,000 responses, 62,500 hours, Warren Topelius, 395-6132.

U.S. CIVIL SERVICE COMMISSION

Claim for 10-Point Veteran Preference, SF-15, on occasion, employment applicants, 56,913 responses, 14,000 hours, Marsha Traynham, 395-3773.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Statement of Support, Revenue, and Expenditures, AID 1550-2, annually, private and voluntary organizations, 90 responses, 180 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Census Forms—1980 census dress rehearsal, D-1(XN), D-2(XN), single time, households, 265,000 responses, 87,117 hours, Office of Federal Statistical Policy and Standard, Reese, B. F., 673-7959.

National Oceanic and Atmospheric Administration, Sea Grant Control, NOAA Form 90, annually, none, State and local government, 65 responses, 27 hours, Budget Review Division, 395-4775.

DEPARTMENT OF DEFENSE

Departmental and Other Application for Enlistment—Armed Forces of the United States, DD 1966, on occasion, male and female 17-26 years nationwide, 1,800,000 responses, 1,350,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Institutional Progress Report, BEOG Program, OE-255-3, on occasion, postsecondary institutions, 15,000 responses, 11,250 hours, Laverne V. Collins, 395-3214.

Annual Program Plan Under Part B of the Education of the Handicapped, OE 9055, annually, State educational agencies, 57 responses, 6,840 hours, Budget Review Division, 395-4775.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Property Tax Repricing Schedule—Survey of Tax Officials, 2921F, 2921.40, annually, local tax jurisdictions in 85 PSU's, 600 responses, 1,200 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Statewide Recreation Survey of California Residents, Regarding Use of the California Desert, single time, California adults, 1,000 responses, 200 hours, Office of Federal Statistical Policy and Standard, 673-7959.

EXTENSIONS

ACTION

Request for Information About ACTION, NS, A-16, on occasion, 70,000 responses, 560 hours, Reese, B. F., 395-3211.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Sea Grant Budget, NOAA 90-4, annually, 600 responses, 100 hours, Budget Review Division, 395-4775.

Economic Development Administration, Minority Business Enterprise Utilization Report, ED-530, on occasion, 32,000 responses, 22,000 hours, C. Louis Kincannon, Laverne V. Collins, 395-3211.

National Oceanic and Atmospheric Administration, Coastal Energy Impact Program (Pub. L. 94-370) (grants, loans, guarantees), on occasion, 170 responses, 2,074 hours, Budget Review Division, 395-4775.

DEPARTMENT OF DEFENSE

Department of the Navy, Listing and Status of Provisional Items Report (LSPIR), RCS NAVSHIPS 4423-1, NAVSHIPS 5, other (see SF-83), 1,200 responses, 28,800 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Student Confirmation Report, OE-1072, semi-annually, 19,000 responses, 14,250 hours, Laverne V. Collins, 395-3214.

Food and Drug Administration, Establishment in Addendum to the License Application of Manufacture of Blood and Blood Components, FD-2599, FD-2599A, on occasion, 150 responses, 225 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF LABOR

Employment Standards Administration:

Application for Self-Insurance and Financial Statement, LS-271, LS-271A, annually, 50 responses, 50 hours, Strasser, A., 395-6132.

Employers First Report of Injury or Occupational Illness, LS-302A, on occasion, 18,062 responses, 1,505 hours, Clearance Office, 395-3772.

Monthly Employment Utilization Report, SF 257, Monthly, 240,000 responses, 120,000 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-16624 Filed 6-14-78; 8:45 am]

[7710-12]

POSTAL SERVICE

PRIVACY ACT OF 1974

Systems of Records Modification

AGENCY: U.S. Postal Service.

ACTION: Final notice of a routine use modification.

SUMMARY: This document makes a final change to a routine use for a published system of records and the addition of the same use to another published system. The routine use as presently reported refers to providing certain information to the American Insurance Association index system. The purpose of the change is to further clarify the nature of the information involved.

EFFECTIVE DATE: July 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John Finlay, 202-245-4142.

SUPPLEMENTARY INFORMATION: On April 17, 1978, the Postal Service published for comment in the FEDERAL REGISTER (43 FR 16229) a proposal to modify a routine use of USPS 180.010, Tort Claims—Tort Claims Records, and also add the same use to USPS 080-010, Inspection Requirements—Investigative File System. The purposes of these changes appear in the proposal and will not be repeated here.

No comments regarding these records system modifications were received. Accordingly, after a review of the proposed text, the Postal Service has determined to give final notice of the following modifications.

The specific change for the records system description for USPS 180.010 follows:

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Change second routine use to read:

"2. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries."

The addition of the routine use of USPS 080.010 follows:

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Add a new routine use to read: "18. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries."

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-16539 Filed 6-14-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM REPUBLIC OF BOTSWANA

Information for Investors

The Agency for International Development (AID) has authorized a guaranty of a loan in an amount not to exceed $2,400,000 to finance housing projects in the Republic of Botswana. The Republic of Botswana (borrower) desires to receive proposals from eligible investors, as defined below, describing the terms and conditions upon which the investors will be willing to make this loan to the borrower. The full repayment of the loan will be guaranteed by AID. The AID guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 221 of the Foreign Assistance Act of 1961, as amended (the Act). The eligible investor and the terms of the loan must be acceptable to AID and disbursements of the loan will be subject to certain conditions required of the borrower by AID. This project is referred to as project No. 633—HG-001.

Eligible investors are invited to consult promptly with the borrower and submit proposals for an AID-guaranteed loan for the project. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address:

Ministry of Finance and Development Planning, Private Bag 008, Gaborone, Botswana, or Telex 414 BD, Attention: L. Mothibatsela.

Investors eligible to receive an AID guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.C. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by AID.

The borrower projects a schedule of disbursements covering approximately 13 months (or other period to be negotiated) from the date of the loan agreement, the first disbursement of $700,000 with additional disbursements or $790,000 April or May 1979 and final disbursement of $910,000 in September or October of 1979. Prospective investors should consider this in proposing a guaranteed loan to the borrower. In addition, in the event the investor will engage in the reselling of the loan to other persons, the investor must for the servicing of his loan, i.e., recordation and disposition of loan payments received from the borrower.

Information as to the eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523, telephone 202-632-9637.

This notice is not an offer by AID or by the borrower. The borrower and not AID will select an investor and negotiate the terms of the proposed loan. Selection is expected to take place approximately mid July 1978.

Prospective investors are requested to submit offers to the borrower by June 30, 1978.

It is anticipated that the borrower will select an investor within 72 hours following the closing date for proposals.

Dated: June 6, 1978.

DAVID MCVOY,
Assistant Director for Operations, Office of Housing.

[FR Doc. 78-16571 Filed 6-14-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 99.1.97]

ROBERT GIBSON

Delegation of Contracting Officer Authority

Pursuant to the authority delegated to me as Director, Office of Contract Management, under redelegation of authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to Mr. Robert Gibson the authority to sign the following instruments, up to an amount of $500,000 (or local currency equivalent) per transaction:

(1) U.S. Government contracts (including contracts with individuals for services of the individual alone);

(2) U.S. Government grants, other than grants to foreign governments or agencies thereof;

(3) Interagency service agreements (IASA's) between AID and other U.S. Government agencies; and

(4) Modifications to the instruments specified above.

The authority delegated herein is to be exercised in accordance with AID

regulations, procedures, and policies in effect at the time the authority is exercised and is not in derogation of the authority of the Director, Office of Contract Management, to exericse any of the functions herein redelegated.

This redelegation of authority shall be effective on the date of signature.

Dated: May 4, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc. 78-16572 Filed 6-14-78; 8:45 am]

[4710-02]

[Redelegation of Authority No. 40.01]

DIRECTOR, OFFICE OF COMMODITY MANAGEMENT

Redelegation of Authority Regarding Transportation Source

Pursuant to the authority delegated to me by Delegation of Authority No. 40 dated March 5, 1978, from the AID Administrator, I hereby redelegate to the Director, Office of Commodity Management the following authorities:

A. SELECTED FREE WORLD

1. When code 000 has been authorized for the procurement of goods and services, authority to waive, in accordance with the criteria prescribed in Supplement B of AID Handbook 1, the requirement that transportation services be on U.S.-flag aircraft or ocean vessels, to permit financing of transportation on aircraft or ocean vessels under flag registry of the cooperating country or any AID Geographic Code 941 country, when transportation costs do not exceed $250,000 of funds made available under the Foreign Assistance Act of 1961, as amended.

2. When code 941 has been authorized for the procurement of goods and services, other than transportation services, authority to waive, in accordance with the criteria prescribed in Supplement B of AID Handbook 1, the requirement that transportation services be on U.S. or cooperating country flag aircraft or ocean vessels, to permit financing of transportation on aircraft or ocean vessels under flag registry of any AID Geographic Code 941 country, when transportation costs do not exceed $250,000 of funds made available under the Foreign Assistance Act of 1961, as amended.

B. FREE WORLD

Authority to waive, in accordance with criteria prescribed in Supplement B of AID Handbook 1, the requirement that transportation services be on U.S., cooperating country, or code 941 country flag aircraft or ocean vessels, to permit the financing of transportation on aircraft or ocean vessels under flag registry of any country included in AID Geographic Code 899 (free world), when transportation costs do not exceed $250,000 of funds made available under the Foreign Assistance Act of 1961, as amended: *Provided, however,* That all waivers approved pursuant to paragraph II.B. shall contain a certification by the approving official that "The interests of the U.S. are best served by permitting financing of transportation services on aircraft or ocean vessels under flag registry of free world countries other than the cooperating country and countries included in Code 941."

The authority herein redelegated to the Director, Office of Commodity Management may not be further redelegated but may be exercised by duly authorized persons who are performing the functions of the Director in an "Acting" capacity.

The authorities redelegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

Actions taken within the scope of this redelegation heretofore taken by the official designated herein are hereby ratified and confirmed.

This redelegation of authority shall be effective immediately.

Dated: June 7, 1978.

DONALD G. MACDONALD,
Assistant Administrator.

[FR Doc. 78-16573 Filed 6-14-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER

Notice To Reduce Hours

Notice is hereby given that on or about July 30, 1978, the Airport Traffic control Tower at Pueblo, Colo., will be closed each day from 11 p.m. until 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

(Secs. 307(a) and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a) and 1354(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colo., on May 18, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc. 78-16323 Filed 6-14-78; 8:45 am]

[1505-01]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Emergency Order No. 8]

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD CO.

Correction

In FR Doc. 11084 appearing on page 18396 in the issue of Friday, April 28, 1978, on page 18397, appendix A should read as follows:

APPENDIX A

New York, Susquehanna and Western Railroad

Track Inspected Between Milepost	and Milepost	(49 CFR 213) (Numbers in parentheses are number of defects)
4.0	4.3	.109 (38) (Maximum distance between non-defective ties—575")
4.8	5.0	.109 (35) (Maximum distance between non-defective ties—528")
5.9	6.1	.109 (36) (Maximum distance between non-defective ties—600")
7.1	7.5	.109 (36) (Maximum distance between non-defective ties—360")

In an inspection of 1.1 miles of railroad, 145 deviations from the minimum Federal safety standards relating to crossties were discovered. Three locations where the crosslevel was measured at 5 inches (crosslevel cannot exceed 3 inches in class 1 track) were also discovered by FRA inspectors in this segment of track. The track inspected was representative of the remainder of the track between mileposts 3.5 (Jersey City) and 9.1 (Little Ferry). Due to the low elevation of this track, much of the track was covered by sod and mud. Additionally, this track is subject to substantial intrusions of water due to tides and rainfall. Three locations where there was a break out in the railhead were also observed in this segment of track.

Track Inspected Between Milepost	and Milepost	(49 CFR 213) (Numbers in parentheses are number of defects)
12.7	13.0	.109 (16) (Maximum distance between nondefective ties—528")
Westbound Main		
Eastbound Main		.109 (20) (Maximum distance between nondefective ties—416")
14.0	14.75	.109 (71) (Maximum distance between nondefective ties—330")
Westbound Main		
Eastbound Main		.109(53) (Maximum distance between nondefective ties—564")
15.0	15.5	.109 (42) (Maximum distance between nondefective ties—330")
Westbound Main		
Eastbound Main		.109 (13) (Maximum distance between nondefective ties—216")
16.0	16.25	.109 (23) (Maximum distance between nondefective ties—280")
Westbound Main		
Total miles of track inspected: 2.35		Total number of defects found: 238

The track inspected was representative of the remainder of the track between mileposts 9.1 (Little Ferry) and 27.0 (Wyckoff). In addition to the crosstie defects, three locations with excessive gage were measured by FRA inspectors. At those locations, gage on a curve was measured at 58½ inches, 58¼ inches and 58½ inches. Maximum gage for class 1 track is 57¾ inches on curved track. Because of the deteriorated tie conditions, the ties will no longer provide gage support and the possibility of wide gage under load exists at any location where these tie conditions exist.

Track Inspected Between Milepost	and Milepost	(49 CFR 213) (Numbers in parentheses are number of defects)
Branch Lines		
Passaic Branch		
0.0—1.5		.63 (2) .109 (57) (120"—444") .113 (4) .137 (2)
Lodi Branch		
1.0—2.0		.63 (2) .109 (41) (120"—288") .113 (1)

[8320-01]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 12, 1978, at 9 a.m., the Buffalo Regional Office Station Committee on Educational Allowances shall at Room 1440, Federal Office Building, 111 West Huron Street, Buffalo, N.Y. 14202, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Erie Community College City Campus, 1309 Main Street, Buffalo, N.Y. 14209 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

JUNE 6, 1978.

JAMES M. HOOKER,
Director,
VA Regional Office.

[FR Doc. 78-16574 Filed 6-14-78; 8:45 am]

[7035-01]

[Notice No. 685]

ASSIGNMENT OF HEARINGS

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 59957 Sub 51, Motor Freight Express now being assigned September 18, 1978 (2 weeks) at New York, N.Y. in a hearing room to be later designated.

No. MC 121688 (Sub-No. 9), Steve D. Thompson, now being assigned for continued hearing on the 1st day of August 1978 (2 days), at New Orleans, La. in a hearing room to be later designated.

MC 143236 Sub 9, White Tiger Transportation, Inc. now being assigned September 26, 1978 (1 day) at New York, N.Y. in a hearing room to be later designated.

MC 140829 Sub 73, Cargo Contract Carrier Corp. now being assigned September 25, 1978 (1 day) at New York, N.Y. in a hearing room to be later designated.

MC 144074, George E. Carroll, d.b.a. National Mail Delivery Service, now being assigned September 27, 1978 (3 days) at New York, N.Y. in a hearing room to be later designated.

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

[FR Doc. 78-16600 Filed 6-14-78; 8:45 am]

[7035-01]

[Rule 19; Ex Parte 241]

EXEMPTION UNDER PROVISIONS OF THE MANDATORY CAR SERVICE RULES

Corrected Exemption No. 104-A

To: Norfolk and Western Railway Co., The Pittsburgh and Lake Erie Railroad Co.

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is vacated.

This order shall become effective 11:59 p.m., June 9, 1978.

Issued at Washington, D.C., June 2, 1978.

INTERSTATE COMMERCE COMMISSION
JOEL E. BURNS,
Agent.

[FR Doc. 78-16602 Filed 6-14-78; 8:45 am]

[7035-01]

[Notice No. 65]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 17, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with

particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77667 filed May 11, 1978. Transferee: CLAVIN'S EXPRESS INC., 3 Florence Street, Riverside, RI 02895. Transferor: Pelletier Trucking Co., Inc., 644 Armistice Boulevard, Pawtucket, RI 02861. Transferee's representatives: Francis P. Barrett, John F. O'Donnell, Barrett and Barrett, 60 Adams Street, Milton, MA 02187. Transferor's representative: Matthew Cunningham, Box 332, Pawtucket, RI 02862. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 78175 and MC 78175 (Sub-No. 2), issued December 31, 1947, and July 17, 1953, as follows: *Scrap metal*, from Providence, RI, to Boston, Chelsea, Chicopee, Springfield, and Worcester, MA, and Hartford, CT; *wire*, from Providence and Pawtucket, RI, to North Abington and Worcester, MA; *clay*, from Boston, MA, to Pawtucket, RI; *cardboard and paper stock*, between Pawtucket and Providence, RI, on the one hand, and, on the other, Hartford, Norwich, and Oneco, CT, Attleboro, Canton, Dudley, Fitchburg, Holyoke, Leominster, Malden, New Bedford, Springfield, Wachusett, Walpole, Ware, and West Springfield, MA; *carnival equipment*, between points and places in RI, those in a specified area of CT and MA and NH; *cotton yarn, cotton rags and waste*, between Pawtucket and Providence, RI, on the one hand, and, on the other, Bristol, Hartford, Norwich, and Taftville, CT, Boston, Fitchburg, Holyoke, Malden, New Bedford, Peabody, Springfield, and Worcester, MA; *machinery*, between Central Falls and Pawtucket, RI, on the one hand and, on the other, Bristol, East Hartford, Hartford, and New Haven, CT, Boston, Beverly, Hopedale, Indian Orchard, Northbridge, Springfield, West Springfield, and Worcester, MA, and New York, NY, and Bennington, VT; between Westerly, RI on the one hand, and, on the other, Fall River, MA, Jewett City and Noank, CT; between Paterson, NJ, and Pawtucket, RI, from Boston and Malden, MA, to Coventry and Lincoln, RI; *machinery and bakery equipment*, between points in MA, CT, and New York, NY; *yarn and cloth*, between points in MA, between points in RI, on the one hand, and, on the other, points in MA and VT; *textile and heavy machinery* and parts and accessories therefor, between points in CT, RI, MA, and VT; *heavy machinery*, between Bridgeport, CT, on the one hand and, on the other, Philadelphia, PA, and points in MA, RI, NY, and NJ; *machinery*, uncrated, between Bridgeport, CT, on the one hand, and, on the other, points in that part of NY and NJ within 100 miles of Bridgeport. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77671 filed May 15, 1978. Transferee: TRANSTARIO BUS LINES INC., 1197 Huron Street, Peterborough, Ontario, Canada K9H 6V6. Transferor: Parkview Transit Ltd., P.O. Box 1630, Melbourne Crescent, Bradford, Ontario, Canada LOG ICO. Applicants' representative: S. Harrison Kahn, Esq., Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139952, issued June 24, 1975, as follows: *Passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, in roundtrip sightseeing and pleasure tours, (1) beginning and ending at ports of entry on the United States-Canada Boundary line and extending to points in the United States, including Alaska, but excluding Hawaii. (2) Between ports of entry on the United States-Canada Boundary line. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77676 filed May 17, 1978. Transferee: K. & T. AIR FREIGHT, INC., 16525 Eastland Street, Roseville, MI 48066. Transferor: Michigan Cartage And Storage Co., P.O. Box 205, 46915 Frank Lane, Utica, MI 48087. Applicants' representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 31498, issued August 17, 1955, as follows: *General commodities*, with specified exceptions, over irregular routes, between points within eight miles of Detroit, MI, including Detroit. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc. 78-16599 Filed 6-14-78; 8:45 am]

[1505-01]

[Notice No. 79]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-14331 appearing at page 22142 in the issue for Tuesday, May 23, 1978, on page 22145, in the third column the twentieth line of application No. MC 126358 (Sub-No. 17TA) the "ID" should read, "Ind."

[7035-01]

[Notice No. 93]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 7, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 57239 (Sub-No. 31TA), filed April 26, 1978. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46206. Applicant's representative: B. V. Beaman, 1350 South West Street, Indianapolis,

IN 46206. 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), serving the facilities of Velsicol Chemical Corp., at or near St. Louis, MI, as an off-route point in connection with carrier's regular route authority, for 180 days. Supporting shipper(s): Velsicol Chemical Corp., 500 North Bankson Street, St. Louis, MI 48880. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 59531 (Sub-No. 106TA), filed May 15, 1978. Applicant: AUTO CONVOY CO., 3020 South Haskell Avenue, Dallas, TX 75223. Applicant's representative: Eugene C. Ewald, 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: *Motor vehicles*, in secondary movements, in driveaway service, from Shreveport, LA, to points in AR, LA, TN, OK, and TX, restricted to the transportation of traffic having an immediately prior movement by rail, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ford Motor Co., Rotunda Drive, Southfield Road, Dearborn, MI. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 95876 (Sub-No. 238TA), filed April 14, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, MN 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal products*, from Warren, OH, and its commercial zone to CA and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United States Gypsum Co., 101 South Wacker Drive, Chicago, IL 60606. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 115669 (Sub-No. 169TA), filed May 2, 1978. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, 101 West Edgar Street, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bone chips* (in bulk), from the facilities of MBPXL, Inc., located at or near Wichita, KS; Friona, TX, and Plainview, TX, to the facilities of Kind & Knox Gelatin Co., at or near Sergeant Bluff, IA, for 180 days. Supporting shipper(s): Leonard J. Ruskusky, Purchasing Manager, King & Knox Gelatin Co., P.O. Box 725, Sioux City, IA 51102. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 115826 (Sub-No. 312TA), filed May 15, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, P.O. Box 5088, Terminal Annex, Denver, CO 80217. Applicant's representative: Howard Gore, 1960 31st Street, Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from facilities of Rath Packing Co., at Waterloo and Columbus and Junction, IA, to NM, AZ, and CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Rath Packing Co., Sycamore and Elm Streets, Waterloo, IA 50704. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 115826 (Sub-No. 313TA), filed May 15, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Terminal Annex, 1960 31st Street, Denver, CO 80217. Applicant's representative: Howard Gore, 1960 31st Street, Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough and bakery goods* in vehicles equipped with mechanical refrigeration, from facilities of Pillsbury Co., at or near Denison, TX, to Denver, Pueblo, and Grand Junction, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Pillsbury Co., 608 Second Avenue South, Minneapolis, MN 55402. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 117574 (Sub-No. 313TA), filed April 14, 1978. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr., Corporate Traffic Director (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), (2) *attachments, parts, and equipment* designed for use with tractors, when moving in mixed loads with tractors, and (3) *materials, equipment, and supplies* (except in bulk) used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above, between the facilities owned or used by International Harvester Co. in Harrison County, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, for 180 days. Restriction: Restricted to traffic originating at or destined to the facilities owned or utilized by International Harvester Co. in Harrison County, MS. Supporting shipper(s): International Harvester Co.—Payline Group, 600 Woodfield Drive, Schaumburg, IL 60172. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 118159 (Sub-No. 258TA), filed April 26, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by home improvement centers, between the facilities of Color Tile Super-Mart, Inc., at or near Houston, TX, and Colorado Springs, Pueblo, and Denver, CO, for 180 days. Applicant has also filed an underly ETA seeking up to 90 days of operating authority. Supporting shipper(s): Color Tile Super-Mart, Inc., 3 Tandy Center, First and Throckmorton, Fort Worth, TX 76102. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 119702 (Sub-No. 56TA), filed May 4, 1978. Applicant: STAHLY CARTAGE CO., P.O. Box 486, 130-A Hillsboro Avenue, Edwardsville, IL 62025. Applicant's representative: Jeff S. Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia* (in bulk, in tank vehicles), from Tuscola, IL, to points in the States of IL, IN, KS, and MO, for 180 days. Supporting shipper(s): Ralph S. Cramer, Supervisor—Rates, FirstMiss, Inc., P.O. Box 328, Fort Madison, IA 52627. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland

Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 123392 (Sub-No. 76TA), filed April 24, 1978. Applicant: JACK B. KELLEY, INC., Route 1, Box 400, U.S. 66 West at Kelley Drive, Amarillo, TX 79106. Applicant's representative: Weldon M. Teague (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Compressed gases,* in cylinders, in shipper-owned trailers, between La Porte, TX, and Gonzales, LA, for 180 days. Supporting shipper(s): Matheson, Division of Will Ross, Inc., 1920 West Fairmont Parkway, La Porte, TX 77571. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

No. MC 124511 (Sub-No. 45TA), filed April 25, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 233, Highway 54 East, Mexico, MO 65265. Applicant's representative: Earnest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Fire brick, fire clay, furnace and kiln lining refractory products and commodities incidental to the installation thereof, and materials and supplies* used in their manufacture and production (except commodities in bulk, in tank vehicles), between the faicilites of A. P. Green Refractories Co., in Audrain & Callaway Counties, MO, on the one hand, and, on the other, points in DE, KY, MD, MI, MN, NJ, NY, ND, OH, PA, SD, TN, VA, WV and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. P. Green Refractories Co., Mexico, MO 65265. Send protests to: Vernon V. Coble, District supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo 64106.

No. MC 128272 (Sub-No. 300TA), filed April 19, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Elden Corban (same as above). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Glass containers and closures therefor,* from the facilities of Ball Corp., at or near Mundelein, IL, to CA, CO, MT, OR, WA and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ball Corp., 345 South High, Muncie, IN 47302. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KA 67202.

No. MC 128927 (Sub-No. 2TA), filed April 18, 1978. Applicant: MARTIN TRUCKING CO., INC., P.O. Box 118, Wilton, WI 54670. Applicant's representative: James A. Spiegel, Olde Towne Office Park, 6401 Odana Road, Madison, WI 53719. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Peoria, IL, to Ashland, LaCrosse, Ladysmith, Park Falls, and Sparta, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. There are approximately (5) statements of support attached to the application which may be examined at the field office named below. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 129219 (Sub-No. 14TA), filed April 19, 1978. Applicant: CMD TRANSPORTATION, INC., 12340 SE. Dumolt Road, Clackamas, OR 97015. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Newsprint paper* in rolls from Oregon City and Newberg, OR to Seattle, WA, under a continuing contract or contracts with Publishers Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Publishers Paper Co., 6637 SE. 100th Avenue, Portland, OR 97266. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, OR 97204.

No. MC 129387 (Sub-No. 55TA), filed April 20, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic articles;* (3) *filters;* and (4) *holders, dispensers and racks* utilized in connection with the articles described in (1), (2), and (3) above, from the facilities of American Convenience Products, Inc., located in Milwaukee, WI to points in Seattle and Spokane, WA, Portland, OR, San Francisco, Daly City, Los Angeles, and San Diego, CA, Salt Lake City, UT, and Phoenix, AZ, for 180 days. Restriction: Restricted to traffic originating at the named origin and destined to the named destinations. Supporting shipper(s): American Convenience Products, Inc., 4425 North Port Washington Road, Milwaukee, WI 53212, Roger Van Ryzin, Manager, Traffic and Materials Control. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 134681 (Sub-No. 5TA), filed April 10, 1978. Applicant: VULCRAFT CARRIER CORP., 4425 Randolph Road, Charlotte, NC 28211. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1)(a) *Steel bar joists and trusses;* (b) *metal roof deck;* (c) *metal siding;* and (d) *Accessories for the commodities named* in (a), (b), and (c) above, from the facilities of Nucor Corp., for 180 days. Supporting shipper: Nucor Vulcraft Division, located at or near Norfolk, NE and St. Joe, IN, to points in AL, AK, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY; and (2) *materials, equipment and supplies* used in the manufacture of commodities named in (1) above, from points in the above-named destination States to the facilities of Nucor Corp., Vulcraft Division, located at or near Norfolk, NE and St. Joe, IN. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Nucor Corp. Vulcraft Division, P.O. Box 59, Norfolk, NE 68701. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 135082 (Sub-No. 66TA), filed April 10, 1978. Applicant: BURSCH TRUCKING, INC. d.b.a. ROADRUNNER TRUCKING, INC., P.O. Box 26784, 415 Rankin Road NE., Albuquerque, NM 87125. Applicant's representative: Randall R. Sain (same addresses as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing and roofing products, asphalt expansion joints and materials* used in the installation thereof, from Lewisville, AR, to NM, CO, WY, MT, ID, WA, OR, CA, UT, NV, and AZ, for 180 days, Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. & P. Petroleum, P.O. Box 4206, Station A, Dallas, TX 75208, Send protests to: Darrell W. Hammons, District Suppervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 135874 (Sub-No. 124TA), filed April 20, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick (same as above). Authority sought to operate as a *common carri-*

er, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs* (except commodities in bulk) from Deerfield, IL and its commercial zone to points in CT, NJ, WV, RI, ME, NH, VT and OH, for 180 days. Supporting shipper(s): The Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 136168 (Sub-No. 26TA), filed May 4, 1978. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. 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: *Canned juices,* from Tampa and Auburndale, FL, to Rochelle, IL, and Pauline, KS, under a continuing contract, or contracts, with Del Monte Corp., for 180 days. Supporting shipper(s): Del Monte Corp., P.O. Box 3575, San Francisco, CA 94119. Send protests to: Herbert W. Allen, district Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 136343 (Sub-No. 131TA), filed April 14, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.F.D. No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper products, dispenser boxes, liquid soap and equipment, materials and supplies* used in the operation of paper mills (except commodities in bulk and commodities, the transportation of which, because of size or weight, require the use of special equipment). Between the facilities of the Georgia-Pacific Corp. at Gary, IN, on the one hand, and, on the other, points in PA, NY, NJ, CN, MA, RI, DE, MD, VA, OH, MI, WV, KY, WI, MN, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia-Pacific Corp., 800 Summer Street, Stamford, CT 06901. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce commission, P.O. Box 869, Federal Square station, Harrisburg, PA 17108.

No. MC 138704 (Sub-No. 3TA), filed April 19, 1978. Applicant: GARY L. DUNPHY, Embden, ME 04958. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA. 22210. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber* from the facilities of Moose River Lumber Co., in Somerset County, ME, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, for 180 days. Restriction: Restricted to operations under a continuing contract or contracts with Moose River Lumber Co. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Moose River Lumber Co., P.O. Box 454, Jackman, ME 04945. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 76 Pearl Street, Room 305, Portland, ME 14111.

No. MC 139336 (Sub-No. 14TA), filed May 5, 1978. Applicant: TRANSTATES, INC., 3216 East Westminster, Santa Ana, CA 92703. Applicant's representative: David P. Christianson, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fiberglass reinforcements, (rovings chopped and continuous strand mat and woven roving),* from Wichita County, TX, to CA, OR, WA, ID, MT, WY, NV, UT, CO, AZ and NM, under a continuing contract, or contracts, with Erskine-Johns Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Erskine-Johns Co., 4677 Worth Street, Los Angeles, CA 90063. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 140755 (Sub-No. 51TA), filed May 3, 1978. Applicant: BRAY TRANSPORTS, INC., 1401 North Little Street, P.O. Box 270, Cushing, OK 74023. Applicant's representative: Charles D. Midkiff, 1401 North Little Street, Cushing, OK 74023. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum wax,* (in bulk, and in insulated tank equipment), (A) from Barnsdall, OK to MD, NJ, NY, OH, and PA, and (B) from Marcus Hook, PA, to Barnsdall, OK and Kilgore, TX, for 180 days. Supporting shipper(s): Petrolite Corp., Bareco Division, Drawer K, 6910 East 14th, Tulsa, OK 74112. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW. 3rd, Oklahoma City, OK 73102.

No. MC 142059 (Sub-No. 42TA), filed May 10, 1978. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, 1830 Mound Road, Joliet, IL 60436. Applicant's representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum plate, rod and sheet,* (except commodities which because of size or weight require specialized transportation equipment), from the facilities of Alumax Mill Products, Inc., located near Channahon, IL, to points in IN, for 180 days. Supporting shipper(s): Ronald W. Krzysztofiak, Traffic Manager, Alumax Mill Products, Inc., 5555 East Highway 6, Morris, IL 60450. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 142703 (Sub-No. 4TA), filed April 25, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 W Third Street, P.O. Box 14072, Cincinnati, OH 45214. Applicant's representative: Michael Spurlock, 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: *General commodities,* with the usual exceptions, between Cincinnati, OH, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties, PA, restricted to the transportation of shipments having a prior or subsequent rail or water movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 144521 (Sub-No. 1TA), filed April 24, 1978. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Applicant's representative: Charles J. Kimball, Kimball, Williams & Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredi-*

ents (except commodities in bulk), from the facilities of Archer Daniels Midland Co., at or near Decatur, IL, to CT, DE, ME, MD, MS, NH, NY, OH, NC, NJ, PA, RI, TN, VT, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Archer Daniels Midland Co., 4666 Faries Parkway, P.O. Box 1470, Decatur, IL 62525. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144549 (Sub-No. 3TA), filed May 4, 1978. Applicant: PITTSVILLE SERVICES, INC., P.O. Box 158, Skaneateles, NY 13152. Applicant's representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood flour*, between Norway, ME and Pittsfield, MA, under a continuing contract, or contracts, with Wilner Wood Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wilner Wood Products Co., Alpine Street, Norway, ME 04268. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

No. MC 144582 (Sub-No. 1TA), filed April 17, 1978. Applicant: HOH RIVER CEDAR PRODUCTS, INC., P.O. Box 127 (Hwy 101), Beaver, WA 98305. Applicant's representative: Bart Irwin, 112 South Lincoln, Port Angeles, WA 98362. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, rough sawed or planed; and forest products* consisting of shakes and shingles, (1) from Clallam and Jefferson Counties, WA to Port Angeles, WA. Applicant intends to interline with the Milwaukee Railroad at Port Angeles, WA. (2) from Clallam, Jefferson and Grays Harbor Counties, WA to Hoquiam, WA. Applicant intends to interline with the Union Pacific Railroad at Hoquiam, WA, for 180 days. Supporting shipper(s): Rosmond Bros Lumber Co., Inc., Star Route 2, Box 5, Forks, WA 98331. Beaver Shingle Co., P.O. Box 127, Beaver, WA 98305. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98714.

No. MC 144641 TA, filed April 17, 1978. Applicant: DOUBLE-B TRUCKING CO., LTD., 18855-60th Avenue, Surrey, British Columbia, Canada. Applicant's representative: Robert G. Gleason, 217 Evergreen Building, 15 South Grady Way, Renton, WA 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the port of entry on the United States-Canada boundary at or near Blaine, WA to points in Whatcom, Skagit, Snohomish, King, Perce, and Thurston Counties, WA under a continuing contract or contracts with Truroc Gypsum Products, Ltd., of New Westminster, British Columbia, Canada, for 180 days. Restricted to traffic moving in foreign commerce only. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Truroc Gypsum Products, Ltd. 1070 Derwent Way, Annacis Island, New Westminster, British Columbia, Canada B3M 5R1. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144643 TA, filed April 20, 1978. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Applicant's representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and paper goods, equipment, parts and related accessory items* used in the manufacture and distribution thereof, from the plant facility owned or operated by Nyman Manufacturing Co. at East Providence, RI, to Atlanta, GA, Jacksonville, FL, Orlando, FL, Tampa, FL, Riviera Beach, FL, Miami, Fl, Chicago, IL, Minneapolis, MN, Phoenix, AZ, Dallas, TX, Fort Worth, TX, Houston, TX, Port Arthur, TX, and their respective commercial zones and the State of California, under a continuing contract or contracts with Nyman Manufacturing Co., for 180 days. Supporting shipper(s): Nyman Manufacturing Co., Ferris Avenue, East Providence, RI 02916. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

No. MC 144660 (Sub-No. 1TA), filed May 3, 1978. Applicant: G. MELVIN FLINDERS, d.b.a. MEL FLINDERS TRUCKING, Star Route 31, Park City, UT 84060. Applicant's representative: G. Melvin Flinders, Star Route 31, Park City, UT 84060. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile, tile mastic, grout, thin set, cement, lime, metal lath, roofing, burned clay products and other related installation materials*, between points in IL, CA, UT, and Canton, Summitville, New Lexington, OH, under a continuing contract, or contracts, with Interstate Brick, Callahan Tile, Huntington Tile, and Gladding McBean Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (4) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

No. MC 144714 TA, filed May 2, 1978. Applicant: UPPER CUMBERLAND FREIGHT, INC., 337 A East Stevens Street, Cookeville, TN 38501. Applicant's representative: Clyde E. Randolph, Route 7, Box 336, Sparta, TN 38583. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Waste glass in cardboard containers, skidded, skids of pallets; skids of empty cardboard containers*, from Sparta, TN, to Danville, KY; and (2) *glass rods, tubing and bulbs, in cardboard containers, on skids*, from Danville, KY, to Sparta, TN, under a continuing contract, or contracts, with Wagner Electric Corp., for 180 days. Supporting shipper(s): Wagner Electric Corp., 6400 Plymouth Avenue, St. Louis, MO 63133. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 144783 TA, filed May 12, 1978. Applicant: ODIS A. McGEE, Little Bay Road, Newington, NH 03801. Applicant's representative: Paul McEachern, 25 Maplewood Avenue, Portsmouth, NH 03801. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Petroleum products* (in bulk, in tank vehicles), from Portland, ME, to points in NH, for under a continuing contract, or contracts, with Pickering Oil Heat, Inc., for 180 days. Supporting shipper(s): Pickering Oil Heat, Inc., 295 Western Avenue, Chelsea, MA 02150. (Attn: John W. Byrne, vice president.) Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

By the Commission.

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

[FR Doc. 78-16597 Filed 6-14-78; 8:45 am]

[7035-01]

MOTOR CARRIER APPLICATIONS

JUNE 8, 1978.

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 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 the 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.

Hearing information: These applications are assigned for hearing on July 18, 1978, before Judge David H. Allard, at 9:30 a.m., local time, at the Offices of the Interstate Commerce Commission, Washington, DC.

By the Commission.

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

No. MC 61592 (Sub-No. 407), filed September 14, 1977, and previously noticed in the FEDERAL REGISTER issues of November 11, 1977, and April 13, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 737, Moline, IL 61265. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof* (except in bulk), *springs and construction materials, equipment and supplies* (except in bulk), from the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in the United States (except AK and HI); and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States (except AK and HI), to the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart, and Cicero, IN, Toledo and Columbus, OH; Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL; Centerville, IA, and Newton, KS. Restricted to the transportation of traffic originating at and destined to the named origins and named destinations in parts (1) and (2) above, except traffic moving in foreign commerce.

No. MC 119522 (Sub-No. 35), filed November 14, 1977, and previously noticed in the FEDERAL REGISTER issues of December 29, 1977, and April 13, 1978. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, IN 46011. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof* (except in bulk), *springs and construction materials, supplies, and equipment* (except in bulk), from the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart, and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in IN, OH, MI, MO, IL, WI, KY, and IA; and (2) *materials, supplies, and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in IN, OH, MI, MO, IL, WI, KY, and IA, to the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart, and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS. Restricted to the transportation of traffic originating at and destined to the named origins and named destinations in parts (1) and (2) above, except traffic moving in foreign commerce.

No. MC 119656 (Sub-No. 35), filed October 17, 1977, previously noticed in the FEDERAL REGISTER issues of December 8, 1977, and April 13, 1978. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46995. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof* (except in bulk), *springs and construction materials, equipment and supplies* (except in bulk), from the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in the United States (except AK and HI); and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States Except AK and HI), to the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart, and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL; Centerville, IA, and Newton, KS. Restricted to the transportation of traffic originating at and destined to the named origins and named destinations in Parts (1) and (2) above, except traffic moving in foreign commerce.

No. MC 114211 (Sub-No. 340), filed January 11, 1978, previously noticed in the FEDERAL REGISTER issues of January 26, 1978, and April 13, 1978. Appli-

cant: Warren Transport, Inc., P.O. Box 420, Waterloo, IA 50704. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof* (except in bulk), *springs and construction materials, equipment and supplies* (except in bulk), from the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapid, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in the United States (except AK and HI); and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States (except AK and HI), to the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Steven Spring, Inc., at or near Kokomo, Elkhart, and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL; Centerville, IA, and Newton, KS. Restricted to the transportation of traffic originating at and destined to the named origins and named destinations in Parts (1) and (2) above, except traffic moving in foreign commerce.

No. MC 123048 (Sub-No. 389F), filed February 17, 1978, and previously noticed in the FEDERAL REGISTER issue of April 13, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, P.O. Box 1557, Racine, WI 53401. 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: (1) *Iron, steel, zinc, lead and articles or products thereof, building materials, construction materials, supplies and equipment* (except in bulk), and *springs*, from the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Stevens Spring, Inc., at or near Kokomo, Elkhart, Fort Wayne, and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Centerville, IA, Blue Island and Joliet, IL, Newton, KS, and Jackson, MS, to points in AL, AR, CO, ID, IA, KS, LA, MN, MS, MO, MT, NE, ND, SD, TN, UT, and WI; and (2) *materials, supplies, and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the destination states in (1) above to the origin points named in (1) above. Restricted to the transportation of traffic originating at and destined to the named origins and named destinations in parts (1) and (2) above, except traffic moving in foreign commerce.

No. MC 124692 (Sub-No. 188), filed December 20, 1977, and previously noticed in the FEDERAL REGISTER issues of January 26, 1978, and April 13, 1978. Applicant: SAMMONS TRUCKING (a corporation), P.O. Box 4347, Missoula, MT 59806. 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) *Iron, steel, zinc, lead, and articles or products thereof* (except in bulk), *springs, and construction materials, supplies, and equipment* (except in bulk), from the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Stevens Spring, Inc., at or near Kokomo, Elkhart and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in the United States (except AK, HI, ME, VT, NH, MA, CT, DC, NJ, NY, DE, MD, WV, VA, NC, TN, SC, GA, AL, MS, and FL); and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States (except AK, HI, ME, VT, NH, MA, CT, DC, NJ, NY, DE, MO, WV, VA, NC, TN, SC, GA, AL, MS, and FL), to the facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and Stevens Spring, Inc., at or near Kokomo, Elkhart, and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Denver, CO, Albuquerque, NM, Jackson, MS, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS. Restricted to the transportation of traffic originating at and destined to the named origins and named destinations in parts (1) and (2) above, except traffic moving in foreign commerce.

[FR Doc. 78-16314 Filed 6-14-78; 8:45 am]

[7035-01]

DECISIONS VOLUME NO. 6

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 to file a protest, within 30 days, will be considered as a waiver of opposition to the application. 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 (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe 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. Protests not in compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such request 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) provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

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 problems to authorization, each applicant has demonstrated that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered. In the absence of legally sufficient protests, filed on or before July 17, 1978 (or, if the application later becomes unopposed), appropriate authority 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. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplicating authority shall be construed as a single

operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Dated: June 6, 1978.

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

No. MC 5470 (Sub-No. 146F), filed May 5, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Quarry products and stone,* in dump vehicles, from Kings Mountain, NC, to points in AL, AR, FL, GA, IN, IL, IA, KY, LA, MI, MN, MS, MO, OK, SC, TN, TX, and WI. (Hearing site: Washington, DC, or Philadelphia, PA.)

No. MC 5470 (Sub-No. 150F), filed May 10, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground glass and cullet,* in dump vehicles, from Cleveland, OH, to Delmar, NY. (Hearing site: Cleveland, OH, or Washington, DC.)

No. MC 13845 (Sub-No. 8F), filed May 9, 1978. Applicant: WILLIAM CARL RUSSELL & JAMES FRANKLIN RUSSELL d.b.a. FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, IL 62896. Representative: William C. Russell (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mining machinery, equipment, and supplies,* between points in IL on and south of Interstate Hwy 70, on the one hand, and, on the other, points in CO, UT, WY, and NM. (Hearing site: St. Louis, MO, or Springfield, IL.)

NOTE.—The carrier must satisfy the Commission that the operations will not result in objectionable dual operations because of the authority under No. MC 134859 (Sub-No. 10).

No. MC 21866 (Sub-No. 97F), filed May 9, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass and plastic containers,* and *materials* used in the manufacture, sale, and distribution of glass and plastic containers (except commodities in bulk), between the facilities of Drug Plastic & Glass Co., Inc., in the Borough of Boyertown and Colebrookdale Township, PA, on the one hand, and, on the other, points in the United States west of LA, MS, TN, KY, IL, and WI. (Hearing site: Washington, DC, or Philadelphia, PA.)

No. MC 21866 (Sub-No. 98F), filed May 9, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, scrap batteries, junk batteries, battery chargers, rectifiers* and *materials* and *supplies* used in the manufacture or distribution of electric storage batteries, (except commodities in bulk, in dump vehicles), between points in the United States (except AK and HI). (Hearing site: Washington, DC, or Philadelphia, PA.)

No. MC 25798 (Sub-No. 319F), filed May 4, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* 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 facilities of MBPXL, Inc., at Nebraska City, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Kansas City, KS.)

No MC 26396 (Sub-No. 178F), filed May 12, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, a corporation, P.O. Box 990, Livingston, MT 59047. 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: (1) *Doors, door frames, and parts and accessories for doors and door frames,* between Colorado Springs, CO, on the one hand, and on the other, points in the United States in and west of LA, AR, MO, IL, and WI (including AK, but excluding HI), and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of commodities named in (1) above, from points in the United States in and west of LA, AR, MO, IL, and WI, to Colorado Springs, CO, restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles. (Hearing site: Denver, CO.)

No. MC 26396 (Sub 181F), filed May 18, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. 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 such *merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the facilities of Kraft, Inc., at Pocatello, ID, to points in AZ, CA, CO, IA, IL, MN, MO, MT, ND, NV, OR, SD, UT, WI, and WY, restricted to the transportation of shipments originating at the named origin and destined to points in the indicated destinations. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC 26396 (Sub 182F), filed May 18, 1978. Applicant: POPELKA TRUCKING CO., INC. d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Sharon L. Hamlett (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite,* from Crook City, WY, to points in the United States (except AK, and HI), restricted to the transportation of shipments originating at the facilities of American Colloid Company at Crook City, WY, and (2) *lignite coal,* from Gascoyne, ND, to points in CA, LA, NM, OK, and TX. (Hearing site: Chicago, IL, or Billings, MT.)

No. MC 30844 (Sub 608F), filed May 8, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC. P.O. Box 5000, Waterloo, IA 50740. Representative: John P. Rhodes (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs,* from the facilities of Geo. A. Hormel & Co., at or near Oklahoma City, OK, to Sioux Falls, SD, and Minneapolis-St. Paul, MN. (Hearing site: St. Paul, MN.)

No. MC 41116 (Sub-No. 55F), filed May 9, 1978. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fiberboard cans and metal can ends,* from the facilities of Boise Cascade Corporation, at Houston, TX, East Greenville, PA, Jackson, TN, Kansas City, KS, Memphis, TN, Orlando, FL, St. Louis, MO, West Chicago, IL, Whiting, IN, and New Albany, IN, to points in the United States in and east of MN, IA,

MO, OK, TX, and (2) *materials, supplies, and equipment,* used in the manufacture, production, and distribution of fiberboard cans and metal can ends, from the destination points in (1) above, to the named origins, under a continuing contract, or contracts, with Boise Cascade Corporation, of Boise, ID. (Hearing site: New Orleans, LA, or Houston, TX.)

No. MC 52704 (Sub-No. 169F), filed May 16, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers* and *closures* for the foregoing commodities from Okmulgee, OK, to points in TX, and those in that part of AR on and north of a line beginning at the OK-AR State line, then along U.S. Hwy 64 to Conway, AR, then along U.S. Hwy 65 to Little Rock, AR, then along U.S. Hwy 70 to the AR-TN State line. (Hearing site: Atlanta, GA.)

No MC 53965 (Sub-No. 137F), filed May 15, 1978. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, KS 67401. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides, and commodities in bulk), from the facilities of MBPXL Corp., at Nebraska City, NE, to points in AR, CO, IA, KS, MO, OK, TX, and LA. (Hearing site: Omaha, NE.)

No. MC 56679 (Sub-No. 105F), filed May 10, 1978. Applicant: BROWN TRANSPORT CORP., P.O. Box 6985, Atlanta, GA 30315. Representative: John T. Coon (same address as applicant). Authority granted 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), between Miami, and Key West, FL: From Miami over U.S. Hwy 1 to Key West, and return over the same route, serving all intermediate points, and serving all points in the FL Keys south of Florida City, as off-route points. (Hearing site: Miami, or Key West, FL.)

No. MC 59583 (Sub-No. 166F), filed May 10, 1978. Applicant: THE MASON AND DIXON LINES, INC., Eastman Road, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority granted 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, commoditites in bulk, and those requiring special equipment), serving the Yellow Creek Nuclear Plant facilities of the Tennessee Valley Authority, at points in Tishomingo County, MS, as an off-route point in connection with applicant's authorized regular-route operations. (Hearing site: Chattanooga or Memphis, TN.)

No. MC 71459 (Sub-No. 70F), filed May 8, 1978. Applicant: O.N.C. FREIGHT SYSTEMS, a corporation, P.O. Box 10061, Palo Alto, CA 94303. Representative: Kirk Wm. Horton, P.O. Box 10061, Palo Alto, CA 94303. Authority granted 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, those requiring special equipment, and those moving in mechanically refrigerated vehicles) between Phoenix, AZ, and Kansas City, MO, serving no intermediate points, as an alternate route for operating convenience only; from Phoenix, AZ, over U.S. Hwy 60 to junction of AZ Hwy 77, then over AZ Hwy 77 to junction of Interstate Hwy 40, then over Interstate Hwy 40 to junction of U.S., Hwy 54, then over U.S. Hwy 54 to the KS Turnpike, then over the KS Turnpike to junction of Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, and return over the same route. (Hearing site; San Francisco, CA, or Washington, DC.)

No. MC 83539 (Sub-No. 494F), filed May 15, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Douglas Anderson (same address as Applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite clay and lignite coal,* from the facilities of American Colloid Co., in Crook County, WY and Phillips County, MT, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Dallas, TX.)

No. MC 83835 (Sub-No. 149F), filed May 16, 1978. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, TX 75222. Representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite clay and lignite coal* (except in bulk), from points in Crook County, WY and Phillips County, MT, to points in the United States, (except AK and HI), restricted to the transportation of shipments originating at the facilities of American Colloid Co. (Hearing site: Chicago, IL, or Dallas, TX.)

No. MC 94265 (Sub-No. 269F), filed: May 3, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460, Windsor, VA 23487. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, GA 30342. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts,* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the facilities of Kahn's & Co., at Cincinnati, OH, to Knoxville, TN, and points in VA, MD, and DC. (Hearing site: Washington, DC, or Cincinnati, OH.)

No. MC 103926 (Sub-No. 70F), filed May 18, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mabletown, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Asphalt Paving Machinery and equipment,* (2) *commodities,* which by reason of size or weight, require the use of special equipment or handling, and (3) *self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts and accessories* moving in connection therewith, from the facilities of Rivinius, Inc., in Smith County, MS, to points in AL, FL, GA, IL, IN, KY, MD, NC, OH, SC, TN, VA, WV, and DC, and (4) *Materials, equipment, and supplies,* used in the manufacture and distribution of commodities named in (1), (2), and (3) above, from points in AL, FL, GA, IL, IN, KY, MD, NC, OH, SC, TN, VA, WV, and DC, to the facilities of Rivinius, Inc., in Smith County, MS. (Hearing site: Jackson, MS, or Memphis, TN.)

No. MC 105006 (Sub-No. 7F), filed May 12, 1978. Applicant: L. L. SMITH TRUCKING, a corporation, P.O. Box 566, Powell, WY 82435. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting *machinery, materials, supplies, and equipment, used in, incidental to or in connection with the discovery, develop-*

ment, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, (1) between points in CO and WY, on the one hand, and, on the other, points in ID, NV, NM and UT, and (2) between points in ID, NV, NM, and UT. (Hearing site: Denver, CO.)

No. MC 106644 (Sub-No. 260F), filed May 1, 1978. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Frank Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Authority granted to operate as a *common carrier,* over irregular routes, by motor vehicle, transporting *cable,* from points in Madison County, KY, to points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. (Hearing site: Newark, NJ, or Washington, DC.)

No. MC 106674 (Sub 320F), filed May 10, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson, (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Animal feed, feed ingredients, additives, and materials and supplies* used in the manufacture and distribution of animal feed (except in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in the United States in and east of AR, IA, MN, MO, and TX, restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., at or ner Mattoon, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

No. MC 107403 (Sub 1079F), filed May 4, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Lime, limestone, and lime products,* in bulk, from Maysville, KY, to points in WV, PA, OH, IN, and IL. (Hearing site: Washington, DC.

No. MC 107403 (Sub 1080F), filed May 4, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from the plantsite of Dow Chemical Co., at Dalton and Tildale, GA, to points in MN, WI, IL, KY, TN, MS, LA, AL, FL; GA, SC, NC, VA, IN, OH, MI, PA, NY, WV, VA, MD, DE, NJ, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Washington, DC.)

No. MC 107403 (Sub 1081F), filed May 4, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals, and petroleum products,* in bulk, in tank vehicles, from the facilities of BASF-Wyandotte in Wayne County, MI, to points in AL, CA, CO, DE, GA, IL, IN, IA, KY, MA, ME, MS, MO, NC, NH, NJ, OH, OK, PA, RI, SC, TN, and WI. (Hearing site: Washington, DC.)

No. MC 107496 (Sub 1142F), filed May 16, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer,* in bulk, from Portage, IN, to points in IL, IN, MI, and OH. (Hearing site: Des Moines, IA, or Chicago, IL.)

No. MC 107496 (Sub 1143F), filed May 16, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Cement,* in bulk, from Independence, KS, to Omaha, NE; (2) *lead oxide,* in bulk, in tank or hopper type vehicles, from Hammond, IN, to points in KS, MO, IL, NE, IA, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

No. MC 107496 (Sub 1144F), filed May 16, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, from the Chevron pipeline terminal at or near Pocatello, ID, to points in WY. (Hearing site: Des Moines, IA, or Kansas City, MO.)

No. MC 107515 (Sub-No. 1144F), filed May 4, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox South, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chebanse, IL, to points in DeKalb County, GA. (Hearing site: Atlanta, GA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority in MC 126436 (Sub-No. 2) and other Subs.

No. MC 108393 (Sub-No. 138F), filed April 27, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and retail department stores, and equipment, materials, and supplies used in the conduct of such businesses, (1) from New Orleans, LA, to Houston, TX, and (2) from Brenham, TX, to New Orleans, LA, under a continuing contract, or contracts, with Sears, Roebuck and Co., of Chicago, IL. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations.

No. MC 109154 (Sub-No. 13F), filed May 8, 1978. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cellulose film* (except in bulk), from the facilities of Olin Corp. at Olin, Warren County, IN, to points in NJ, NY, and PA. (Hearing site: Indianapolis, IN, or Washington, DC.)

No. MC 109633 (Sub-No. 34F), filed May 9, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60627. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority granted to operate as a *common carrier,* by motor vehicle over, irregular routes, transporting: *Applicances and parts, supplies and equipment* used in the distribution or repair of appliances, from the facilities of the Maytag Co., at Newton, IA, to points in AR, CT, IN, KY, MI, MO, NJ, NY, OH, PA, TN, VA, and WV. (Hearing site: Chicago, IL.)

No. MC 110098 (Sub-No. 168 F), filed May 5, 1978. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, chain grocery and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities

of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, NM, AZ, ND, SD, NE, KS, OK, MO, TX, IA, MN, WI, and IL, and (2) from points in WA, CA, MT, UT, AZ, ND, SD, NE, KS, MO, MN, WI, and IL, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted in (1) and (2) to the transportation of shipments originating at the indicated origin points and destined to points in the indicated destinations. (Hearing site: Chicago, IL.)

No. MC 111375 (Sub-No. 91F), filed May 12, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Charles E. Dye, P.O. Box 3358, Madison, WI 53704. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilites of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, NM, AZ, NE, KS, OK, MO, IA, MN, WI, and IL, and (2) from points in WA, CA, MT, UT, AZ, NE, KS, MO, MN, WI, and IL, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted to the transportation of shipments originating at the indicated origin points and destined to points in the indicated destination States. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC 111812 (Sub-No. 571F), filed May 8, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat-packing houses,* 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), (1) from Columbus Junction and Waterloo, IA, to points in AZ, and NM, and (2) from Indianapolis, IN, to points in AZ, CA, ID, MT, NV, NM, OR, UT, and WA, restricted to the transportation of shipments originating at the facilities of Rath Packing Company and destined to the indicated destinations. (Hearing site: Chicago, IL.)

No. MC 112822 (Sub-No. 452F), filed May 16, 1978. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little Street, Cushing, OK 74023. Representative: Charles D. Midkiff (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), (a) from Chickasha, OK, to points in AZ, IN, MI, ND, OH, and SD, and (b) from Benton Harbor, Frankfort, and Hart, MI, to points in CA and OK. (Hearing site: St. Louis, MO.)

No. MC 113106 (Sub-No. 55F), filed May 1, 1978. Applicant: THE BLUE DIAMOND CO., a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* in packages, from the facilities of Watkins Salt Co., Baltimore, MD, to points in OH, and those in PA on and west of a line beginning at a point on the NY-PA line and extending southerly along U.S. Hwy 219 to junction Interstate 80, then easterly along Interstate 80 to junction U.S. Hwy 220, then southerly along U.S. Hwy 220 to the MD-PA line. (Hearing site: Washington, DC.)

No. MC 113434 (Sub-No. 103F), filed May 8, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, and materials and supplies* used in the manufacture and distribution of animal feed (except in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL. on the one hand, and, on the other, points in IN, MI, OH, PA, and WI, restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 113855 (Sub-No. 420F), filed May 8, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Road building equipment, pavers, wideners, and accessories, attachments, and parts* for the above-specified commodities, from Mattoon, IL, to points in and east of MN, IA, MO, AR, and LA (except AK, HI and IL). (Hearing site: Chicago, IL.)

No. MC 114273 (Sub-No. 366F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described 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 used by MBPXL Corp., at Nebraska City, NE, to points in CT, DC, DE, IL, IN, IA, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 114273 (Sub 367F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen food* (except commodities in bulk), from the facilities used by Terminal Ice and Cold Storage, at Plover, WI, to points in CT, DE, IL, IN, KY, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of shipments originating at and destined to the indicated points. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 114273 (Sub 368F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles, non-ferrous metals,* and *plastic articles,* (1) from Mansfield, OH, to points in IL, IN, IA, MO, NE, and WI, (2) from philadelphia, PA, to Moberly, MO, and (3) from Minneapolis, MN, and Omaha, NE, to Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 114273 (Sub 369F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sand and lime spreaders, truck bodies, bulk feeders,* and *parts and accessories for the above,* from Manchester, IA, to points in DE, IL, IN, MD, MA, MI, MN, NJ, NY, OH, PA, VA, WV, and WI; (2) *agricultural implements and parts,* from Cedar Rapids, IA, to Columbus, OH; and (3) *rubber products,* (except in bulk, in tank vehicles), from Brooklyn, NY, and Trenton, NJ, to Cedar Rapids, IA. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 114273 (Sub 370F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406.

Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except commodities in bulk, in tank vehicles), from Chicago, IL, to Amelia and Columbus, OH; and (2) *lead, lead articles, and lead alloys*, from Chicago, IL, to Minerva, OH. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Applicant states the purpose of this filing is to substitute single-line service for existing joint-line service.

No. MC 114273 (Sub 372F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities used by Kentucky Electric Steel Co., at points in IL, IN, IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 114273 (Sub 373F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk, in tank vehicles), (a) from Seiple, PA, to Burlington, IA, (b) from Claymont, DE, to points in IA, and (c) from Delaware, OH, to Omaha, NE; and (2) *Zinc oxide* (except in bulk, in tank vehicles), from Josephtown, PA, to Chemolite, MN, and Mossville, Peoria, and Rock Island, IL. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Applicant states the purpose of this application is to substitute single-line service for existing joint line service.

No. MC 114273 (Sub 374F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Class A & B explosives, household goods, commodities in bulk, and commodities requiring special equipment), from the facilities used by NEPSCA Inc., at or near Laflin and Scranton, PA, to Chicago, IL, and St. Louis, MO; and (2) *Alcoholic liquors* (except in bulk, in tank vehicles), from Cleveland, OH, to Chicago, IL, and Des Moines, IA. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Applicant states the purpose of this filing is to substitute single-line service for existing joint-line service and to substitute motor carrier service for existing piggyback service.

No. MC 114273 (Sub 375F), filed May 15, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and promotion of animal feeds* (except commodities in bulk) between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in OH, PA, MD, DE, VA, WV, KY, TN, and NC, restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 114457 (Sub-No. 389F), filed May 8, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: Joseph Winter, 33 North LaSalle Street, Chicago, IL 60602. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper, and steel hardware*, from the facilities of Ceco Corp., at Milan, TN, to points in DE, MD, NJ, NY, OH, PA, VA, WV, and DC. (Hearing site: St. Paul, MN, or Chicago, IL.)

No MC 114552 (Sub-No. 160F), filed May 15, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Box Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and materials, equipment, and supplies used in the manufacture, packaging, distribution or installation of pipe and pipe fittings*, between the facilities of Nipak, Inc., at Abbeville, SC, on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada (except points in SC). (Hearing site: Columbia, SC.)

No. MC 114632 (Sub-No. 164F) filed May 16, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SC 57042. Representative: Michael L. Carter (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles)*, (1) from the facilities of Kraft, Inc., at Pocatello, ID, to points in AZ, CA, CO, IL, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, and (2) from points in AZ, CA, IL, KS, MN, MO, MT, NE, MD, SD, UT, WA, and WI, to the facilities of Kraft, Inc., at Pocatello, ID, restricted to the transportation of shipments originating at the indicated origin points and destined to points in the indicated destinations. (Hearing site: Boise, ID, or Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 129706.

No. MC 114896 (Sub-No. 65F), filed May 18, 1978. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, NY 11040. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Denver, CO, on the one hand, and, on the other, points in and north of Guadalupe, Quay, Torrance and Valencia Counties, NM, those in Arthur, Banner, Box Butte, Chase, Cheyenne, Deuel, Dundy, Red Willow, Frontier, Garden, Hayes, Hitchcock, Keith, Kimball, Lincoln, Logan, McPherson, Morrill, Perkins, Scotts Bluff and Sioux Counties, NE, and those in WY. (Hearing site: Washington, DC, or Denver, CO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 140345 (Sub 1).

The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission or do not require Commission approval.

No. MC 114969 (Sub-No. 78F), filed May 16, 1978. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, OH 45150. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Fulton and Kitchell, IN, to points in MI and OH. (Hearing site: Washington, DC.)

No. MC 115496 (Sub-No. 89F), filed May 8, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority granted to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Building, wall, and insulating boards, and materials and supplies* used in the installation for the foregoing commodities (except in bulk), from the facilities of Armstrong Cork Co., at or near Macon, GA, to points in AL, AR, FL, LA, MS, NC, SC, TN, TX, VA, and WV. (Hearing site: Macon, GA.)

No. MC 115669 (Sub-No. 170F), filed May 16, 1978. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933. Representative: Howard N. Dahlsten (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry bone chips,* in bulk, from points in AR, CO, IL, KS, MN, MO, MT, NE, NM, ND, OK, SD, TX, WI, and WY, to the facilities of Kind and Knox Geltine Co., at or near Sergeant Bluff, IA. (Hearing site: Omaha, NE or Sioux City, IA.)

No. MC 115904 (Sub-No. 99F), filed May 9, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lime,* in bags, from the facilities of Flintkote Co., U.S. Lime Division, at or near Dolomite, UT, to Brighton, Greeley, and Fort Collins, CO. (Hearing site: Salt Lake City, UT.)

No. MC 116459 (Sub-No. 68F), filed May 15, 1978. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, TN 37405. Representative: Charles T. Williams (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *fly ash,* in bulk, between the facilities of the Tennessee Valley Authority at points in AL, KY, MS, and TN, on the one hand, and, on the other, points in AL, KY, MS, and TN. (Hearing site: Chattanooga, TN, or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission, and consummated, or do not require Commission approval.

No. MC-117589 (Sub-No. 50F), filed May 10, 1978. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, WY, CO, and NM, and (2) from points in WA, and UT, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted in (1) and (2) to the transportation of shipments originating at the indicated origin points and destined to the indicated destination points. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC-118142 (Sub-No. 177F), filed May 8, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from the facilities of LMJ Container Corp., d.b.a. Blue Hill American Products, at Denver, CO, to ponts in KS, MO, OK, and TX. (Hearing site: Denver, CO, or Kansas City, MO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 124172 (Sub-No. 1).

No. MC-118838 (Sub-No. 26F), filed May 5, 1978. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Box 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, valves, fire hydrants, and materials and supplies* used in the installation of the named commodities (except commodities in bulk, in tank vehicles), from Buckhannon, WV, to points in and east of MT, WY, CO, and NW (excluding WV). (Hearing site: Chicago, IL, or Minneapolis-St. Paul, MN.)

No. MC-119493 (Sub-No. 201F), filed May 5, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing, prepared shingles, roofing cement, asphaltum, roofing paper, building materials, and materials, and supplies used in the manufacture and installation thereof,* between Joplin, MO, and points in the United States (except AL, AR, IA, IL, IN, KS, KY, MN, MI, MS, NE, ND, OK, SD, TN, WI, AK, MO, and HI), in nonradial movements. (Hearing site: Joplin or Springfield, MO.)

No. MC-119493 (Sub-No. 203F), filed May 8, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feeds,* (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at Mattoon, IL, and points in the United States in and east of MT, WY, CO, and NM (except IL) restricted against the transportation of feed, to points in MO, and feed ingredients, to points in NE, IA, MO, KS, OK, and AR, and further restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., in nonradial movements. (Hearing site: Denver, CO, or Salt Lake City, UT.)

No. MC-119639 (Sub-No. 18F), filed May 16, 1978. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* 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 facility of Columbia Foods, Inc., at or near Wallula, WA, to points in NV and AZ. (Hearing site: Seattle, WA, or Portland, OR.)

No. MC 119789 (Sub-No. 465F), filed May 10, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel doors, flues,* and *vents,* from Fredricksburg, VA, to points in the United States in and west of ND, SD, NE, KS, OK, and TX (except AK and HI). (Hearing site: Washington, DC.)

No. MC 119974 (Sub-No. 73F), filed May 8, 1978. Applicant: L.C.L. TRANSIT CO., a corporation, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives,* and *materials* and *supplies* used in the manufacture and distribution of animal feed (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in IA,

IN, KS, KY, MI, MN, MO, NE, OH, and WI, restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 124078 (Sub-No. 797F), filed May 16, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aplite*, in bulk, from Montpelier, VA, to points in IN, MD, OK, PA, and WV. (Hearing site: Columbia, SC, or Washington, DC.)

No. MC 124679 (Sub-No. 92F), filed May 10, 1978. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, AZ, TX, and IL, and (2) from points in WA, CA, MT, UT, AZ, and IL, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted to the transportation of shipments originating at the indicated origin points and destined to the indicated destination points. (Hearing site: Boise, ID.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 128813.

No. MC 124692 (Sub-No. 211F), filed May 4, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment and supplies* (except commodities in bulk), between the facilities of Brown Minneapolis Tank & Mfg. Co., at Eagan, MN, on the one hand, and, on the other, points in IL, IN, OH, and MI. (Hearing site: Minneapolis, MN.)

No. MC 126920 (Sub-NO. 5F), filed May 5, 1978. Applicant: ROBERT L. HERZOG, R.D. No. 3, Valley Road, Smethport, PA 16749. Representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority granted to operate as a *common carrier*, over irregular routes, transporting: *Glass containers*, (1) from the facilities of Pierce Glass, an Indian Head Company, at Port Allegany, PA, to points in KY, and (2) from the facilities of Pierce Glass, an Indiana Head Company, at Lincoln, IL, to Port Allegany, PA, Bethlehem, PA, and points in NY. (Hearing site: Washington, DC, or Pittsburgh, PA.)

No. MC-127042 (Sub-No. 220F), filed May 1, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meatpacking houses*, as described in 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 Nebraska City, NE, to points in IL, IA, IN, KS, MN, MO, ND, SD, and WI. (Hearing site: Wichita, KS, or Kansas City, MO.)

No. MC 129862 (Sub-No. 19F), filed May 4, 1978. Applicant: RAJOR, INC., P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning and heating units* (except commodities which because of size or weight require the use of special equipment), from points in Davidson County, TN, to points in AZ, CA, CO, FL, IA, MT, NE, NV, ND, OR, SD, UT, and WA, under a continuing contract, or contracts, with Heil-Quaker Corp., of LaVergne, TN. (Hearing site: Nashville, TN.)

No. MC 133095 (Sub-No.187F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feeds* (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in the United States on and east of U.S. Hwy 85, restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., at Mattoon, IL. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 133689 (Sub-No. 198F), filed May 3, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. 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: *Plastic film* and *plastic articles* (except commodities in bulk), from Mankato, MN, to points in ND, SD, NE, KS, IA, MO, MI, WI, IL, IN, KY, TN, AL, GA, SC, NC, VA, WV, MD, DE, PA, NY, and NJ, restricted to the transportation of shipments originating at the facilities of National Poly Products, Division of Northern Petrochemical, at the named origin. (Hearing site: St. Paul, MN.)

No. MC 133689 (Sub-No. 199F), filed May 10, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. 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: *Foodstuffs* (except commodities in bulk), from Arlington and Ortonville, MN, and Bloomer, WI, to points in AL, AR, CT, DE, DC, GA, IA, IL, IN, KS, KY, MA, ME, MD, MI, MS, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VA, and WV, restricted to the transportation of shipments originating at the facilities of Big Stone, Inc., at the above named origins. (Hearing site: St. Paul, MN.)

No. MC 134134 (Sub-No. 27F), filed May 9, 1978. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives,* and *materials* and *supplies* used in the manufacture and distribution *of animal feed* (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in CA, and those in the United States in and east of NM, UT, WY, SD, and ND (except IL), restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL. (Hearing site: Los Angeles, CA, or Chicago, IL.)

No. MC 134262 (Sub-No. 17F), filed May 1, 1978. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and feed ingredients*, (except commodities in bulk, in tank vehicles), from Manistee and Cedar Springs, MI, to points in OK,

KS, NE, SD, ND, MN, IA, MO, IL, and WI under a continuing contract, or contracts, with Martin Marietta Chemicals, of Hunt Valley, MD. (Hearing site: Baltimore, MD.)

No. MC 134599 (Sub-No. 158F), filed May 11, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (except commodities in bulk, or commodities which because of size or weight require the use of special handling or equipment), from Muskegon, MI, to points in ND, SD, MN, WI, IL, IN, OH, KY, and DE under a continuing contract, or contracts, with Scott Paper Co., of Philadelphia, PA. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139906.

No. MC 135895 (Sub-No. 21F), filed May 12, 1978. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-Electric, reflective traffic control products, and equipment, machinery, materials, and supplies used in the distribution, manufacture and installation thereof*, (except commodities in bulk), between the facilities of Pave Mark Corp., at or near Marietta, GA, and points in AL, AR, LA, MS, OK, TX, and TN on and west of U.S. Hwy 27, in nonradial movements. (Hearing site: Atlanta, GA.)

No. MC 136605 (Sub-No. 53F), filed May 15, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: W. E. Seliski, P.O. Box 8058, Missoula, MT 59807. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, from the facilities of American Colloid Co., at or near Malta, MT, Lovell, WY, and points in Crook County, WY, to points in CA, WA, TX, AZ, NM, CO, and OK. (Hearing site: Billings, MT.)

No. MC 138157 (Sub-No. 72F), filed May 8, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37410. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts and accessories, and materials, equipment, and supplies* used in the manufacture, production, and distribution of motor vehicle parts and accessories (except in bulk, in tank vehicles), (a) from the facilities used by Maremont Corporation, at Loudon and Ripley, TN, to points in the United States in and east of MN, IA, MO, AR, and TX; and (b) from Harvey, IL, and Bayonne, NJ, to Loudon and Ripley, TN; and (2) *commodities* named in (1) above, and *empty trailers*, between Knoxville, Alcoa, and Oak Ridge TN, on the one hand, and, on the other, the facilities of Maremont Corp., at or near Loudon, TN, restricted in (2) above to the transportation of traffic having a subsequent movement by rail, and in (1) and (2) above to the transportation of shipments which require the use of special equipment, and the transportation of shipments originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

NOTE.—Applicant states the purpose of this application is to convert the contract carrier authority held by it in MC-134150 Sub 3 to common carrier authority. The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC-134150 and subs.

No. MC 138157 (Sub-No. 73F), filed May 9, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin petroleum polymer compound*, from Southgate, CA, to points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Atlanta, GA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC-134150 and subs.

No. MC 138157 (Sub-No. 74F), filed May 8, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper and paper products*, from Lockport, LA, Pine Bluff, and Texarkana, AR, and St. Marys, GA, to points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134150 and subs.

No. MC 138382 (Sub-No. 5F), filed May 5, 1978. Applicant: PATTERSON COASTAL TRANSPORT, INC., 165 Industry Avenue, Frankfort, IL 60423. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic switching systems, and materials, equipment and supplies* used in the installation of electronic switching systems (except commodities in bulk), from Lisle, IL and Oklahoma City, OK, to points in the United States (except AK and HI), under a continuing contract, or contracts, with Western Electric Co., Inc., of Greensboro, NC. (Hearing site: Chicago, IL.)

No. MC 138627 (Sub-No. 36F), filed May 8, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Russell J. Hilken (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp., at points in Putnam County, IL, to Kansas City, KS-MO, and points in NE. (Hearing site: Omaha, NE, or Chicago, IL.)

No. MC 139526 (Sub-No. 6F), filed May 12, 1978. Applicant: HARRY LINDBERY CO., INC., 6901 Maloney Avenue, Hopkins, MN 55343. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, fittings, and accessories*, between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in IA, ND, SD, MI, WI, KS, and NE. (Hearing site: St. Paul, MN.)

No. MC 140024 (Sub-No. 110F), filed May 4, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechnical refrigeration, from Seabrook, NJ, to points in CA, CO, IA, IL, IN, KS, KY, MI, MO, NV, OH, and PA. (Hearing site: Philadelphia, PA.)

No. MC 140024 (Sub-No. 114F), filed May 5, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), (1) from Jersey City, NJ, to Chicago, IL, Memphis, TN, Los Angeles, and San Francisco, CA, and Dallas, TX, and (2) from Chicago, IL, to Los Angeles and San Francisco, CA. (Hearing site: New York, NY.)

No. MC 140033 (Sub-No. 50F), filed May 4, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (1) from the facilities of Kraft, Inc., at Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, NM, AZ, ND, SD, NE, KS, OK, MO, TX, IA, NM, WI, and IL, and (2) from points in WA, CA, MT, UT, AZ, ND, SD, NE, KS, MO, MN, WI, and IL, to the facilities of Kraft, Inc., at Pocatello, IA, restricted to the transportation of shipments originating at the indicated origins and destined to the indicated destinations. (Hearing site: Boise, ID, or Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority in MC 142296.

No. MC 140475 (Sub-No. 4F), filed April 27, 1978. Applicant: HOLCOMB TRUCKING CO., INC., 313 North Campbell Street, Holcomb, MO 63852. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Fertilizer and fertilizer ingredients* (except petroleum and petroleum products), from points in Dunklin County, MO (except Malden), and points in Pemiscott County, MO (except Hayti), to points in AL, AR, IL, KY, LA, MS, and TN. (Hearing site: Jefferson City, MO, or Cape Girardeau, MO.)

No. MC 140829 (Sub-No. 94F), filed May 12, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is used or distributed by wholesale, retail, chain grocery and food business houses (except commodities in bulk, in tank vehicles), from the facilities of Lever Brothers Co., at or near Chicago, IL, Hammond, IN, and St. Louis, MO, to points in CO, MD, MI, MN, NJ, NY, OH, RI, and TX. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 136408.

No. MC 141357 (Sub-No. 4F), filed May 8, 1978. Applicant: SHANUS, INC., 232 First Street North, Minneapolis, MN 55401. 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: Coal and coke, between points in MN, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Minneapolis, or St. Paul, MN.)

No. MC 141804 (Sub-No. 110F), filed May 3, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. Representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Label stock and equipment, parts and supplies* used in the manufacture of label stock (except commodities in bulk, and those requiring special equipment), (1) from Cucamonga, CA, to points in the United States on and east of U.S. Hwy 85 (except Quakertown and Mill Hall, PA, Painesville, OH, Chicago and Watseka, IL, Atlanta and Peachtree City, GA, Charlotte, NC, Gulfport, MS, Kansas City and St. Louis, MO, St. Petersburg, FL, Kansas City and Topeka, KS, New Orleans, LA, Sioux Falls, SD, Dallas, TX, and Omaha, NE), (2) from Chicago and Watseka, IL, and Dallas, TX, to Cucamonga, CA, and (3) between Quakertown, PA, Painesville, OH, Dallas, TX, Chicago, IL, and Peachtree City, GA. Restricted in parts (1), (2), and (3) to the transportation of shipments originating at the named origin points or destined to the named or indicated destination points. (Hearing site: Nashville, TN, or Los Angeles, CA.)

No. MC 141804 (Sub-No. 111F), filed May 5, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 37072. Representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, TN 37072. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cleaning compounds,* from Hoboken, NJ, to points in CA. (Hearing site: New York, NY, or Nashville, TN.)

No. MC 142508 (Sub-No. 20F), filed May 12, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Joseph Winter, 33 North LaSalle, Suite 2108, Chicago, IL 60602. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from the facilities of Owatonna Canning Co., at Owatonna, MN, to points in AR, CO, KS, MO, NM, OK, TN, and TX. (Hearing site: Minneapolis, MN, or Omaha, NE.)

No. MC 142743 (Sub-No. 4F), filed May 11, 1978. Applicant: FAST FREIGHT SYSTEMS, INC., 118 North Congress Street, Jackson, MS 39205. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds, and absorbents* (except commodities in bulk), from Ripley, MS, to points in AL, AR, KS, LA, NC, OK, SC, TX, and VA. (Hearing site: Washington, DC, or Atlanta, GA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its parent company's authority, Direct Transit Lines, Inc., in MC 46240 and subs thereunder.

No. MC 143616 (Sub-No. 10F, filed April 24, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., Suite 805, 666 11th Street NW., Washington, DC 20001. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wire and cable,* from Gloucester City, NJ, and Virginia Beach, VA, to points in the United States (except Atlanta, GA, Houston, TX, St. Louis, MO, and points in AZ, CA, ID, NV, NM, OR, UT, and WA), under a continuing contract, or contracts, with Eastern International Wire & Cable Co., of Virginia Beach, VA. (Hearing site: Norfolk, VA, or Washington, DC.)

No. MC 143630 (Sub-No. 4F), filed May 8, 1978. Applicant: FLOYD M. GRIEBEL, SR., FLOYD M. GRIEBEL, JR., AND WILLIAM F. GRIEBEL, A partnership, d.b.a. GRIEBEL TRUCKING, P.O. Box 243, Marengo, IL 60152. Representative: Robert J. Gill, 29 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *such commodities* as are dealt in or used by a manufacturer of magnets and magnetic components (except commodities in tank vehicles, and those which because of their size or weight require the use of special equipment), between the facilities of the Arnold Engineering Co., at or near Marengo, IL, on the one hand, and, on

the other, points in FL, GA, and those in the United States west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada (except AK, AR, HI, IA, and MO), under a continuing contract, or contracts, with the Arnold Engineering Co., of Marengo, IL. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 144093 (Sub-NO. 1F), filed May 10, 1978. Applicant: NARCO CORP., d.b.a. NARCO CHEMICAL TRANSPORTATION, 3309 West El Sequndo Boulevard, Hawthrone, CA 90250. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* used in the tanning and processing of leather (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Henkel, Inc., at Saugus, MA, to the facilities of Henkel, Inc., at Hawthrone, CA, (2) *liquid chemicals and dies* used in the processing of manufacturing of textiles (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Henkel, Inc., at Charlotte, NC, to the facilities of Henkel, Inc., at Hawthrone, CA, (3) *adhesive products* (except in bulk), from the facilities of Henkel, Inc., at Chicago, IL, to the facilities of Henkel, Inc., at Hawthorne, CA, and (4) *liquid chemicals* used in the manufacturing and processing of cosmetics (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Henkel, Inc., at Hoboken, NJ, to the facilities of Henkel, Inc., at Hawthrone, CA, under a continuing contract or contracts with Henkel, Inc., of Hawthrone, CA. (hearing site: Los Angeles, CA.)

No. MC 144096 (Sub-No. 1F), filed April 24, 1978. Applicant: ROBERT J. SAVAGE, d.b.a. BOB SAVAGE TRUCKING, P.O. Box 2653, Missoula, MT 59806. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, forest products, lumber, fiberboard, cedar posts and rails, and cedar shakes*, from points in Boundary and Bonner Counties, ID, and those in Lincoln, Flathead, Mineral, and Lake Counties, MT, to points in CO, IA, IL, IN, KS, MI, MN, MO, ND, and NE. (Hearing site: Missoula, MT.)

No. MC 144162 (Sub-No. 1F), filed May 5, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 27301 Camp Plenty Road, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Safes, vaults, insulated files, and parts, accessories, and components for safes, vaults, and insulated files*, from Cannelton and Lafayette, IN, to points in CA, NV, and AZ, under a continuing contract, or contracts, with Ed Pauly & Associated, Inc., of Vernon, CA. (Hearing site: Los Angeles, CA.)

No. MC 144318 (Sub-No. 2F), filed May 12, 1978. Applicant: KEITH PADDOCK & SONS, INC., Routes 17 and 36, Jasper, NY 14855. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, from Kennedy, NY, to points in Bradford, Clinton, Columbia, Lycoming, Potter, Sullivan, and Tioga Counties, PA; (2) *dry fertilizer and dry fertilizer materials*, from Big Flats, NY, to points in Bradford, Clinton, Columbia, Lycoming, Potter, Sullivan, and Tioga Counties, PA; (3) *feed*, from Erwins, NY, to points in Bradford, Potter, and Tioga Counties, PA; and (4) *animal and poultry feed and feed ingredients, and animal health and sanitation products*, between Lewisburg, PA, on the one hand, and, on the other, points in Allegany, Albany, Broome, Cattaraugus, Cayuga, Chemung, Chenango, Cortland, Delaware, Erie, Fulton, Genesee, Greene, Livingston, Madison, Montgomery, Oneida, Ontario, Onondaga, Oswego, Otsego, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Wayne, Wyoming, and Yates Counties, NY. (Hearing site: Syracuse, NY.)

NOTE.—In part (1) applicant seeks to convert its permit No. MC 136560 (Sub-No. 4) to common carrier authority. In part (2) applicant seeks to convert its permit No. MC 136560 (Sub-No. 3) to common carrier authority. In part (3) applicant seeks to convert its permit No. MC 136560 (Sub-No. 2) to common carrier authority. The evidence of record warrants granting the application and issuance of a certificate will be conditioned upon prior or coincidental cancellation of the Sub-Nos. 2, 3, and 4 permits.

No. MC 144436 (Sub-No. 2F), filed May 18, 1978. Applicant: JOHN PRINCE TRANSPORTATION, INC., P.O. Box 440, Forsyth, MT 59327. Representative: Jerome Anderson, 100 Transwestern Building, Billings, MT 59101. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, building block, sewer tile, and allied clay products*, from Billings, MT, to Phoenix, AZ, under a continuing contract, or contracts with the Lovell Clay Products Co., of Billings, MT. (Hearing site: Billings or Helena, MT.)

No. MC 144622 (Sub-No. 2F), filed April 28, 1978. Applicant: GLENN BROS. MEAT CO., INC., P.O. Box 9343, Little Rock, AR 72209. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, class A and B explosives, commodities of unusual value, household goods, articles which, because of size and weight, require special equipment, and foodstuffs), from Berlin, CT, to La Mirada, Oakland, Fresno, and San Diego, CA; Denver, CO; Dallas, Houston, and San Antonio, TX; Salt Lake City, UT; Phoenix, AZ; Reno, NV; Portland, OR; and Seattle, WA. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 142954 (Sub-Nos. 1 and 2).

No. MC 144665 (Sub-No. 2F), filed May 5, 1978. Applicant: HENRY FAIRCLOTH TRANSFER, INC., 521 North John Street, Goldsboro, NC 27530. Representative: Henry Faircloth (same address as applicant). Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and seeds* (except in bulk), between points in NC, SC, and VA, under a continuing contract, or contracts, with Swift Agricultural Chemicals Corp., of Goldsboro, NC. (Hearing site: Raleigh or Charlotte, NC.)

No. MC 144672 (Sub-No. 1F), filed May 5, 1978. Applicant: VICTORY EXPRESS, INC., Box 26189, Trotwood, OH 45426. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour, and equipment, material, and supplies used in the manufacture of flour* (except commodities in bulk), between Alton, IL, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, OK, and TX (except points in IL). (Hearing site: Columbus, OH.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectional dual operations because of its authority under No. MC 55822 (Sub-No. 9 and subs thereunder).

No. MC 144672 (Sub-No. 2F), filed May 8, 1978. Applicant: VICTORY EXPRESS, INC., Box 26189, Trotwood, OH 45426. Representative: Paul F. Beery, 275 East State Street,

Columbus, OH 43215. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, magazines, periodicals, advertising matter, and equipment, material, and supplies used in the manufacture of books, magazines, periodicals, and advertising matter*, between Fairfield, PA, on the one hand, and, on the other, points in the United States (except points in AK, HI, and PA). (Hearing site: Columbus, OH.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectional dual operations because of its authority under No. MC 55822 (Sub-No. 9 and subs thereunder).

No. MC 144686 (Sub-No. 1F), filed May 9, 1978. Applicant: LAWAYNE FARMER, d.b.a. Lawayne Farmer Trucking, Route 3, Gainesville, GA 30501. Representative: Robert H. Smalley, Jr., 115 North Sixth Street, Griffin, GA 30224. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, between points in GA, FL, AL, MS, TN, SC, and NC, under a continuing contract, or contracts, with Southeastern Feed Ingredients, Inc., of Gainesville, GA. (Hearing site: Griffin, GA, or Atlanta, GA.)

No. MC 144727F, filed May 8, 1978. Applicant: JOHN LORENZEN, 235 Devon Road, Westwood, NJ 07675. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood waste*, from Norway, ME; Lowell, MA; Laconia, NH; Lowville, Broadalbin, and Lewis, NY; and Garfield, NJ, to New York, NY, and points in CT, NJ, and PA, under a continuing contract, or contracts, with Michael Wood Products, Inc., of Garfield, NJ. (Hearing site: New York, NY.)

No. MC 73742 (Sub-No. 3F), filed May 1, 1978. Applicant: WINN BUS LINES, INC., 909 North 17th Street, Richmond, VA 23219. Representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at Richmond, Petersburg, Colonial Heights, and Hopewell, VA, and points in Hanover, Henrico, Chesterfield, Powhatan, Goochland, and Louisa Counties, VA, and extending to points in the United States (except AK and HI). (Hearing site: Richmond, VA.)

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[7035-01]

[Volume No. 96]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

JUNE 7, 1978.

PETITIONS FOR MODIFICATIONS, 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., M1F, M2F) 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 July 17, 1978. Such protests shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 2229 (Sub-Nos. 196 and 197) (M1F) (notice of filing of petition to modify certificates by deletion of restriction), filed March 31, 1978. Petitioner: RED BALL MOTOR FREIGHT, INC., P.O. Box 47407, Dallas, TX 75247. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312. Petitioner holds motor *common carrier* certificates in No. MC 2229 (Sub-Nos. 196 and 197), issued October 12, 1977, and March 1, 1978, respectively. No. MC 2229 (Sub-No. 196) authorizes transportation over irregular routes, of: *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 points in Bernalillo, Colfax, Curry, DeBaca, Guadalupe, Harding, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, and Valencia Counties, NM, restricted (1) against service between Albuquerque and Belen, NM; and (2) to the transportation of packages or articles weighing 500 pounds or less. No. MC 2229 (Sub-No. 197) authorized transportation, over regular routes, as pertinent, of: *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), (a) between Gallup, NM, and Albuquerque, NM, serving no intermediate points: From Gallup over Interstate Hwy 40 to Albuquerque and return over the same route; (2) between Albuquerque, NM, and Santa Fe, NM, serving no intermediate points: From Albuquerque over Interstate Hwy 25 and U.S. Hwy 85 to Santa Fe, and return over the same route; and (3) between Albuquerque over Interstate Hwy 40 to the junction of U.S. Hwy 84, then over U.S. Hwy 84 to Clovis, and return over the same route, restricted in (1), (2), and (3) above to the transportation of packages or articles weighing 500 pounds or less. By the instant petition, petitioner seeks to delete the weight restrictions in the above certificates.

No. MC 19227 (M1F) (Notice of filing of a petition to modify commodity description in certificate), filed April 11, 1978. Petitioner: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, FL 33152. Representative: Robert F. McCaughey, 2515 Northwest 20th Street, Miami, FL 33152. Petitioner holds a motor *common carrier* certificate in No. MC 19227, issued September 18, 1972, authorizing transportation over irregular routes, as pertinent of commodities (except boats), the transportation of which because of their size or weight requires the use of special equipment, between points in FL on the one hand, and, on the other, points in CT, DE, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, TN, TX, VT, VA, WV, WI, and DC. By the instant petition, petitioner seeks to modify the above authority of MC 19227 by deleting (except boats) in the commodity description.

No. MC 20722 and (Sub-Nos. 22, 24, 25, 26, and 31) (M1F) (notice of filing of petition to modify certificates), filed April 7, 1978. Petitioner: M & G CONVOY, INC., P.O. Box 104, Buffalo, NY 14240. Representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Petitioner holds motor *common carrier* certificates in No. MC 20722 and (Sub-Nos. 22, 24, 25, 26, and 31), issued June 17, 1971; January 5, 1978 (both Sub-Nos. 22 and 24); November 2, 1976; February 23, 1976; and August 19, 1977, respectively. No. MC 20722 authorizes transportation, over regular and irregular routes, as pertinent, of:

(A) Regular routes and irregular routes: *Automobiles, trucks, bodies,*

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

cabs, and chassis, new and unfinished and parts thereof, in truckaway and driveaway service, between St. Louis, MO, and OK points, as follows: from St. Louis over U.S. Hwy 66 to the KS-OK State line, then over irregular routes, to points in OK; and return over irregular routes to the OK-KS State line, then over the above-specified regular route to St. Louis. Service is not authorized to or from the intermediate points on the regular-route specified above. Irregular routes: (1) *New automobiles, new trucks, new bodies, new cabs, new chassis, and parts* thereof, in initial movements, in truckaway service, from places of manufacture and assembly in Detroit, MI, and points in that part of Macomb County, MI, south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, MI), to points in IL, IN, MI, MO, NJ, NY, OH, PA, WV, and points in KY contiguous to IL and IN; (2) *new automobiles, new trucks, new bodies, new cabs, new chassis, and parts* thereof, in secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from Cleveland, OH, and Buffalo, NY, to points as described immediately above; (3) *new automobiles, new trucks, new bodies, new cabs, new chassis, and part* thereof, in secondary movements, in truckaway service, from Chicago, IL, to East Chicago, Whiting, and Hammond, IN, and points in Cook County, IL; (4) *automobiles, trucks, bodies, cabs, and chassis, new, used, unfinished, and/or wrecked,* in secondary movements, in truckaway service, between all points described in the three paragraphs next above; (5) *new automobiles, new trucks, new bodies, new cabs, new chassis, and parts* thereof, in initial movements, in driveaway service, from places of manufacture and assembly in Detroit, MI, and points in that part of Macomb County, MI, south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, MI), to points in IL, IN, KY, MI, NY, OH, PA, TN, and WI; (6) *new automobiles, new trucks, new bodies, new cabs, new chassis, and parts* thereof, in secondary movements, in driveaway service, from Cleveland, OH, and Buffalo, NY, to points as described immediately above; (7) *automobiles, trucks, bodies, cabs, and chassis, new, used, unfinished, and/or wrecked,* in secondary movements, in driveaway service, between all points described in the three paragraphs next above; (8) *automobiles, trucks, cabs, automobile bodies, chassis, and unfinished automobiles,* in initial movements, in truckaway and driveaway service, from places of manufacture and assembly in Detroit, MI, and Evansville, IN, to Memphis, TN, points in IL, MO, and AR, and that part of IA east of a line beginning at the MN-IA State line and extending along U.S. Hwy 52 to Dubuque, IA, then along U.S. Hwy 67 to Davenport, IA, and then along U.S. Hwy 61 to the IA-MO State line, including points on the indicated portions of the highways specified; (9) *automobiles, trucks, cabs, automobile bodies, chassis, and unfinished automobiles,* in secondary movements, in truckaway and driveaway service, between Memphis, TN, Detroit, MI, and points in IN, IL, and MO (except St. Louis, MO), AR, and points in that part of IA on and east of the line specified immediately above; (10) *new automotive vehicles and equipment, consisting of automobiles, trucks, bodies, cabs, chassis, and parts* thereof, in truckaway service, from Evansville, IN, to Louisville, KY, and points in IL and MO; (11) *new automobiles, automobile bodies, automobile chassis, and automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia, and farm and garden tractors and parts and accessories* thereof moving in connection therewith, in initial movements, in truckaway service, from Willow Run in Washtenaw County, MI, to Memphis, TN, points in AR, IL, IN, MI, MO, NJ, NY, OH, PA, and WV, points in KY within 1 mile of the KY-IL and KY-IN State lines, and points in that part of IA on and east of a line beginning at the MN-IA State line near Prosper, MN, and extending along U.S. Hwy 52 to Dubuque, IA, then along U.S. Hwy 67 to Davenport IA, and then along U.S. Hwy 61 to the IA-MO State line; (12) *new automobiles, automobile bodies, automobile chassis, and automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia, and farm and garden tractors and parts and accessories* thereof moving in connection therewith, in initial movements, in driveaway service, from Willow Run in Washtenaw County, MI, to Memphis, TN, points in AR, IL, IN, KY, MI, MO, NY, OH, PA, TN, and WI, and points in that part of IA on and east of a line beginning at the MN-IA State line near Prosper, MN, and extending along U.S. Hwy 52 to Dubuque, IA, then along U.S. Hwy 67 to Davenport, IA, and then along U.S. Hwy 61 to the IA-MO State line; (13) *rejected shipments* of the commodities described in the two paragraphs next above, from points in the destination territory specified in the two paragraphs next above, to Willow Run in Washtenaw County, MI; (14) *new motor vehicle bodies,* from Frankfort, IN, to points in Wayne County, MI, and that part of Macomb County, MI, south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, MI); (15) *rejected shipments* of the commodities specified immediately above, from points in Wayne County, MI, and that part of Macomb County, MI, south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, MI), to Frankfort, IN; (16) *experimental and show automobiles and experimental or show automobile chassis,* which, at time of movement are being transported for purposes of display, and not for sale, and related automobile show equipment and paraphernalia moving in the same vehicle and at the same time as show automobiles or chassis, between points in the United States (except AK and HI); (17) *new automobiles,* in initial movements, in truckaway service, from Evansville, IN, to points in CT, DE, IA, ME, MD, MA, MI, MN, NH, NJ, NY, OH, PA, RI, VT, WV, WI, and DC, and points in that part of KS on and east of a line beginning at the NE-KS State line and extending along U.S. Hwy 73 to junction U.S. Hwy 36, then east along U.S. Hwy 36 to junction KS Hwy 7 near Troy, then south along KS Hwy 7 to junction U.S. Hwy 24, then east along U.S. Hwy 24 to Kansas City, and then south along U.S. Hwy 69 to the OK-KS State line, points in that part of NE on and east of a line beginning at the NE-SD State line and extending along combined U.S. Hwys 73-77 to Winnebago, then along U.S. Hwy 73 to Nebraska City, then along U.S. Hwy 75 to junction U.S. Hwy 73, and then east and south along U.S. Hwy 73 to the NE-KS State line, those points in that part of SD on and east of a line beginning at the ND-SD State line and extending along U.S. Hwy 81 to junction U.S. Hwy 12, then east along U.S. Hwy 12 to Milbank, and then south along U.S. Hwy 77 to the NE-SD State line, and points in that part of ND on and east of a line beginning at the United States-Canada boundary line and extending along ND Hwy 44 to junction ND Hwy 5, then west along ND Hwy 5 to junction U.S. Hwy 81, and then along U.S. Hwy 81 to the ND-SD State line; (18) *automobiles, trucks, and chassis, and parts* thereof when moving therewith, in secondary movements in truckaway and driveaway service, and automobile and truck bodies and cabs, (a) from Pittsburgh, PA, to points in Garrett, Allegany, and Washington Counties, MD, and points in WV and DC. Restriction: The service authorized immediately above is restricted to traffic originating at the plants of Chrysler Corp. at Detroit and Warren, MI, and Newark, DE, and having an immediately prior movement by rail; and (b) from Pittsburgh, PA, to points in Allegany, Garrett, and Washington Counties, MD, and WV. Restriction: The service authorized immediately above is restricted to traffic originating at the plants of Chrysler Corp. at Windsor, Ontario, Canada, Belvidere, IL, and St. Louis

County, MO, and having an immediately prior movement to Pittsburgh, by rail.

(B) Irregular routes: (1) *New automobiles, new trucks, new bodies, new cabs, new chassis,* and *automobile parts,* restricted to initial movements, in truckaway service, from places of manufacture and assembly in Wayne County, MI, and those in that part of Macomb County, MI, south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, MI), to points in DE, MD, NJ, PA, NY, and DC; (2) The commodities indicated above, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, from Buffalo, NY, to points in DE, MD, NJ, PA, NY, and DC; (3) *The commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, when navigation from the port of Buffalo is closed, in truckaway service, from Cleveland, OH, to points in DE, MD, NJ, PA, NY, and DC; (4) *Automobiles, trucks,* and *chassis,* new, used, or unfinished, restricted to secondary movements, in truckaway service, between all points as described in (B) above; (5) *New automobiles, new trucks, new bodies, new cabs, new chassis,* and *automobile parts,* restricted to initial movements, in driveaway service, from places of manufacture and assembly in Wayne County, MI, and those in that part of Macomb County, MI, south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, MI), to points in DE, MD, NJ, PA, NY, and DC; (6) *The commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, in driveaway service, from Buffalo, NY, to points in DE, MD, NJ, PA, NY, and DC; (7) *The commodities indicated above,* restricted to secondary movements, during the season of open navigation on the Great Lakes, when navigation from the port of Buffalo is closed, in driveaway service, from Cleveland, OH, to points in NJ; (8) *Automobiles, trucks,* and *chassis,* new, used, or unfinished, restricted to secondary movements, in driveaway service, between all points as described in (B) above; (9) *New Automobiles, automobile bodies, automobile chassis,* and *automobile parts* and *accessories* moving in connection therewith, *automobile show equipment* and *paraphernalia, farm* and *garden tractors,* and *parts* and *accessories* thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, MI, to points in DE, MD, NJ, NY, PA, and DC; (10) *Rejected shipments,* of the above-described commodities, from the above-specified destination points to Willow Run in Washtenaw County, MI; (11) *New automobiles, new bodies, new chassis* and *automobile parts,* during the season of closed navigation on the Great Lakes, in initial movements, by truckaway service, from places of manufacture and assembly in Wayne County, MI, to points in NC and VA; (12) *New automobiles, new bodies, new chassis* and *automobile parts,* during the season of open navigation on the Great Lakes, in seconary movements, by truckaway service, from Buffalo, NY, and Cleveland, OH, to points in NC and VA; (13) *New passenger automobiles, hearses, ambulances,* and *automobile chassis,* in initial movements, by truckaway method, from Newark, DE, to points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC; (14) *Automobiles,* (a) from points in Macomb and Wayne Counties, MI, to Rome and Cooperstown, NY, and points on NY Hwy 5. Restriction: The authority granted next above is restricted to seasonal operations during the season extending from the 10th day of December to the 1st day of April, inclusive; and (b) from Buffalo, NY, and Cleveland, OH, to Rome and Cooperstown, NY, points in NH, MA, RI, and CT (other than points in Litchfield, New Haven, and Fairfield Counties), and points on NY Hwy 5; (15) *New automobiles,* in secondary movements, in truckaway service, from Buffalo, NY, and Cleveland, OH, to points in Litchfield, New Haven, and Fairfield Counties, CT, and points in ME and VT; (16) *New automobiles* and new trucks, in initial movements, in truckaway service, during the season of closed navigation on the Great Lakes, from points in Wayne County, MI, to points in Litchfield, New Haven and Fairfield Counties, CT, and points in ME and VT; (17) *Damaged* and *defective shipments* of the commodities specified in the two paragraphs next above, from the destination points specified above to their respective origin points; (18) *New trucks, new truck-tractors, new ambulances, new truck* and *bus chassis,* and *new station wagons,* in secondary movements, in truckaway and driveaway service, from Buffalo, NY, and Cleveland, OH, to Rome and Cooperstown, NY, points in CT, NH, ME, VT, MA, RI, and points on NY Hwy 5; (19) *New automobiles, automobile bodies, automobile chassis,* and *automobile parts* and *accessories* moving in connection therewith, *automobile show equipment* and *paraphernalia,* and *farm* and *garden tractors* and *parts* and *accessories* thereof, moving in connection therewith, during the seasons extending from the 10th day of December to the 1st day of April, inclusiye, of each year, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, MI, to Rome and Cooperstown, NY, and points in NY on NY Hwy 5; (20) *Rejected shipments* of the commodities described immediately above, from Rome and Cooperstown, NY, and points in NY on NY Hwy 5, to Willow Run in Washtenaw County, MI; and (21) *Automobiles, trucks, and chassis,* in secondary movements, in driveaway and truckaway service, from Selkirk, NY, and Framingham, MA, to points in ME, NH, RI, and VT. Restriction: The authority granted immediately above is restricted to traffic originating at Chrysler Corporation plants in Wayne County and Warren Township, Macomb, County, MI, and having an immediately prior movement by rail;

(C) Irregular routes: (1) *New automobiles* and *new chassis,* in secondary movements, in truckaway service, from New York, NY, and Hoboken, Newark, and Jersey City, NJ, to points in AL, IN, IL, KY, MI, MS, MO, TN, and WI; (2) *New automobiles,* and *new automobile chassis,* in secondary movements, in truckaway service, from New York, NY, and Hoboken, Newark, and Jersey City, NJ, to points in DE, FL, GA, MD, NC, SC, VA, WV, and DC; (3) *New trucks* and *new truck chassis,* in secondary movements, in truckaway service, from New York, NY, and Hoboken, Jersey City, and Newark, NJ, to points in AL, DE, FL, GA, IL, IN, KY, ME, MD, MI, MS, MO, NH, NC, RI, SC, TN, VT, VA, WV, WI, and DC; (4) *Trailers,* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from New York, NY, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC; and (5) *new foreign-made automobiles,* in truckaway service, in foreign commerce only, from New York, NY, and Hoboken, Newark, and Jersey City, NJ, to points in ME, NH, RI, and VT. RESTRICTION: The operating authority granted in Part (C) hereinabove shall not be combined, tacked, or joined with any operating authority granted in Parts (B) and (C) hereinabove for the purpose of providing through service;

(D) Irregular routes: (1) *New automobiles, new trucks, new chassis,* and *automotive parts,* restricted to secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from Buffalo, NY, to points in OH, CT, and MA; (2) *New automobiles, new trucks, new chassis,* and *automotive parts,* restricted to secondary movements, in truckaway service, during the season of open navigation on the Great Lakes; from Buffalo, NY, to points in MD, DE, and RI; (3) *New automobiles, new trucks, new chassis,* and *automotive parts,* restricted to secondary movements, in truckaway service, during the season of closed

navigation on the Great Lakes, from Cleveland, OH, to points in PA and NY; (4) *New automobiles, new trucks, new chassis,* and *automotive parts,* restricted to secondary movements, in truckaway and driveaway service, during the season of closed navigation on the Great Lakes, from Toledo OH, to points in NY; (5) *New automobiles, new trucks, new chassis,* and *automotive parts,* restricted to initial movements, in truckaway and driveaway service, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, MI, to points in NY; (6) *New automobiles, new trucks, new chassis,* and *automotive parts,* restricted to initial movements, in driveaway service, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, MI, to points in NJ; (7) *New automobiles, new trucks, new chassis,* and *automotive parts,* in secondary movements, in driveaway service, during the season of open navigation on the Great Lakes, from Buffalo, NY to points in MD, DE, and RI; (8) *New automobiles, new trucks, new chassis,* and *automotive parts,* in initial movements, in truckaway service, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, MI, to points in NJ; (9) *New and used automobiles, trucks, chassis,* and *automotive parts,* in secondary movements, in truckaway and driveaway service, (a) between points in CT, MA, and OH; and (b) between points in CT, MA, and OH, on the one hand, and, on the other, points in NJ, NY, and PA; (10) *New automobiles, automobile bodies, automobile chassis,* and *automobile parts* and *accessories* moving in connection therewith, *automobile show equipment* and *paraphernalia,* and *farm* and *garden tractors* and *parts* and *accessories* thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run in Washtenaw County, MI, to points in NJ and NY; (11) *Rejected shipments* of the commodities described immediately above, from points in NJ and NY, to Willow Run in Washtenaw County, MI; (12) *New automobiles, new trucks,* and *new chassis,* in initial movements, in driveaway and truckaway service, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, MI, to points in PA; (13) *New automobiles, new trucks,* and *new chassis,* in initial movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from Detroit, MI, to points in NJ, NY, and PA; (14) *New automobiles, new trucks,* and *new chassis,* in initial movements, in truckaway service, from Toledo, OH, to points in Bradford, Cameron, Elk, Erie, McKean, Potter, Tioga, and Warren Counties, PA, that part of PA on and east of US Hwy 11, and that part of Susquehanna County, PA, west of US Hwy 11, and points in NY, NJ, DE, MD, CT, RI, and MA; (15) *Farm tractors,* from Cleveland, OH, and Auburn Township, Geauga County, OH, to points in CT, DE, ME, MD, MA, NH, NJ, NY, RI, and VT; (16) *New trucks,* in secondary movements, in driveaway service, from Boyertown, PA, to points in ME, NH, RI, and VT; (17) *Automobiles and trucks,* in initial movements, in truckaway and driveaway service, and parts and acessories for the authorized commodities, when moving in the same vehicle with the vehicles to be transported, restricted against the transportation of trucks to points in MD, from the sites of plants of the Chrysler Corp., Detroit, MI, to points in CT, DE, MD, MA, and RI; (18) *Automobiles* and *trucks,* in secondary movements, in truckaway and driveaway service, from Cleveland, OH, to points in DE, MD, and RI; (19) *Motor vehicles,* in truckaway service, in foreign commerce only, from Boston, MA, to points in ME, NH, RI, and VT. Restriction: The operations authorized in Parts (A), (B), (C), and (D) hereinabove are restricted against the transportation of traffic for General Motors Corp. No. MC 20722 (Sub-No. 22) authorizes transportation, over irregular routes, of *Automobiles, trucks, buses,* and *parts* thereof, in initial movements, from points in East Huntingdon Township, Westmoreland County, PA, to points in DE, MD, MI, NJ, NY, OH, VA, PA, WV, and DC. Restriction: The operations authorized herein are restricted againt the transportation of traffic for General Motors Corp. No. MC 20722 (Sub-No. 24) authorizes transportation, over irregular routes, of *Automobiles, trucks, buses,* and *parts* thereof, in initial movements, from points in East Huntingdon Township, Westmoreland County, PA, to points in AL, CT, FL, GA, IL, IN, KY, ME, MA, MS, MO, NH, NC, RI, SC, TN, VT, and WI, restricted against the transportation of traffic for General Motors Corp. No. MC 20722 (Sub-No. 25) authorizes transportation, over irregular routes, of *Automobiles, trucks,* and *chassis,* new and used, in secondary movements, in truckaway service, between points in MD, on the one hand, and, on the other, points in IL and MA, restricted against the transportation of traffic for General Motors Corp. No. MC 20722 (Sub-No. 26) authorizes transportation, over irregular routes, of *Motor homes,* in secondary movements, in truckaway service, when moving in mixed loads with *automobiles* and *trucks* (otherwise authorized), (1) from points in NJ and NY, to points in DE, MD, NJ, PA, NY, CT, MA, OH, IL, IN, MI, MO, WV, and points in KY contiguous to IN and IL, and DC; (2) from points in IL to points in NJ, PA, NY, OH, IL, IN, MI, MO, WV, AR, points in KY contiguous to IN and IL, and points in that part of IA on and east of a line beginning at the MN-IA State boundary line and extending along US Hwy 52 to Dubuque, IA, then along US Hwy 67 to Davenport, IA, and then along US Hwy 61 to the IA-MO State boundary line; (3) from points in OH to points in NJ, PA, NY, OH, IL, IN, MI, MO, WV, and points in KY contiguous to IN and IL; (4) from Cleveland, OH, to points in DE, MD and DC; (5) from points in MI to points in NJ, PA, NY, OH, IL, IN, MI, MO, WV, and points in KY contiguous to IL and IN; (6) from Detroit, MI, to points in AR, points in that part of IA on and east of a line beginning at the MN-IA State boundary line, and Memphis, TN; (7) from St. Louis, MO, to points in NJ, PA, NY, OH, IL, IN, MI, MO, WV, OK, and points in KY contiguous to IL and IN; (8) from Boston, MA, to points in NJ, PA, and NY; and (9) from Baltimore and Dundalk, MD, to points in DE, MD, NJ, PA, Cleveland, OH, and DC. Restriction: The authority granted herein is restricted against the transportation of traffic for General Motors Corp. No. MC 20722 (Sub-No. 31) authorizes transportation, over irregular routes, of *Automobiles, trucks,* and *buses,* as described in Descriptions in Motor Carrier Certificates, 61 M.C.C 209 and 766, in secondary movements, in truckaway service, from Providence, RI, to points in DE, IN, MD, MI, NC, OH, VA, WV, and DC, restricted to the transportation of shipments having a prior movement from Japan; and further restricted against the transportation of shipments for General Motors Corp., of Warren, MI.

By the instant petition, petitioner seeks to modify the above certificates by deleting the restrictions which restrict authority against the transportation of traffic for General Motors Corp.

No. MC 20872 (Sub-No. 11) (M1F) (notice of filing of a petition to modify restriction in certificate), filed April 3, 1978. Petitioner: LIME CITY TRUCKING CO., INC., 1455 Swan Street, Huntington, IN 46750. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Petitioner holds motor *common carrier* certificate in No. MC 20872 (Sub-No. 11), issued May 14, 1970, authorizing transportation, over regular routes, of: *General commodities,* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring equipment). Serving Syracuse, IN, as an off-route point in connection with carrier's authorized regu-

lar-route operations, restricted to the transportation of shipments moving from or to Chicago, IL, and points in the Chicago, IL, commercial zone as defined by the Commission. By the instant petition, petitioner seeks to modify the above authority by changing the restriction above to read: Restriction: The service authorized herein is restricted to the transportation of shipments moving from or to Chicago, IL and South Bend, IN.

No. MC 33322 (Sub-No. 17) (M1F) (notice of filing of a petition to modify territorial description in permit), filed March 20, 1978. Petitioner: JOHN N. APGAR, SR. (Irving L. Apgar, John N. Apgar, Jr., and the First National Bank of Central Jersey, executors and trustees), Sterling E. Apgar (Morris Ruter, trustee), and Dorothy E. Anderson, a partnership, d.b.a. Apgar Bros., 232 West Union Avenue, Bound Brook, NJ 08805. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds motor *contract carrier* permit in No. MC 33322 (Sub-No. 17) issued June 25, 1976, and served January 10, 1977, authorizing transportation, over irregular routes, of: *Dry plastic materials,* in bulk, in shipper owned trailers, between points in Somerset, Hudson, and Middlesex Counties, NJ, on the one hand, and, on the other, points in ME, NH, VT, OH (except Hanging Rock and Haverhill), IL, IN, VA, WV, KY, NC, SC, GA, FL, MS, TN, AL, WI, and MN, under a continuing contract, or contracts, with Union Carbide Corp., of New York, NY. By the instant petition, petitioner seeks to modify the above authority by adding Leetsdale, PA, to the base territory.

No. MC 36734 and No. MC 36734 (Sub-No. 3) (M-1F) (notice of filing of a petition to modify commodity descriptions in Certificates of Public Convenience and Necessity), filed March 24, 1978. Petitioner: FLEMING'S EXPRESS, INC., 86 Washington Street, Plainville, MA 02762. Petitioner's representative: Robert G. Parks, 20 Walnut Street, Wellesley Hills, MA 02181. Petitioner holds motor *common carrier* certificate in (1) No. MC-36734, issued May 18, 1955, authorizing, as pertinent, transportation, over irregular routes of: *Fruits, farm produce, seafood, poultry, groceries,* and *empty containers* therefor, between Philadelphia, PA, on the one hand, and, on the other Camden, NJ, and New York, NY, and in (2) No. MC-36734 (Sub-No. 3) issued April 6, 1970, authorizing, as pertinent, transportation, over irregular routes, of: *Antimony lead, waste* and *scrap materials, crude rubber, lubricating oil,* in containers, and *groceries,* between Boston, MA, on the one hand, and, on the other, Newark, Perth Amboy, Carteret, and Butler, NJ, and points in CT, MA, RI, and the New York, NY, commercial zone as defined by the Commission. By the instant petition, petitioner seeks to modify the above commodity descriptions so as to read: (1) *Fruits, farm produce, seafood, poultry, groceries, cocoa beans, cocoa products,* and empty containers therefor, and (2) *Antimony lead, waste and scrap materials, crude rubber, lubricating oil* in containers, *groceries, cocoa beans* and *cocoa products.*

No. MC 93980 (Sub-No. 61) (M1) (notice of filing of a petition to modify commodity description in certificate), filed January 24, 1978. Petitioner: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, Suite 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, DC 20004. Petitioner holds a motor *common carrier* certificate in No. MC 93980 (Sub-No. 61) issued December 17, 1976, and served May 26, 1977, authorizing transportation, over irregular routes, as pertinent, of: *Lumber, wooden fencing, fencing materials, and wood residuals,* from the facilities used by MacMillian Bloedel, Inc., and Atlantic Forest Products, Inc., located at points in that part of United States in and east of WI, IL, KY, TN, MS, and LA (except AL and MS), to points in MD, VA, NC, and SC.

By the instant petition, petitioner seeks to modify the above authority by adding "composition board" to the commodity description.

No. MC 116763 (Sub-No. 92) (M1F) (notice of filing of a petition to modify territory in certificate), filed March 29, 1978. Petitioner: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, OH 45380. Representative: H. M. Richters (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 116763 (Sub-No. 92) issued June 19, 1967, authorizing transportation, over irregular routes, of: *Canned foodstuffs,* from Coloma, MI, to points in NY (except Buffalo, Rochester, and Syracuse, NY, and points in their commercial zones as defined by the Commission), restricted to the transportation of traffic originating at Coloma, MI.

By the instant petition, petitioner seeks to modify the above authority by deleting the territoral exceptions (except Buffalo, Rochester, and Syracuse, NY, and points in their commercial zones as defined by the Commission).

No. MC 117274 (Sub-No. 2) (M1F) (notice of filing of a petition to modify certificate), filed April 26, 1978. Petitioner: EARLE'S MOVING & STORAGE CO., INC., P.O. Box 789, Annapolis, MD 21404. Representative: James J. Fratino (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 117274 (Sub-No. 2) issued October 27, 1969, authorizing transportation, over irregular routes, of: *Used household goods,* between Baltimore, MD, and points in Anne Arundel, Baltimore, Harford, Howard, Montgomery, and Prince Georges Counties, MD, points in Arlington, and Fairfax Counties, VA, Alexandria, and Falls Church, VA, and points in DC. Restriction: The service authorized herein is subject to the following conditions: (1) Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized; and (2) Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

By the instant petition, petitioner seeks to delete the above two restrictions.

No. MC 124344 (Sub-No. 5) (M1F) (notice of filing of a petition to modify permit by adding a contracting shipper), filed March 31, 1978. Petitioner: HINER TRANSPORT, INC., 1317 South Jefferson Street, Huntington, IN 46750. Representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Petitioner holds a motor *contract carrier* permit in No. MC 124344 (Sub-No. 5), issued July 31, 1974, authorizing transportation, over irregular routes, of: (1) *Printed matter,* (a) from Huntington, IN, and Roanoke, IN, to points in IL, IN, NY, NE, IA, RI, MO, MN, WI, NJ, OH, ND, KY, TN, LA, MI, PA, FL, TX, MN, AL, VA, WA, OR, GA, and CA; (b) from points in the above-named destination states to Huntington, and Roanoke, IN. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with Curtin Productions, Inc., of Roanoke, IN; (2) *Printed matter,* (a) from Huntington and Indianapolis, IN, to points in TX, PA, LA, IL, KY, OH, MI, NJ, NY, MO, MN, and MS; and (b) from points in the above-named destination states to Huntington, IN; (3) *materials, supplies* and *equipment* used or useful in the maintenance and operation of printing houses (except commodities in bulk, in tank vehicles), from Chicago, IL, to Huntington, IN. Restriction: The operations authorized under parts (2) and (3) above are limited to a transportation service to be performed under a continuing contract, or contracts, with Our Sunday Visitor, Inc.

By the instant petition, petitioner seeks to modify the above authority by adding Noll Printing Co., Inc. as an additional contracting shipper in (2) and (3) above.

No. MC 125168 (Sub-Nos. 19, 20, 21, 22, 28) (M1F) (notice of filing of a petition to modify permit), filed March 31, 1978. Petitioner: OIL TANK LINES, INC., P.O. Box 190, Darby, PA 19023. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Petitioner holds motor *contract carrier* permits in No. MC 125168 (Sub-Nos. 19, 20, 21, 22, and 28) issued respectively as follows: October 19, 1972; August 11, 1972; August 15, 1972; December 6, 1972; and November 28, 1973. No. MC 125168 (Sub-No. 19) authorizes transportation, over irregular routes, of: (1) *Petroleum oils,* in bulk, in tank vehicles, (a) from Bradford and Karns City, PA, to the plant site of Pennsylvania Refining Co. at North Bergen, NJ; and (b) from Paulsboro and Pettys Island, NJ, to Karns City, PA. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the Pennsylvania Refining Co. of Butler, PA; (2) *petroleum oils,* in bulk, in tank vehicles, (a) from Pettys Island, NJ, to Rouseville, PA; (b) from Paulsboro, NJ, to Rouseville and Reno, PA, and Falling Rock, WV; (c) from Reno, PA to Jersey City, NJ; (d) from Falling Rock, WV, to Clifton, Jersey City, Newark and Sewaren, NJ; and (e) from Rouseville, PA, to North Bergen, Paterson, Pennsauken, Pettys Island, Piscataway, and Sewaren, NJ, Falling Rock, WV, and Baltimore and Beltsville, MD; (3) *petroleum wax,* in bulk, in tank vehicles, from Rouseville, PA, to Bayonne, Brainards, Harrison, Kenvil, and Parlin, NJ and Falling Rock, WV; and (4) *petroleum oils* and wax, in bulk, in tank vehicles, from Reno and Rouseville, PA, to New York, NY. Restriction: The operations authorized in (2), (3), and (4) above, are limited to a transportation service to be performed under a continuing contract or contracts, with Pennzoil Co. No. MC 125168 (Sub-No. 20) authorizes transportation, over irregular route, of: *Petroleum and petroleum products* (except petrochemicals) in bulk, in tank vehicles, from points in Congo (Hancock County), WV, to points in CT, DE, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, and DC. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Quaker State Oil Refining Corp. of Oil City, PA. No. MC 125168 (Sub-No. 21) authorizes transportation, over irregular routes, of: *Petroleum oils,* in bulk, in tank vehicles, from Falling Rock WV, to Reno and Rouseville, PA. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Pennzoil United Inc. of Oil City, PA. No. MC 125168 (Sub-No. 22) authorizes transportation, over irregular routes, of: *Petroleum products,* in bulk, in tank vehicles, from Falling Rock, WV and Rouseville, PA, to Minotola, NJ, and Reynolds (Schuylkill County), PA. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Pennzoil United Inc., of Oil City, PA. No. MC 125168 (Sub-No. 28) authorizes transportation, over irregular routes, of: (1) *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, (a) from Falling Rock, WV, to points in NJ and NY; and (2) between Pittsburgh, PA, and Falling Rock, WV; and (2) *petroleum products* (except petrochemicals and petroleum wax), in bulk, in tank vehicles, from Bayonne and Bayway, NJ, to Falling Rock, WV. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Pennzoil Co., of Oil City, PA.

By the instant petition, petitioner seeks to add Witco Chemical Corp. as an additional contracting shipper in each of the restrictions in the above permits.

No. MC 127681 (Sub-No. 1) (amendment) (notice of filing of petition to modify permit), filed May 26, 1977, published June 3, 1977, and May 25, 1978 in the FEDERAL REGISTER, and republished as amended, this issue. Petitioner: JOE JONES, JR., d.b.a. JOE JONES TRUCKING CO., 557 Lynn Valley Road, Atlanta, GA 30311. Representative: C. Jack Pearce, 1000 Connecticut Avenue NW., Washington, DC 20036. Petitioner holds a motor *contract carrier* Permit, issued August 17, 1967, authorizing transportation over irregular routes, of: (1) *Dry chemicals,* packaged in paper bags and drums, between the facilities of Mayo Chemical Co., located in Smyrna and Dalton, GA, and Chattanooga, TN; (2) *dry chemicals,* packaged in paper bags and drums, from the facilities of Mayo Chemical Co. in Smyrna and Dalton, GA, and Chattanooga, TN, to customers of Mayo Chemical Co., located at points in the United States (excluding points in AK and HI); (3) *defective, rejected or repossessed chemical products* manufactured by Mayo Chemical Co., from customers of Mayo Chemical Co., located at points in the United States (excluding points in AK and HI) to the facilities of the Mayo Chemical Co. located in Smyrna and Dalton, GA, and Chattanooga, TN; and (4) *dry chemicals,* manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in OH, MI, PA, MA, CT, NJ, NY, DE, MD, WV, and TX, to the facilities of Mayo Chemical Co. located at Smyrna and Dalton, GA, and Chattanooga, TN, and to customers of Mayo Chemical Co., located at points in the United States (excluding AK and HI), under a continuing contract, or contracts, with Mayo Chemical Co. By the instant petition, petitioner seeks to make the following modifications in the authority above: (I) Delete "Mayo Chemical Company" wherever it appears, and substitute therefor "Time Chemical, Inc." (II) After the "chemicals" and before the words "packaged in paper bags and drums" wherever they appear, add the words "and clay products." (III) Delete wherever they appear "Smyrna and Dalton, GA, and Chattanooga, TN" and substitute therefor "at or near Atlanta, GA".

NOTE.—The purpose of this republication is to indicate the substitution of Atlanta, GA in lieu of Wrens, GA in Part (III) above.

No. MC 127974 (Sub-No. 1) (M1F) (notice of filing of a petition to modify certificate), filed February 2, 1978. Petitioner: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, PA 19102. Petitioner holds a motor *common carrier* certificate in No. MC 127974 (Sub-No. 1) authorizing transportation, as pertinent, over regular routes, of: *General commodities,* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods., 17 M.C.C. 467, and commodities in bulk), from New York, NY, to points in MA and CT, as follows: from New York over U.S. Hwy 1 to New London, CT, then over CT Hwy 84 to the CT-RI State Line, thence over RI Hwy 3 to Providence, RI, and then over U.S. Hwy 1 to Boston, MA; from New York to Providence, RI, as described above, then over U.S. Hwy 6 to New Bedford, MA; from New York over U.S. Hwy 1 to New Haven, CT, then over U.S. Hwy 5 to Hartford, CT (also from New York over U.S. Hwy 1 to junction U.S. Hwy 7, then over U.S. Hwy 7 to Danbury, CT, and then over U.S. Hwy 6 to Hartford), thence over U.S. Hwy 5 to Springfield, MA, then over U.S. Hwy 20 to junction MA Hwy 9, and then over MA Hwy 9 to Boston, MA; and from New York to Springfield, as described above, then over U.S. Hwy 5 to Holyoke, MA. Service is authorized to all intermediate points restricted to delivery only, and from all off-route points in the New York, NY commercial zone, as defined by the Commission, restricted to pick-up only. Return over the above routes to the above-specified origin points. By the instant petition, petitioner seeks to reform the above-described regular route operations—to convert the same to two-way operations, in lieu of the existing one-way service, and to change the

service authorizing paragraph so that it will read: Service is authorized to and from all intermediate points on the above-described routes, restricted to service to or from points in the New York, NY commercial zone, as defined by the Commission.

No. MC 129332 (Sub-No. 2) (M1F) (notice of filing of petition to modify permit by adding contracting shipper and destination) filed April 4, 1978. Petitioner: RICHARD M. BAAR, d.b.a. DICK BARR TRUCKING 1445 West Second Street, Box 828, Dickinson, ND 59601. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Petitioner holds a motor *contract carrier* permit in No. MC 129332 (Sub-No. 2), issued September 28, 1977, authorizing transportation, over irregular routes, of: (1) *Malt beverages* and *articles* dealt in by malt beverage distributors, from St. Paul, MN, and Milwaukee, WI, to Dickinson and Hettinger, ND, under a continuing contract, or contracts with Jerome's Inc. of Hettinger and Dickinson, ND; and (2) *Cheese*, from Dickinson, ND, to Plymouth, WI, under a continuing contract, or contracts, with Dickinson Cheese Co., Inc., of Dickinson, ND. By the instant petition, petitioner seeks to modify the above authority in (1) above, by adding Bismarck, ND as an additional destination point and also to add McQuade Distributing Co., Inc., of Bismarck, ND as an additional contracting shipper.

No. MC 136291 (Sub-No. 6) (M1F) (notice of filing of a petition to add origin point to permit) filed March 31, 1978. Petitioner: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 Northwest 82d Avenue, Miami, FL 33166. Representative: Francis W. McInery, 1000 16th Street NW., Washington, DC 20036. Petitioner holds motor *contract carrier* permit in No. MC 136291 (Sub-No. 6), issued March 31, 1978, authorizing transportation over irregular routes, of: *Liquid nitrogen*, and *liquid oxygen* in tank vehicles, from Gadsden, AL, to points in AR, FL, GA, LA, KY, MS, NC, SC, and TN, under a continuing contract, or contracts, with Union Carbide Corporation. Restriction: The authority granted herein to the extent that it authorizes the transportation of dangerous cryogenic commodities shall be limited in point of time to a period expiring March 31, 1983. By the instant petition, petitioner seeks to add Huntsville, AL, as an origin point.

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 July 17, 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 41098 (Sub-No. 43) (republication), filed October 18, 1977, published in the Federal Register issue of December 8, 1977, and republished this issue. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. An order of the Commission, Review Board No. 3, decided April 11, 1978, and served April 27, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: (1) *Copying machines*, in mixed loads with the commodities described in (2); and (2) *accessories, parts, materials and supplies* used in the manufacture, installation, lease, sale, or distribution of the commodities described in (1) above, from (a) the facilities of Xerox Corp., located at or near Webster, NY, to points in AZ, AR, CA, GA, IL, IN, IA, KY, MD, MO, NE, NV, NM, NC, OH, OK, PA, SC, TN, TX, UT, VA, and WY, and Malden and Woburn, MA; and (b) from the destinations in (a) above to the facilities of Xerox Corp., located at or near Rochester, NY, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the destination points by adding the State of GA.

No. MC 67340 (Sub-No. 12) (republication), filed August 4, 1977, published in the Federal Register issue of September 29, 1977, and republished this issue. Applicant: RESORT BUS LINES, INC., 1010 Nepperhan Avenue, Yonkers, NY 10703. Representative: Samuel B. Zinder, P.C., 98 Cutter Mill Road, Great Neck, NY 11021. An order of the Commission, Review Board No. 3, decided May 9, 1978, and served May 13, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* over irregular routes, in the transportation of: *Passengers and their baggage*, in charter operations, beginning at Denver, CO, and extending to points in the United States, including AK but excluding HI, restricted (1) to students accompanied by tour directors, chaperones, and their baggage; (2) charter operations which are subject to a prior or subsequent movement by air; and (3) to charters arranged by licensed brokers, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the scope of the application.

No. MC 69397 (Sub-No. 29) (republication), filed September 30, 1977, published in the Federal Register issue of November 17, 1977, and republished this issue. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. An order of the Commission, Review Board No. 3, decided May 1, 1978, and served May 18, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: (1) *Plywood, particleboard, hardboard, gypsum board, and mouldings*, from the facilities of Weyerhaeuser Co. at Chesapeake, VA, to points in VA, MD, DE, PA, NJ, NY, CT, MA, RI, NH, VT, ME, and DC; and (2) *plastic articles*, (except in bulk), from the facilities of Weyerhaeuser Co. at Chesapeake, VA, to points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

No. MC 105045 (Sub-No. 72) (republication), filed October 17, 1977, published in the Federal Register issue of December 8, 1977, and republished this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. An order of the Commission, Review Board No. 2, decided May 19, 1978, and served May 31, 1978, finds that the present and future public convenience and necessity re-

quire operations by applicant in interstate or foreign commerce as a *common carrier* by motor vehicle, over irregular routes, transporting (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *machinery, materials, equipment,* and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, (except the string or picking up of pipe in connection with main or truck pipelines), from the facilities of McJunkin Corp., at Nitro, WV, and of McJay International, at Mobile, AL, to points in ME, NH, VT, MA, CT, RI, NY, NJ, DE, NC, MD, and SC 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 107496 (Sub-No. 1080) (republication), filed May 11, 1977, published in the FEDERAL REGISTER issue of June 16, 1977, and republished this issue. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. An Order of the Commission, by the initial decision, served March 23, 1978, effective May 11, 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: *Fertilizer and fertilizer materials in bulk,* in tank vehicles, (a) from points in Cass and Sangamon Counties, IL, to points in IN, IA, WI, MO, KY, OH, MI, KS, NE, TX, NM, and FL; (b) from the facilities of Agrico Chemical Co. and the Fulton River Terminal, at fulton, IL, to points in IA, IL, MO, MN, and WI; and (c) from Eau Claire, MI, to points in MN, IL, and IN, 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 112822 (Sub-No. 404M1) (republication of notice of filing petition for modification of certificates), filed April 15, 1976, published in the FEDERAL REGISTER issue of May 13, 1976, and republished this issue. Applicant: BRAY LINES INC., 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Representative: Charles D. Midkiff (same address as applicant). An Order by the Commission, Review Board No. 1, decided April 26, 1978, and served May 12, 1978, finds that the present and future public convenience and necessity require modification of Certificate No. MC 112822 (Sub-No. 404), issued June 29, 1977, authorizing transportation over irregular routes of: *Sugar,* in packages and bags, from Supreme, LA, to points in KS, MO, OK and TX. Petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the origin point as Supreme, LA, in lieu of Houma, LA.

No. MC 114211 (Sub-No. 304) (republication), filed May 24, 1977, published in the FEDERAL REGISTER issue of June 30, 1977, and republished this issue. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, IA 50704. Representative: Singer & Sullivan, suite 1600, 10 South LaSalle, Chicago, IL 60603. An Order of the Commission, by the initial decision, served April 6, 1978, effective May 19, 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: *Such commodities* as are dealt in, or used by, agricultural machinery, industrial construction equipment dealers and manufacturers, (except commodities in bulk), between Delaware County, IA, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: Restricted to the transportation of traffic originating at or destined to points in Delaware County, IA, 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; modify the territorial description, and add a restriction.

No. MC 115651 (Sub-No. 31) (republication), filed September 23, 1977, published in the FEDERAL REGISTER issue of November 10, 1977, and republished this issue. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Chicago, IL 21102. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. An order of the Commission, Review Board No. 1, decided May 16, 1978, and served May 22, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: *Paint and paint materials,* in bulk, in tank vehicles, from the facilities of the Coatings and Resins Division, SCM Corp., located at or near Chicago, IL, to points in IN, IA, KS, MI, MN, MO, OH, and WI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirments of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addition of MI as a destination point.

No. MC 115818 (Sub-No. 13M1) (republication of notice of filing of petition to add contracting shipper and broaden territorial description), filed November 16, 1977, published in the FEDERAL REGISTER issue of January 19, 1978, and republished this issue. Applicant: WESTBURY TRANSPORT, INC., P.O. Box 272, Manhasset, NY 11030. Representative: Roy A. Jacobs, 550 Maroneck Avenue, Harrison, NY 10528. An Order by the Commission, Review Board No. 2, decided May 11, 1978, and served May 24, 1978, finds that the present and future public convenience and necessity require modification of Certificate No. MC 115818 (Sub-No. 13), issued August 19, 1977, authorizing transportation over irregular routes: (1)(a) *Such merchandise* as is dealt in by retail department stores, (except commodities in bulk), from New York, NY, to points in NJ, NY, and CT; and (b) from Paterson, NJ, to points in CT, NJ (except Paterson), and NY; and (2)(a) *returned shipments* of the commodities described in (1) above, from points in NJ, NY, and CT, to New York, NY; and (b) from points in CT, NJ, (except Paterson), and New York, NY, to Paterson, NJ. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with (1) Allied Stores of New York, Inc., of Jamaica, NY; and (2) Bedding Showcase, Inc., of Huntington, NY; (3) *such merchandise* as is dealt in by retail department stores, (except commodities in bulk), from Bridgeport, Danbury, Derby, Norwalk, Southport, and Trumbull CT, and Yorktown Heights, NY, to points in CT, (except Bridgeport, Danbury, Derby, Norwalk, Southport, and Trumbull); NJ and NY (except Yorktown Heights); and (4) *returned shipments* of the commodities described in (3) above, from points in CT, (except Bridgeport, Danbury, Derby, Norwalk, Southport, and Trumbull); NJ, and NY, (except Yorktown Heights), to Bridgeport, Danbury, Derby, Norwalk, Southport and Trumbull, CT, and Yorktown Heights, NY. Restriction: The operations authorized in (3) and (4) are limited to a transportation service to be performed

under a continuing contract, or contracts, with D. M. Read, Inc., of Bridgeport, CT, will be consistent with the public interest and the national transportation policy; 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 add D. M. Read, Inc., as a contracting shipper, in (3) and (4) above, and broaden the territorial description.

No. MC 121526 (Sub-No. 4) (republication), filed October 20, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished this issue. Applicant: AUTO FAST FREIGHT, INC., 194 West Benedict Street, San Bernardino, CA 92402. Representative: Fred H. Mackensen, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. An order of the Commission, Review Board No. 3, decided April 11, 1978, and served April 27, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, over irregular routes, in the transportation of: *Candles, toilet preparations, paper, paper products, and store displays*, from Los Angeles, CA, to points in Ventura and Santa Barbara Counties, CA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description.

No. MC 134959 (Sub-No. 11) (republication), filed August 1, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished this issue. Applicant: BEN-K TRUCKING, INC., 651 O Street, Greeley, CO 80631. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. An order of the Commission, Review Board No. 2, decided April 12, 1978, and served April 25, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, over irregular routes, in the transportation of feed and feed ingredients (except commodities in bulk, in tank vehicles), (1) from Houston, TX, and Denver and Fort Collins, CO, to points in NM and UT (2) from Minneapolis, MN, points in AR, UT, TX, and points in Butte, and Lawrence Counties, SD, to points, in NE and CO, (3) from points in Converse, Crook, Natrona, Sweetwater, and Weston Counties, WY, Eddy County, NM, Otoe County, NE, and Woodbury County, IA, to points in KS, OK, NE, TX, CO, NM, and UT, and (4) from points in Adams and Cass Counties, NE, to points in CO, and UT, restricted in (1) through (4) above, to a transportation service performed under a continuing contract, or contracts, with Feed Products, Inc., of Denver, CO, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to broaden the origin point in (3) above, to include Sweetwater County, WY, Eddy County, NM, Oteo County, NE, Woodbury County, IA, and modify the restriction.

No. MC 140786 (Sub-No. 2) (republication), filed January 21, 1977, published in the FEDERAL REGISTER issues of March 10, 1977, and June 30, 1977, as corrected, and republished this issue. Applicant: THE UNITED STATES CARGO & COURIER SERVICE INC., P.O. Box 1169, Columbus, OH 43216. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. An order of the Commission, by the initial decision, served February 9, 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies*, used in the manufacture or repairing of mining machinery, between Columbus, OH, and points in AL, AR, CO, GA, IL, IN, KY, MI, NJ, NC, ND, PA, SC, TN, UT, WV, VA, and WY, in nonradial movement, under a continuing contract, or contracts, with Jeffrey Mining Machinery Co., a division of Dresser Industries, Inc., will be consistent with the public interest and the national transportation policy; 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 allow a petition to be filed by any party which can demonstrate that its lack of protest or withdrawal of opposition to the original application was based upon the erroneous conclusion that applicant had authority to serve points in NC.

No. MC 142114 (Sub-No. 2) (republication), filed August 15, 1977, published in the FEDERAL REGISTER issue of October 6, 1977, and republished this issue. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. An order of the Commission, Review Board No. 3, decided May 12, 1978, and served May 26, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except commodities in bulk and frozen foodstuffs), between the facilities of King's Department Stores, Inc., and Mammoth Mart, Inc., at points in CT, IN, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, TN, and VA, under a continuing contract, or contracts, with King's Department Stores, Inc., will be consistent with the public interest and the national transportation policy; 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 to include points in NY.

No. MC 142686 (Sub-No. 1) (Republication), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished this issue. Applicant: MID-WESTERN TRANSPORT, INC., 5320 Industrial Road, Fort Wayne, IN 46825. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. An order of the Commission, Review Board No. 2, decided March 31, 1978, and served April 19, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, over irregular routes, in the transportation of: *Fiberglass panels*, from Santa Monica, CA, to points in AZ, AR, CO, IL, IN, KS, KY, LA, MI, MS, MO, NE, NV, NM, OH, OK, TN, and TX, under a continuing contract, or contracts, with Ornyte Fiberglass, division of Berdon, Inc., of Santa Monica, CA, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to broaden the destination description.

No. MC 143581 (Sub-No. 2) (Republication), filed September 2, 1977, published in the FEDERAL REGISTER issue of October 14, 1977, and republished this issue. Applicant: R. E. ELLIS DRAYING CO., INC., 201 Alabama Street, San Francisco, CA 94103. Representative: Daniel W. Baker, 100 Pine Street, San Francisco, CA 94111. An order of the Commission, Review

Board No. 2, decided April 5, 1978, and served April 25, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, over irregular routes, in the transportation of: (1) *Such commodities* as are used or dealt in by a packer and manufacturer of foodstuffs (except commodities in bulk), from San Francisco, CA, to the facilities of Spice Islands, a division of Specialty Brands, Inc., at Sparks, NV, and from the facilities of Spice Islands, a division of Specialty Brands, Inc., at Sparks, NV, to points in San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, Santa Cruz, Yolo, Sacramento, San Joaquin, and Stanislaus Counties, CA, and (2) *commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities specified in (1) above, from San Francisco, and Dixon, CA, to the facilities of Spice Island, a division of Speciality Brands, Inc., at Sparks, NV, and from the facilities of Spice Islands, a division of Specialty Brands, Inc., at Sparks, NV, to points in San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, Santa Cruz, Yolo, Sacramento, San Joaquin, and Stanislaus Counties, CA, under a continuing contract or contracts, with Spice Islands, a division of Specialty Brands, Inc., of South San Francisco, CA, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to delete Oakland, CA, as an origin point in (1) above; add Dixon, CA, as an origin point in (2) above, and modify the commodity description.

No. MC 143706 (republication), filed September 7, 1977, published in the FEDERAL REGISTER issue of November 3, 1977, and republished this issue. Applicant: AMERICAN FOODSERVICE TRANSPORT, INC., 400 Drew Court, King of Prussia, PA 19406. Representative: Maxwell A. Hosell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. An order of the Commission, Review Board No. 2, decided May 5, 1978, and served may 22, 1978, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: *Food and food products*, in vehicles equipped with mechanical refrigeration, (1) between King of Prussia, PA, on the one hand, and, on the other, points in the United States, (except AK, HI, and PA); and (2) between Jessup, MD, on the one hand, and, on the other, points in the United States, (except AK, HI, and MD); restricted in (1) and (2) to service under a continuing contract, or contracts, with American Foodservice Corp., of King of Prussia, PA, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the commodity description, and 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 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 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 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 of the human environment resulting from approval of its application.

No. MC 720 (Sub-No. 50F), filed March 30, 1978. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. 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 prepared foods and bakery goods* (except in bulk, in tank vehicles), from the facilities of Stouffer Food Corp., located at or near Cleveland and Solon, OH, to points in IL, IN, MN, and WI. Restriction: Restricted to traffic moving in vehicles equipped with mechanical refrigeration devices and further restricted to traffic originating at the named origins and destined to the named States. (Hearing site: Cleveland, OH, or Madison, WI.)

No. MC 30844 (Sub-No. 604F), filed March 30, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. 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: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Fremont, and Toledo, OH, to points in NY on and south of Interstate Hwy 84; points in NJ on and north of NJ Hwy 33; and points in MA and CT. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 43269 (Sub-No. 69F), filed December 29, 1977. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Reno, NV 89512. Representative: David N. Inwood, P.O. Box 1511, Reno, NV 89505. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities which require special equipment, new automobiles, new trucks, and new buses), between Las Vegas, NV, and Barstow, CA, over Interstate Hwy 15, as an alternate route for operating convenience only. (Hearing site: Reno, or Carson City, NV.)

No. MC 60014 (Sub-No. 82F), filed March 30, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from points in CA to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: San Francisco, CA, or Washington, DC.)

No. MC 65920 (Sub-No. 5F), filed March 31, 1978. Applicant: BISHOP MOTOR EXPRESS, INC., 607 Century Avenue SW., Grand Rapids, MI 49503. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to engage in operation in interstate or foreign commerce as a *common carrier*, by motor vehicle, over regular routes, in the transportation of: *General commodities (except commodities in bulk, household goods as defined by the Commission, class A and B explosives, and commodities requiring the use of special equipment)*, from Grand Rapids, MI, to the intersection of MI Hwy 46 and MI Hwy 37 via MI Hwy 37, then via MI Hwy 46 to the intersection of MI Hwy 46 and U.S. Hwy 131, and return over the same route, serving all intermediate points; (2) from Grand Rapids, MI to Reed City, MI, via U.S. Hwy 131 (also via old U.S. Hwy 131) and return over the same route, serving all intermediate points; (3) from the intersection of U.S. Hwy 131 and MI Hwy 57 to Greenville, MI, via MI Hwy 57, then via Mi Hwy 91 to the intersection of MI Hwy 44, with return over the same route, serving all intermediate points; (4) from Grand Rapids, MI, to Belding, MI via MI Hwy 44, with return over the same route, serving all intermediate points; and (5) from Grand Rapids, MI, to Grand Haven, MI, via MI Hwy 45 and U.S. Hwy 31, with return over the same route, serving all intermediate points. (Hearing site: Grand Rapids, MI.)

No. MC 69397 (Sub-No. 38F), filed March 31, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. 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) *Fiberglass tanks and parts and accessories* thereof, *and materials, equipment and supplies* used in the manufacture, sale, installation, repair, maintenance, distribution and transportation of fiberglass tanks and parts and accessories thereof (except commodities in bulk) from the facilities of Beetle/Justin Plastics, Inc. at or near Georgetown, DE, to points in the United States west of MN, IA, MO, AR, and LA (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture, sale, installation, repair, maintenance, distribution, and transportation of fiberglass tanks and parts and accessories thereof (except commodities in bulk) from points in the United States (except AK and HI) to the facilities of Beetle/Justin Plastics, Inc. at or near Georgetown, DE. (Hearing site: Washington, D.C.)

NOTE.—Common control may be involved.

No. MC 71593 (Sub-No. 7F), filed March 31, 1978. Applicant: FORWARDERS TRANSPORT, INC., 1815 Front Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. 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 New Haven, CT, Boston and Springfield, MA, and Philadelphia, PA, on the one hand, and, on the other, Chicago, IL, Milwaukee, WI, and St. Louis, MO, restricted to the transportation of shipments moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

No. MC 76032 (Sub-No. 335F) (correction), filed March 28, 1978, published in the FEDERAL REGISTER issue of May 25, 1978, and republished this issue. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Representative: Eldon E. Bresee, 1205 South Platte River Drive, Denver, CO 80223. 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), (A) between Omaha, NE, and Des Monies, IA, serving no intermediate points; from Omaha over Interstate Hwy 80 to Des Moines and return over the same route, and (B) between Kansas City, MO, and Des Moines, IA, serving no intermediate points; from Kansas City over Interstate Hwy 35 to junction Interstate Hwy 235, then over Interstate Hwy 235 to Des Moines and return over the same route, serving Des Moines for purposes of joinder only. Restriction: Restricted to the transportation of traffic moving from or to points west of ND, SD, NE, KS, OK, and TX. (Hearing site: Denver, CO.)

NOTE.—The purpose of the application under part (A) is to remove the gateway of Davenport, IA, and under part (B) to remove the gateway of Chicago. Common contol may be involved. The purpose of this republication is to substitute TX for TN in the restriction.

No. MC 83539, (Sub-No. 489F), filed March 31, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Self-propelled material handling* and *construction equipment*, (except self-propelled vehicles designed for transporting property or passenger on highways), cranes, and hoisting equipment, (2) *attachments*, assemblies, sub-assemblies, components and fabrication for the commodities named in (1), (3) parts for the commodities named in (1) and (2), between Marathon County, WI, on the one hand, and, on the other, points in WA, OR, CA, ID, NE, AZ, UT, WY, MO, NM, and CO. (Hearing site: Chicago, IL, or Dallas, TX.)

No. MC 95540 (Sub-No. 1006F), filed March 31, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. 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: *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC, 209 and 766 (except hides and commodities in bulk); from the plantsite of Lykes Bros., Inc., of GA, at or near Albany, GA; to Memphis, TN; New London, WI; Chicago, IL; New Orleans, LA; and Montgomery, AL. (Hearing site: Atlanta, GA; Washington, DC; or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 95540 (Sub-No. 1007F), filed March 31, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. 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: *Merchandise dealt in by wholesale, retail, chain grocery and food business houses* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration; from the facilities of Kraft, Inc., located at or near Atlanta, Decatur, and Tucker, GA, to points in AL, LA, and MS. (Hearing

site: Atlanta, GA; Nashville, TN; or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 95540 (Sub-No. 1008F), filed March 31, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. 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), from points in Dekalb, Fulton, Clayton, Gwinnett, and Cobb Counties, GA, to points in AL, MS, LA, and TX. (Hearing site: Atlanta, GA; Washington, DC; or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 96324 (Sub-No. 25F), filed March 30, 1978. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and closures for containers, and glassware, materials, equipment and supplies* used or useful in the manufacture or distribution of containers and closures for containers and glassware (except commodities in bulk); (1) between Danville, VA, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC; (2) between Freehold, NJ, on the one hand, and, on the other, points in AL, FL, GA, KY, MD, PA, OH, NC, SC, TN, VA, WV, and DC; (3) between Huntington, WV, on the one hand, and, on the other, points in VA, TN, NC, SC, FL, GA, AL, MS, and LA; (4) between Fairmont, WV, on the one hand, and, on the other, points in TN, NC, SC, FL, GA, AL, MS, and LA; (5) between Columbus, OH, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, DC, AL, MS, and LA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

NOTE.—Applicant intends to tack the authority sought with existing authority in order to provide service between Brockway and Washington, PA, Zanesville, OH, and Clarksburg, WV, on the one hand, and, on the other, points in the states named above.

No. MC 100666 (Sub-No. 395F), filed March 30, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground clay, floor sweeping compounds*, and *absorbents* (except in bulk), from Ochlocknee, GA (Thomas County, GA), to WI, IL, IN, OH, KY, and OK; and, (2) *floor sweeping compounds* and *absorbents*, except in bulk, from points in Thomas County, GA, to points in AL, AZ, AR, CA, CO, LA, MS, NM and TN. (Hearing site: Chicago, IL.)

No. MC 103051 (Sub-No. 429F), filed March 31, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal oils, blends and products thereof*, in bulk, in tank vehicles, between points in Hamilton County, TN, on the one hand, and, on the other points in the United States in and east of ND, SD, NE, KS, OK, and TX, including points in DC. (Hearing site: Nashville, TN, or Atlanta, GA.)

No. MC 103051 (Sub-No. 430F), filed March 31, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Hartsville, SC, to points in FL, AL, TN, VA, WV, MD, DC, OH, PA, NY, and NJ. (Hearing site: Nashville, TN, or Atlanta, GA.)

No. MC 103926 (Sub-No. 65F), filed March 31, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. 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: (1) Self-propelled vehicles, backhoes, cranes and lift trucks; and (2) *attachments* and *accessories* for commodities in (1) above; and (3) *parts* for commodities in (1) and (2) above, between Tifton, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, and DC. (Hearing site: Albany, GA Valdosta, GA, or Atlanta, GA.)

No. MC 103926 (Sub-No. 66F), filed March 31, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. 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: (1) *Pollution control equipment, steel tanks, concrete tanks, materials, and supplies* used in the construction of sewage treatment plants and pumping stations, from the facilities of Davco-Defiance, Division of Davis Water and Waste Industries, Inc., located at Thomasville, GA, to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC; and (2) *Materials, equipment* and *supplies* used in the manufacture and distribution of commodities named in (1) above, from points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC to the facilities of Davco-Definance, Division of Davis Water and Waste Industries, Inc., located at Thomasville, GA. (Hearing site: Thomasville, GA, Tallahassee, FL, or Jacksonville, FL.)

No. MC 108119 (Sub-No. 85F), filed March 30, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles, backhoes, cranes and lift trucks;* (2) *attachment and accessories* for (1) above; (3) *parts* for (1) and (2) above; from Tift County, GA to points in the United States in and west of MN, IA, MO, AR and LA. (except AK and HI). (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 108676 (Sub-No. 120F), filed March 31, 1978. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., located at or near Fresno, CA, to points in the States of AZ, ID, MT, NE, OR, UT, WA and WY. (Hearing site: Louisville, KY, or Washington, DC.)

No. MC 110563 (Sub-No. 228F), filed March 30, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Avenue, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products* and *articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from Cleveland,

OH to points in CT. (Hearing site: Cleveland, OH, or Washington, DC.)

No. MC 110563 (Sub-No. 229F), filed March 31, 1978. Applicant: COLD-WAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Avenue, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products* and *articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite of Beef Nebraska, Inc., at Omaha, NE, to points in CT, MA, NJ, NY, and PA. (Hearing site: Omaha, NE, or Washington, DC.)

No. MC 110563 (Sub-No. 230F), filed March 31, 1978. Applicant: COLD-WAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Avenue, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Newman Grove, NE, to points in IL, MN, NJ, NY, PA, VA, and VT. (Hearing site: Omaha, NE, or Washington, DC.)

No. MC 111383 (Sub-No. 45F), filed March 31, 1978. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS 66207. Representative: John M. Records (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, those of unusual value and those requiring special equipment), serving the facilities of Woodville Chemical Co. at or near Centreville, MS, as an off-route point in connection with carrier's otherwise authorized operations. (Hearing site: Houston, TX, or Baton Rouge, LA.)

NOTE.—Common control may be involved.

No. MC 113362 (Sub-No. 325F), filed March 31, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50553. 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 foodstuffs*, from the facilities utilized by Stokely-Van Camp, Inc., in Indianapolis, IN to points in NY and PA and points in the state of OH on and east of a line beginning at Sandusky, OH then U.S. Hwy 250 to Norwalk, then OH Hwy 13 to Athens, then U.S. Hwy 33 to WV-OH state line. (Hearing site: Indianapolis, IN, or Washington, DC.)

No. MC 113678 (Sub-No. 740F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk, in tank vehicles and (2) *dairy products* (except commodities in bulk, in tank vehicles and (3) *animal and pet foods* (except commodities in bulk), from (1) points in WI, to points in AZ, CA, CO, ID, NV, NM, OR, UT, WA, and WY, and (2) from Fairbault, MN, to points in CO; and (3) from Delavin, WI, to points in AZ, CA, CO, ID, NV, NM, OR, UT, WA, and WY. (Hearing site: Milwaukee, WI.)

No. MC 115654 (Sub-No. 88F), filed March 31, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC. 20004. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Such commodities* as are dealt in by wholesale and grocery houses from Cincinnati, OH, to points in WV. (Hearing site: Cincinnati, OH.)

NOTE.—Common control may be involved.

No. MC 117786 (Sub-No. 10F), filed March 30, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Emulsified petroleum, parrafin wax, polyethylene and sizing* from Cincinnati, OH, to points in CA, CT, FL, GA, IL, MD, MA, MO, NJ, OH, TN, TX, and WI. (Hearing site: Cincinnati, OH.)

No. MC 117786 (Sub-No. 11F), filed March 30, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Paint, paint ingredients and materials, putty, caulking and glazing compounds, adhesive cement and glue* (except in bulk in tank vehicles), from Dayton and Tipp City, OH, to points in AL, GA, FL. LA, MS, and SC. (Hearing site: Phoenix, AZ.)

No. MC 117940 (Sub-No. 265F), filed March 30, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55359. 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 skins and commodities in bulk), from the facilities of John Morrell & Co., at Sioux Falls, SD, Estherville, IA, Humboldt, IA, Sioux City, IA, and East St. Louis, IL, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV AND DC. Restricted to traffic originating at the above named origins and destined to points in the named destination states. (Hearing site: Chicago, IL.)

NOTE.—Applicant holds contract carrier authority in MC 114789 (Sub-No. 26) and other sub numbers thereunder, therefore dual operations may be involved.

No. MC 118127 (Sub-No. 25F), filed March 30, 1978. Applicant: HALE DISTRIBUTING CO., INC., 914 South Vail Avenue, Montebello, CA 90640. Representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, NY 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in PA, MD, NY, NJ, CT, MA, RI, NH, VT, and WV on the one hand, and on the other, points in CA, AZ, NM, OR, WA, NV, CO, ID, MT, UT, TX, OK. (Hearing site: New York, NY.)

No. MC 118159 (Sub-No. 257F), filed March 31, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and cellulose materials and products* (except commodities in bulk) (a) from the facilities of International Paper Co. at or near Mobile, AL, Camden and Pine Bluff, AR, Bastrop and Springhill, LA, Moss Point and Redwood, MS, and Texarkana, TX, to points in AZ, CA, NM and TX; (b) from the facilities of International Paper Co. at or near Mobile, AL, Bastrop and Springhill, LA, and Moss Point and Redwood, MS, to points in AR, CO, ID, KS, LA, MT, NE, NV, OK, OR, UT, WA and WY; (c) from the facilities of International Paper Co. at or near Mobile, AL and Moss Point and Redwood, MS, to

points in AL, DE, FL, GA, MD, MS, NC, SC, VA, those points in NY west of U.S. Hwy 62, and DC; and (d) from the facilities of International Paper Co. at or near Redwood, MS to points in CT, ME, MA, NH, NJ, NY, PA, RI, VT and WV; and (2) *equipment, materials and supplies* used in the manufacture or distribution of paper and paper products, and cellulose materials and products (except commodities in bulk) from the destination states named in (a), (b), (c) and (d) above to the facilities of International Paper Co. at or near Mobile, AL, Camden and Pine Bluff, AR, Bastrop and Springhill, LA, Moss Point and Redwood, MS, and Texarkana, TX. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 118431 (Sub-No. 27F), filed March 31, 1978. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, Little Rock, AR 72209. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities utilized by Kitchens of Sara Lee at Deerfield and Chicago, IL to points in OH. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with Kitchens of Sara Lee. (Hearing site: Chicago, IL)

No. MC 118831 (Sub-No. 160F), filed March 31, 1978. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Earlie O. Jones, P.O. Box 7007, High Point, NC 27264. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal oils, and blends thereof*, in bulk, in tank vehicles, from points in NC to points in the United States (except AK and HI). (Hearing site: Washington, DC or Atlanta, GA.)

NOTE.—Common control may be involved.

No. MC 118959 (Sub-No. 166F), filed March 31, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. 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: *Building, wall and insulation boards; materials, supplies and equipment* used in the insulation thereof, from the facilities of Armstrong Cork Co., located at or near Macon, GA, Pensacola, FL, and Beaver Falls and Marietta, PA, to (1) points in CA, MT, OR and WA; and (2) points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Pittsburgh or Philadelphia, PA.)

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. Common control may also be involved.

No. MC 119792 (Sub-No. 69F), filed March 30, 1978. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., a corporation, 3600 South Western Avenue, Chicago, IL 60609. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. 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 AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NC, SC, ND, SD, OH, OK, TN, TX, VA, WV, and WI. (Hearing site: Chicago, IL.)

No. MC 123389 (Sub-No. 44F), filed March 30, 1978. Applicant: CROUSE CARTAGE CO., a corporation, P.O. Box 151, Carroll, IA 51401. 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: *Insecticides, pesticides, fungicides, and tree and weed killing compounds*, from St. Joseph, MO to points in the State of CA. Hearing site: Kansas City, MO.)

NOTE.—Applicant intends to join the authority herein sought at St. Joseph, MO so as to permit the performance of a through service by applicant from points in northwestern MO, including Kansas City, Omaha, NE, the State of IA, and points in northern IL, including Chicago, to the destination territory herein sought. Common control may be involved.

No. MC 124679 (Sub-No. 91F), filed May 8, 1978. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (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 MCC 209 and 766 (except hides, and commodities in bulk), from the facilities of Swift & Co., at Rochelle, Saint Charles, and Bradley, IL, to points in CT, MA, NJ, PA, DC, VA, MD, DE, WV, ME, NH, VT, and RI. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are at issue in this proceeding.

No. MC 124947 (Sub-No. 107F), filed March 30, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. 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 site: Milwaukee, WI.)

NOTE.—Common control may be involved.

No. MC 125701 (Sub-No. 6F), filed March 31, 1978. Applicant: CAYUGA BULK SERVICE, INC., Route 90, Cayuga, NY 13034. Representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, NY 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients, between* points in CT, MA, NH, NY, OH, PA, and VT. (Hearing site: Rochester or Syracuse, NY.)

No. MC 133689 (Sub-No. 186F), filed March 31, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks authority as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, class A and B explosives, commodities of unusual value, household goods as defined by the Commission and foodstuffs) from Berlin, CT, and Springfield, MA, to Chicago, IL, restricted to traffic moving on bills of lading of a group or association of shippers operating pursuant to section 402(c) of the Interstate Commerce Act and further restricted to the transportation of traffic, destined to Chicago, IL. (Hearing site: Minneapolis, MN.)

No. MC 133689 (Sub-No. 189F), filed March 31, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude rubber* (except in bulk), from Norfolk, VA, to Chicago, IL. (Hearing site: Minneapolis, MN.)

No. MC 134419 (Sub-No. 1F), filed March 31, 1978. Applicant: T. L. T. CO., INC., 173 Forest NE., Warren, OH 44483. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires, and equipment, material and supplies* used in the manufacture of rubber tires (except commodities in bulk), between Warren, OH, on the one hand, and, on the other, points in the United States (except AK and HI). Under continuing

contract or contracts with Denman Rubber Manufacturing Co. (Hearing site: Columbus, OH.)

No. MC 134477 (Sub-No. 230F), filed March 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, 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 the facilities of Armour Food Co. at or near Mason City, IA to points in CT, DE, IL, IN, ME, MD, MA, MI, MN, NE, NH, NJ, NY, ND, OH, PA, RI, SD, TX, VT, VA, WV, WI, and DC. Restricted to the transportation of traffic originating at the above-named points. (Hearing site: Minneapolis, MN.)

No. MC 134922 (Sub-No. 255F), filed March 31, 1978. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is sold and used by wholesale, retail, and discount stores* (except foodstuffs, alcoholic beverages, commodities in bulk, and those which because of size or weight require the use of special equipment) between Ashland, OH, on the one hand, and, on the other, points in and east of LA, AR, MO, IA, and MN. (Hearing site: Columbus, OH, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 134922 (Sub-No. 256F), filed March 31, 1978. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is sold and used by wholesale, retail, and discount stores* (except foodstuffs, commodities in bulk and those which because of size or weight require the use of special equipment) between Belmont, MS , on the one hand, and, on the other, points in and west of LA, AR, MO, IA, and MN (excluding HI and AK.) (Hearing site: Washington, DC, or Memphis, TN.)

NOTE.—Common control may be involved.

No. MC 135326 (Sub-No. 10F), filed March 30, 1978. Applicant: BILLY R. ALMAND, d.b.a. ALMAND TRUCKING CO., P.O. Box 7959, 4277 North Market Street, Shreveport, LA 71107. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Shreveport, LA, to points in TX, OK, and AR. (Hearing site: Dallas, TX.)

No. MC 135874 (Sub-No. 108F), filed March 30, 1978. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk), from Chicago, IL, to points in MN, ND, SD, and Bayfield, Douglas, Washburn, Sawyer, Burnett, Ashland, Polk, Rush, Barron, Taylor, St. Croix, Pierce, Dunn, Eau Claire, Chippewa, Clark, Buffalo, Trempeleau, La Crosse, Vernon, Jackson, and Monroe Counties, WI. (Hearing site: Minneapolis/St. Paul, MN, or Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 136268 (Sub-No. 11F), filed March 31, 1978. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. 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: *Tires and tubes* from Akron, OH, to points in Green and Outagamie Counties, WI. (Hearing site: Madison, WI, or Milwaukee, WI.)

NOTE.—Common control may be involved.

No. MC 136899 (Sub-No. 27F), filed March 31, 1978. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Highway 14 East, Richland Center, WI 53581. 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: *Such merchandise* as is dealt in by discount and variety stores (except commodities in bulk), (a) between the facilities of K mart Corp. at Lawrence, KS, on the one hand, and, on the other, points in IA, NE, ND, and SD, and (b) between the facilities of K Mart Corp. at or near Plymouth, MI, and Fort Wayne, IN, on the one hand, and, on the other, points in WI, and the Upper Peninsula of MI. (Hearing site: Madison, WI, or Milwaukee, WI.)

No. MC 138328 (Sub-No. 65F), filed May 10, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry macaroni products*, from the facilities of Skinner Macaroni Co., at Omaha, NE, to points in AL, AZ, AR, CA, CO, GA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NM, NC, OK, SC, TN, TX, VA, WV, WA, and WI, (2) *frozen macaroni products*, from the facilities of Skinner Macaroni Co., at Omaha, NE, to points in AZ, CA, CO, NM, and WA, and (3) *flour*, in containers, and *corrugated cartons, cellophane, polyethylene paper, and dry macaroni products*, from points in AZ, CA, CO, NM, and WA, to the facilities of Skinner Macaroni Co., at Omaha, NE, restricted in parts (1) and (2) to the transportation of traffic originating at the facilities of Skinner Macaroni Co., at Omaha, NE, and in part (3) to the transportation of traffic destined to the facilities of Skinner Macaroni Co. at Omaha, NE. (Hearing site: Omaha, NE.)

NOTE.—Applicant seeks to convert its permit Nos. MC 133233 (Sub-Nos. 34 and 38) to common carrier authority. Issuance of a certificate will be conditioned upon prior or coincidental cancellation of the Sub-Nos. 34 and 38 permits. Also, dual operations are at issue in this proceeding.

No. MC 138627 (Sub-No. 35F), filed May 5, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Russell G. Hilken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling, IL, to points in IA, MO, and NE. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—Dual operations are at issue in this proceeding.

No. MC 138861 (Sub-No. 9F), filed May 1, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Cranston, RI, to points in CT, ME, MA, and NH. (Hearing site: Providence, RI, or Boston, MA.)

NOTE.—Dual operations are at issue in this proceeding.

No. MC 139495 (Sub-No. 341F), filed March 30, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite

500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* (except in bulk), from the facilities of Dresser Industries, located at or near Kosse, TX, to points in AL, CA, CT, DE, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 342F), filed March 30, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. 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 the United States (except AK and HI). (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 343F), filed March 30, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and containers* used in the manufacture, packaging, and distribution of *adhesives, sealants, woodfiller, sound deadener, and caulking compounds* (except in bulk, in tank vehicles), from points in the United States in and east of MN, IA, MO, AR, and TX, to Hutchinson, KS. (Hearing site: Washington, DC.)

No. MC 139495 (Sub-No. 353F), filed March 31, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 29010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by retail and chain grocery, hardware, and drug stores*, in containers, from St. Louis, MO, to points in FL and GA; and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities described in (1) above, except in bulk, from above-named destination States to above-named origin. (Hearing site: Washington, DC.)

No. MC 139923 (Sub-No. 40F), filed March 30, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. 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: *Trailer hitches and component parts, trailer jacks, component parts of trailers, automotive running boards, and automotive and trailer accessories*, from points in St. Joseph County, MI, to points in CA, CO, ID, KS, NV, OK, OR, TX, and WA. (Hearing site: Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 139926 and sub numbers thereunder, therefore, dual operations may be involved.

No. MC 139923 (Sub-No. 43F), filed March 31, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. 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 in bulk), from the facilities of or utilized by Ore-Ida Foods, Inc., and Terminal Ice & Cold Storage Co., at or near Plover, WI, to points in AZ, AR, CA, IL, IN, IA, KS, KY, LA, MS, MO, NE, NM, OK, TN, and TX; and (2) *returned, refused, or rejected merchandise described in part (1) above*, from points in AZ, AR, CA, IL, IN, IA, KS, KY, LA, MS, MO, NE, NM, OK, TN, and TX to the facilities of or utilized by Ore-Ida Foods, Inc., and Terminal Ice & Cold Storage Co., 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.)

NOTE.—Applicant holds motor contract carrier authority in MC 139926 and sub numbers thereunder, therefore, dual operations may be involved.

No. MC 140635 (Sub-No. 10F), filed March 30, 1978. Applicant: ADAMS LINES, INC., 2619 North Street, Omaha, NE 68107. 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 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, in tank vehicles), from the facilities of Union Packing Co., at or near Omaha, NE, to points in AL, CT, DE, FL, GA, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. Restriction: Restricted to the transportation of shipments originating at the named facilities at or near the named origin and destined to the named destination States except traffic moving in foreign commerce. (Hearing site: Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 140829 (Sub-No. 90F), filed March 31, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. 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: *Frozen foods*, from the facilities of Boston Bonnie, Inc., at or near Boston, MA, to IL, IN, IA, KS, MI, MN, MO, OH, and WI. (Hearing site: Washington, DC.)

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder; therefore dual operations may be involved.

No. MC 140968 (Sub-No. 3F), filed March 30, 1978. Applicant: VALLEY TRANSPORT, INC., P.O. Box 68, Drayton, ND 58225 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) *Sugar beet pulp pellets*, from Drayton and Hillsboro, ND, to Minneapolis, MN; and (2) *coke*, from Minneapolis, MN, to Drayton and Hillsboro, ND, under a continuing contract or contracts with American Crystal Sugar Co., at Moorhead, MN. (Hearing site: Fargo, ND, or Minneapolis or St. Paul, MN.)

No. MC 141097 (Sub-No. 17F), filed March 31, 1978. Applicant: CAL-TEX, INC., P.O. Box 1678, 2300 Harbor Boulevard, Costa Mesa, CA 92626. Representative: Greg P. Steffire, Suite 1724, Broadway Plaza Building, 700 South Flower Street, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn and synthetic fiber and materials, equipment, and supplies used in the manufacture and sale thereof* between the facilities of Pharr Yarns, Inc., located in NC, SC, and GA, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts with Pharr Yarns, Inc. (Hearing site: Los Angeles, CA.)

No. MC 141410 (Sub-No. 5F), filed March 30, 1978. Applicant: BLACK ANGUS, INC., P.O. Box 8780, Jackson, MS 39204. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Glass fiber, glass yarn, fiberglass cloth and fabric, and waste fiber*, (1) from Amarillo, TX, to Salt Lake City, UT; Denver, CO; Wallace, ID; Andover, Bellingham, Seattle, and Spokane, WA; Bend, Culver City,

and Portland, OR; and (2) from Aiken and Anderson, SC; Jackson and Nashville, TN; New Castle and Wilmington, DE; Huntington and Pittsburgh, PA; and Amarillo, TX, to Los Angeles and San Francisco, CA, under a continuing contract or contracts with Fiberchem, Inc., of Seattle, WA. (Hearing site: Seattle, WA.)

NOTE.—Applicant holds common carrier authority in MC 143545 (pending) and Sub numbers thereunder and dual operations may be involved.

No. MC 141781 (Sub-No. 7F), filed March 31, 1978. Applicant: LARSON TRANSFER & STORAGE CO., INC., 950 West 94th Street, Minneapolis, MN 55431. 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: *Materials, supplies, and equipment* used in the manufacture and sale of clothing and finished goods (except commodities in bulk), from Thomaston and Washington, GA; Albemarle, Altamahaw, Belmont, Charlotte, Gastonia, Goldsboro, Greensboro, Henderson, Kinston, Landis, Lumberton, Madison, Ranlo, Salisbury, Statesville, NC; Memphis and Crossville, TN; and points in NJ, NY, OH, PA (except Danville); SC (except Columbia), and VA, to Ashland, WI; Little Falls, Minneapolis-St. Paul, and Montgomery, MN. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Applicant holds contract carrier authority in MC 128652 and subs thereunder, therefore dual operations may be involved.

No. MC 141921 (Sub-No. 14F), filed May 4, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Fremont and Toledo, OH, to points in MA, CT, RI, ME, NH, and points in that part of NY on, east, and north of a line beginning at the CT-NY State line and extending along Interstate Hwy 84 to its junction with Interstate Hwy 87 and then along Interstate Hwy 87 to the international boundary line between the United States and Canada, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding. Also, the person or persons engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act or submit an affidavit indicating why such approval is necessary.

No. MC 142059 (Sub-No. 24F), filed March 31, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities in bulk and those which because of size or weight require specialized equipment), from Mishawaka, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 142592 (Sub-No. 1F), filed March 30, 1978. Applicant: H. L. STANSELL, INC., 1015 Illinois Avenue, Palm Harbor, FL 33563. Representative: David C. Venable, 666 11th Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nursery and florist supplies, equipment, and materials* (except commodities in bulk, in tank vehicles), and (2) *commodities exempt from economic regulation*, under section 203(b)(6) of the Interstate Commerce Act; in mixed shipments with nursery and florist supplies, equipment, and materials, between points in Collier, Lee, and Manatee Counties, FL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tampa or Orlando, FL.)

NOTE.—Applicant holds contract carrier authority in MC 13622 and other subs, therefore dual operations may be involved.

No. MC 142559 (Sub-No. 16F), filed May 5, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water heaters, boilers, water storage tanks, and disposals*, and (2) *parts* for the commodities in (1) above, from Kankakee, IL, to points in GA, NC, and SC. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

No. MC 142897 (Sub-No. 8F), filed March 31, 1978. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. 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: *Containers, and equipment, materials, and supplies* used in the manufacture of containers (except in bulk) between Tampa, FL, on the one hand, and, on the other, points in NC, SC, TN, GA, and VA. (Hearing site: Columbus, OH, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 144081 (Sub-No. 1F), filed March 31, 1978. Applicant: D. W. STACY CO., INC., Route 7, Box 619-X, Gaffney, SC. Representative: Fred C. Thompson, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton turkish and terry towels, bolts of blended cotton and synthetic cloth*, between the States of NC, SC, AL and PA, under a continuing contract with Barth and Dreyfuss of California, Inc., located at Monroe, NC. (Hearing site: Charlotte, NC or Columbia, SC.)

No. MC 144185 (Sub-No. 1F), filed March 30, 1978. Applicant: LARSON TRUCKING, INC., 1413 Third Avenue South, Fargo, ND 58102. Representative: James B Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Dalton, GA to the facilities of Fargo Paper Co. at or near Fargo, ND, under continuing contract or contracts with Fargo Paper Co. (Hearing site: Minneapolis, MN or Fargo, ND.)

No. MC 144506F, filed March 31, 1978. Applicant: KOLLER PETROLEUM PRODUCTS, INC., 241 North Baltimore Street, Spring Green, WI 53588. 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: *Petroleum products*, in bulk, in tank vehicles, from Dubuque, IA to points in Vernon, Richland, Sauk, Columbia, Dane, Rock, Green, Lafayette, Iowa, Crawford and Grant Counties, WI. (Hearing site: Madison, WI.)

No. MC 144515F, filed March 30, 1978. Applicant: CENTRAL PIGGYBACK SERVICE, INC., P.O. Box 134, Lugoff, SC 29078. Representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in piggyback service, between the railhead in Camden, SC, on the one hand, and, on the other, Bethune, Elgin, Lugoff, and Pontiac, SC. (Hearing site: Columbia, SC.)

No. MC 144520F, filed March 30, 1978. Applicant: HANS BODY SHOP, 1720 State Street, Bettendorf, IA 52722. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed motor vehicles and trailers, and re-*

placement motor vehicles and trailers, by use of wrecker equipment only, between points in IA on and east of Interstate Hwy 35 and U.S. Hwy 65 and on and south of U.S Hwy 18, points in IL on and north of U.S. Hwy 136 and on and west of IL Hwy 47, and points in WI on and south of U.S. Hwy 18 and on and west of Interstate Hwy 90. (Hearing site: Des Moines, IA, St. Paul/Minneapolis, MN, or Chicago, IL.)

No. MC 144579F, filed March 31, 1978. Applicant: JOHN SKASKO, 135 North Bishop Avenue, Bridgeport, CT. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Iron pipe fittings,* between Stratford, CT, on the one hand, and, on the other, Tampa and Miami, FL, Greensboro, NC, St. Louis, MO, Chicago, IL, Louisville, KY, Carlstadt, NJ, and Philadelphia, PA, under continuing contract or contracts with Bridgeport Fittings Inc. (Hearing site: New York, NY or Hartford, CT.)

No. MC 134600 (Sub-No. 1F), filed March 30, 1978. Applicant: MOOSE MOUNTAIN LINES, LTD., a corporation, 310 Hodsman Road, P.O. Box 3012, Regina, SK, S4P 3El, Canada. 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: *Passengers and their baggage,* in special and charter operations, from ports of entry on the International boundary line between the United States and Canada, to points in the United States including AK, but excluding HI, and return. (Hearing site: Fargo, ND.)

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 July 17, 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-13562. Authority sought for control and merger by Nolte Bros. Truck Line, Inc., 4800 Colorado Boulevard North, Denver, CO 80216, of Nebraska Overland Express, Inc., P.O. Box 1226, Downtown Station, Omaha, NE 68101, through this transaction. Transferee's attorney: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Operating rights sought to be controlled: *General commodities,* with certain specified exceptions, as a commmon carrier over regular routes, between Omaha, NE and Tamora, NE, serving no intermediate points: From Omaha over U.S. Hwy 6 to Lincoln, NE, thence over U.S. Hwy 34 to Tamora, and return over the same route. *General commodities,* with certain specified exceptions, as a common carrier over irregular routes, between Tamora, NE, on the one hand, and, on the other, points in that part of NE west of U.S. Hwy 183, as more specifically described in Docket No. MC 140292. Nolte Bros. Truck Line, Inc. is authorized to operate as a *common carrier* in WI, IA, NE, IL, IN, MO, MN, SD, CO, KS, MT, OK, WY, KY, MI, ND, OH, NJ, NY, PA, MD, DE, and VA. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-13604. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207, of a portion of the operating rights of Schaller Trucking Corp., 5700 West Minnesota Street, Indianapolis, IN 46241, and for acquisition of control of such rights by George E. Powell, Jr., 10990 Roe Avenue, Shawnee Mission, KS 66207, through the purchase. Applicant's Representatives: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603, David B. Schneider, 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207, and John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, DC 20006. Operating rights sought to be transferred are as a *common carrier,* over irregular routes, transporting property over all Federal, State and county highways in the State of IN. Vendee is authorized to operate as a common carrier in AZ, AR, CA, CO, CT, DE, DC, GA, IL, IN, IA, KS, KY, MD, MI, MS, MN, MO, NE, NV, NJ, NY, OH, PA, SC, TN, TX, UT, VA, WI, WY, OK, ME, HN, RI, VT. Common control may be involved. MC 112713 (Sub-No. 214F) is a directly related matter.

NOTE.—MC-112713 (Sub-No. 214) is a directly belated matter.

Motor Carrier of Passengers

No. MC-F-13605. Authority sought for purchase by QUICKLIVICK, INC., 708 C Street, Staunton, VA 24401, of a portion of the operating rights of Virginia Stage Lines, Inc., k200 Eye Street NW., Washington, DC. 20005, of control of such rights through the purchase. Applicants' attorneys: George W. Hanthorn and Gayla L. Campbell, 1500 Jackson Street, Suite 422, Dallas, TX, 75201. Operating rights sought to be transferred: Passengers and their baggage, express, mail and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Waynesboro, VA and Elkton, VA; between Luray, VA and Elton, VA; and between Front Royal, VA and Luray, VA, intermediate points to be served on all three routes. Vendee is authorized to operate as a common carrier in VA and WV. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13607. Authority sought for purchase by SOUTHWESTERN TRANSPORTATION CO., 7600 South Central Expressway, Dallas, TX 75216, of a portion of the operating rights of Strickland Transportation Co., Inc., 3011 Gulden Lane, Dallas, TX 75222, and for acquisition by St. Louis Southwestern Railway Co. and Southern Pacific Transportation Co., Southern Pacific Building, One Market Plaza, San Francisco, CA 94105, of control of such rights through the transaction. Applicant's attorneys: (Vendee's) Lloyd M. Roach, 7600 South Central Expressway, Dallas, TX 75216 and John MacDonald Smith, 813 Southern Pacific Building, One Market Plaza, San Francisco, CA 94105; (Vendor's) Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603 and Milton H. Bortz, 11353 Reed Hartman Highway, Cincinnati, OH 45241. Operating rights sought to be purchased are set forth in certificate No. MC 59680 (Sub-Nos. 121 and 143(b)) authorizing transportation of general commodities, with the usual exceptions, between Chicago and Aurora, IL, serving all intermediate points, and between St. Louis, MO, and Chicago, Aurora, and Eola, IL, serving no intermediate points. Vendee is authorized to operate as a common carrier in IL, MO, AR, TN, TX, and LA. An affiliated company under common control, Pacific Motor Trucking Co., is authorized to operate as a common carrier in OR, NV, CA, AZ, NM, and TX and as a contract carrier in CA, OR, NV, and AZ. Application has been filed for temporary authority under section 210a(b).

NOTE.—Dual operations may be involved.

No. MC-F-13608. Authority sought for merger into UNITED TRANSPORTATION INVESTMENT CO. (UTI), 310 south Michigan Avenue, Chicago, IL 60604, of the operating rights and properties of Navajo Freight Lines, Inc. (Navajo), Transferor, 1205 South Platte River Drive, Denver, CO 80223 (controlled by UTI through 90.7 percent stock ownership) and the acquisition by UTI of all of

the capital stock of Navajo's wholly owned subsidiary, Exley Express, Inc., Portland, OR (Exley), with certain restrictions, serving various intermediate and off-route points, over alternate routes for operating convenience only, and for merger into Arkansas-Best Freight System, Inc. (ABF), Transferee, 301 South 11th Street, Fort Smith, AR 72901, of the operating rights and properties of UTI, as the survivor in the merger with Navajo, and for acquisition by Arkansas Best Corp. (ABC), 1000 South 21st Street, Fort Smith, AR 72901, of control of the rights and properties obtained by ABF through the latter merger. Transferor's attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Transferee's attorney: Thomas Harper, P.O. Box 43, Fort Smith, AR 72902. Navajo operates as a common carrier of general and specified commodities primarily over regular routes, in all continental United States except MS and SC generally between Boston, MA and Providence, RI, on the east, Saginaw, MI, Milwaukee, WI, Cedar Rapids, IA and Omaha, NE, on the north, Dallas-Ft. Worth and El Paso, TX, on the south, and Oakland, San Francisco, Los Angeles, and San Diego, CA, on the west, as more fully described in Certificate No. MC 76032 and subs. Exley has both regular and irregular route authority covering a number of specified commodities between most points in the States of AZ, CA, ID, MT, NV, OR and WA, more fully described in Certificate No. MC 114290. This notice does not purport to be a complete description of all of the operating rights of Navajo. The foregoing summary is believed sufficient for purpose of public notice regarding the nature and extent of this carrier's operating rights without stating, in full, the entirety thereof. Transferee, Arkansas-Best Freight System, Inc., is authorized to operate pursuant to Certificate No. MC 29910 and subs as a common carrier of general and specific commodities over regular and irregular routes between points in the states of: AL, AR, AZ, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, NE, NJ, NM, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, WY and WI. Transferor's regular route authority may be tacked with that of transferee at points in KS, OK, TX, MO, IA, IL, IN, OH, MI, PA, NY, NJ, MD, MA, CT, and RI. There will be no request for gateway elimination. The approval of these applications will not result in dual operations or splitting of operating authority. Transferee (ABF) and Transferor (Navajo) hold certain authority which authorizes operations by them between certain common points. Application for temporary authority has not been filed under Section 210a(b). This application is related to a simultaneously filed application under section 214 for approval of the assumption or guaranty of any resulting securities and the issuance of any note in the proposed transactions.

NOTE.—FD-28771 and FD-28772 are directly related matter.

No. MC-F-13609. Authority sought for purchase by K&W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56201, of the operating rights and certain properties of Arctic Motor Freight, Inc., P.O. Box 6243, Anchorage, AK 99502, and for acquisition by Harold E. Anderson, 203 Cooper Avenue North, St. Cloud, MN 56301, and Rollis H. Anderson, 101 Cooper Avenue North, St. Cloud, MN 56301, of control of such rights through the transaction. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. 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, and commodities in bulk, as a *common carrier* over irregular routes between points in AK, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line, other than Haines, AK; *drilling mud compounds*, in bulk, as a common carrier over irregular routes between points in AK. Vendee is authorized to operate as a common carrier in IL, MN, ND, MT, MI, MD, OH, NJ, and AK. 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 17, 1978. 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 112713 (Sub-No. 214F), filed May 23, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS 66207. Representative: 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 commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities which because of size or weight require the use of special equipment), (1) between Michigan City, IN and the IN-KY State line at or near New Albany, IN, from Michigan City, IN via U.S. Hwy 35 to the junction of U.S. Hwy 31, then via U.S. Hwy 31 and 31W to New Albany, IN, and return over the same route serving all intermediate points; (2) between South Bend, IN and Kokomo, IN, from South Bend, IN via U.S. Hwy 31 to Kokomo, IN, and return over the same route serving all intermediate points; (3) between the IN-OH State Line (east of Decatur, IN) and the IN-IL State Line at or near Effner, IN, from the IN-OH State line (east of Decatur, IN) via U.S. Hwy 224 to the junction of U.S. Hwy 24, then near Effner, IN, and return over the same route serving all intermediate points; (4) between Michigan City, IN and Vincennes, IN, from Michigan City, IN via U.S. Hwy 421 to Lafayette, IN, then via U.S. Hwy 231 (also portion IN Hwy 67) to Vincennes, IN, and return over the same route serving all intermediate points; (5) between New Albany, IN and Evansville, IN, from New Albany, IN over Interstate Hwy 64 to junction of IN State Hwy 57, then via IN State Hwy 57 to Evansville, IN and return over the same route serving all intermediate points; (6) between Hammond, IN and Evansville, IN, from Hammond, IN via U.S. Hwy 41 to Evansville, IN and return over the same route serving all intermediate points; (7) between Richmond, IN and West Terre Haute, IN, from Richmond, IN via U.S. Hwy 40 to West Terre Haute, IN and return over the same route serving all intermediate points; (8) between Hammond, IN and the IN-OH State Line, from Hammond, IN over IN State Hwy 6 to Butler, IN, then via Hwy 6 to OH-IN State line, and return over the same route serving all intermediate points; (9) between Vincennes, IN and Harrison, IN, from Vincennes, IN via U.S. Hwy 50 to Harrison, IN and return over the same route serving all intermediate points; (10) between Madison, IN and the IN-MI State line, from Madison, IN via U.S. Hwy 421 to junction of IN State Hwy 3 at or near Greensburg, IN, then via Hwy 3 to

junction of Interstate Hwy 69, then via Interstate Hwy 69 to IN-MI State Line, and return over the same route serving all intermediate points. Serving in connection with each of the above routes all points in IN as intermediate or off-route points. (Hearing site: Indianapolis, IN.)

NOTE.—The purpose of this filing is to convert a certificate of registration to a certificate of public convenience and necessity. The matter is directly related to MC-F-13604 published in a previous section of this FEDERAL REGISTER issue. Common control may be involved.

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 July 17, 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 1936 (Deviation No. 20), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 13224, filed May 15, 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 Philadelphia, PA over U.S. Hwy 30 to Lancaster, PA, then over PA Hwy 283 to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction PA Hwy 144, then over PA Hwy 144 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Youngstown, OH, 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 Philadelphia, PA over U.S. Hwy 13 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Baltimore, MD, then over U.S. Hwy 40 to Uniontown, PA, then over PA Hwy 51 to the PA-OH State line, then over OH Hwy 14 to junction OH 7, then over OH 7 to Youngstown, OH and return over the same route.

No. MC 1936 (Deviation No. 21), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 13224, filed May 15, 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 Baltimore, MD over Interstate Hwy 83 to junction Harrisburg Expressway, then over Harrisburg Expressway to junction U.S. Hwy 11-15, then over U.S. Hwy 11-15 to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction PA Hwy 144, then over PA Hwy 144 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Youngstown, OH, 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 Baltimore, MD over U.S. Hwy 40 to Uniontown, PA, then over PA Hwy 51 to the PA-OH State line, then over OH Hwy 14 to junction OH Hwy 7, then over OH Hwy 7 to Youngstown, OH and return over the same route.

No. MC 1936 (Deviation No. 22), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 13224, filed May 15, 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 Detroit, MI over U.S. Hwy 12 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 5, then over IN Hwy 5 to Ligonier, IN, 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 Detroit, MI over U.S. Hwy 112 to Mottville, MI, then over U.S. Hwy 131 to junction IN 15, then over IN Hwy 15 to junction IN Hwy 120, then over IN Hwy 120 to Elkhart, IN, then over U.S. Hwy 20 to South Bend, IN, then over U.S. Hwy 33 to Fort Wayne, IN, and return over the same route.

No. MC 2229 (Deviation No. 29), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247, filed May 10, 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 New Orleans, LA over Interstate Hwy 10 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 85, then over Interstate Hwy 85 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 New Orleans, LA over U.S. Hwy 61 to Natchez, MS, then over U.S. Hwy 65 to junction LA Hwy 128, then over LA Hwy 128 to St. Joseph, La, then over LA Hwy 605 to junction U.S. Hwy 65 near Somerset, LA, then over U.S. Hwy 65 to Tallulah, LA, then over U.S. Hwy 80 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Atlanta, GA, and return over the same route.

No. MC 99798 (Deviation No. 4), DOODS TRUCK LINE, INC., 623 Lincoln, Houston, TX 77001, filed May 11, 1978. Carrier's representative: Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rolla, MO over U.S. Hwy 63 to Columbia, MO, then over Interstate Hwy 70 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 Rolla, MO over U.S. Hwy 63 to Cabool, MO, then over U.S. Hwy 60 to Springfield, MO, then over MO Hwy 13, to Clinton, MO, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction bypass U.S. Hwy 71, then over bypass U.S. Hwy 71 to Lee's Summit, MO, then over U.S. Hwy 50 to Kansas City, MO, and return over the same route.

No. MC 107605 (Deviation No. 6), ADVANCE UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis, MN 55413, filed May 3, 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 Chicago, IL over Interstate Hwy 55 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, KS, 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 Chicago, IL over U.S. Hwy 66 to junction alternate U.S. Hwy 66, then over alternate U.S. Hwy 66 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Springfield, IL, then over U.S. Hwy 36 to junction U.S. Hwy 54, then over U.S. Hwy 54 to Kingdom City, MO, then over U.S. Hwy 40 to Kansas City, KS, 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.

Florida Docket No. 780314-CCT, filed May 1, 1978. Applicant: TRANS-FLORIDA, EXPRESS, INC., P.O. Box 5647, 3103 Third Avenue, Tampa, FL. Representative: Armando Garcia, P.O. Box 1501, Tallahassee, FL 32302. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), (1) to, from, and between Fort Lauderdale and Miami, FL, and intermediate points over State Road No. 5 and, as an alternate route, over State Road No. 84, from Fort Lauderdale to State Road No. 7, then over State Road 7, to Miami, FL, serving Coconut Grove, Dania Beach, Davie, Deerfield Beach, Golden Beach, Gulfstream, Hialeah, Hollywood Beach, Miami Beach, Miami Springs, North Miami Beach, Opa-Locke, Pompano Beach, Port Everglades, and Wilton Manors as off-route points. (2) Between Fort Lauderdale and Riviera Beach, FL, serving all intermediate points, over the following routes: From Fort Lauderdale, FL, north over U.S. Hwy No. 1 (State Road No. 5) and/or State Road No. A1A to Riviera Beach, FL, and return over the same routes, with authority to use the Sunshine State Parkway and return over the same route, for operating convenience only, and including all lateral east-west highways and/or streets connecting the three routes above named. (3) Between Riviera Beach and Orlando, FL, serving all intermediate points. From Riviera Beach over U.S. Hwy 1 to Titusville, then over State Road 405 to its junction with State Road 50, then over State Road 50 to Orlando, and return over the same route. (4) Between Miami and Orlando, FL, serving all intermediate points. From Miami over U.S. Hwy 27 to South Bay, then over State Road 80 to Belle Glade, then over U.S. 441 to Orlando, and return over the same route. (5) Between South Bay and Orlando, FL, serving all intermediate points. From South Bay over U.S. Hwy 27 and 27-A to Haines City, then over U.S. Hwy 17 to Orlando and return over the same route. (6) Between Miami and Tampa, FL, serving all intermediate points. From Miami over U.S. Hwy 41 to Punta Gorda, then over U.S. Hwy 17 to Bartow, then over U.S. Hwy 98 to Lakeland, then over U.S. Hwy 92 to Tampa and return over the same route. (7) Between Punta Gorda and Tampa, FL, over U.S. Hwy 41 serving all intermediate points, and return over the same route, (8) Between the junction of U.S. Hwy 41 and State Road 29 near Everglades, FL, and Fort Myers, Fl, serving all intermediate points. From said junction of U.S. Hwy 41 with State Road 29 over State Road 29 to its junction with State Road 82, then over State Road 82 to Fort Myers and return over the same route. (9) Between Orlando and Tampa, FL, over Interstate Hwy 4 and return over the same route serving no intermediate points. (10) Between the West Palm Beach interchange on the Sunshine State Parkway and the junction of said Parkway with U.S. Hwy 17, from West Palm Beach, FL, over the Sunshine State Parkway to the junction of Sunshine State Parkway and U.S. Hwy 17, and return ove the same route, as an alternate route for operating convenience only. (11) Between West Palm Beach and Arcadia, FL, serving all intermediate points. From West Palm Beach over State Road 710 to Okeechobee, then over State Road 70 to Arcadia, and return over the same route. (12) Between Miami and West Palm Beach, FL, over U.S. Hwy 441, serving all intermediate points. (13) Between West Palm Beach and Fort Myers, FL., over State Road 80, serving all intermediate points. (14) Between Tampa and Sarasota, Fl, over U.S. Hwy 301, serving all intermediate points. (15) Between Tampa and Bartow, FL, over State Road 60, serving all intermediate points. (16) Between Tampa and St. Petersburg, FL, over U.S. Hwy 92, serving all intermediate points. (17) Between St. Petersburg and Palmetto, FL, over the Sunshine Parkway and causeways between Pinellas County and Manatee County over the waters of Tampa Bay, serving all intermediate points. (18) Between Parrish and Bowling Green, FL, over State Road 62, serving all intermediate points. (19) Between Lake Alfred and Bartow, FL, over U.S. Hwy 17, serving all intermediate points. (20) Between Auburndale and Winter Haven, FL, over unnumbered highways, serving all intermediate points. (21) Between South Venice, FL, and Murdock, FL, over Florida Hwys 775, 776 and 771, serving all intermediate points. (22) Between Lakeland, FL, and Fort Meade, FL, over FL Hwys 37 and 630, serving all intermediate points. (23) Between Fort Myers, FL, and Fort Myers Beach, FL, over FL Hwy 865 and 867, serving all intermediate points. (24) Between the junction of U.S. Hwy 41 and FL Hwy 78 (just north of Fort Myers) and Bokeelia and St. James City, FL, over FL Hwys 78 and 767, serving all intermediate points. (25) Between Okeechobee, FL, and West Palm Beach, FL, over U.S. Hwy 441, U.S. Temp. 98 and FL Hwy 80, serving all intermediate points. (26) Between Ashton, FL., with U.S. Hwy 92, and the intersection of FL Hwy 436 with U.S. Hwy 92, over FL Hwy 15, 15-A, and 436, serving all intermediate points. (27) Between Orlando, FL, and Sanford, FL, serving all intermediate points. From Orlando, FL, over U.S. Hwy 17 to Sanford (also over Interstate 4 to Sanford for operating convenience) and return over the same route. (28) Between Tampa, FL, and Dunnellon, FL, serving all intermediate points. From Tampa, FL, over U.S. Hwy 41 to Dunnellon, FL, and return over the same routes. From Tampa, over U.S. Hwy 301 to the junction of State Road 41, then over State Road 41 to the junction of U.S. Hwy 41, then over U.S. Hwy 41 to Dunnellon, FL, and return ove the same route. From Tampa, FL, over State Roads 60 and 580 to junction with U.S. Hwy 19, then over U.S. Hwy 19 to Inglis, FL, then over State Road 40 to Dunnellon, FL, and return over the same route. From Tampa, FL, over Interstate Hwy 75 to its junction with State Hwy 484, then over State Hwy 484 to Dunnellon and return over the same route for operating convenience only. (29) Serving Pasco, Citrus, Hillsborough, Pinnellas, Polk, Sumpter, Hernando, Seminole, and Orange Counties and all other points in FL on or south of a line beginning at the western terminus of FL Hwy 60 then easterly along FL Hwy 60 to its junction with Interstate Hwy 4, then easterly along Interstate Hwy 4 to its junction with FL Hwy 50, then easterly along FL 50 to its junction with Florida Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus. (30) Between Orlando, FL, and Sanford, FL, serving all intermediate points on U.S. 17 and 92, with off-line service to Winter Springs, Oviedo, Lake Monroe, Sylvan Park, Mary, Long Wood, Apopka, Winter Garden, Ocoee, and Lockhart, using Interstate 4 as an alternate route. (31) Between Tampa, FL, and Oxford, FL, serving all intermediate points on U.S. Hwy 301. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

South Carolina docket No. 78-218-T, filed April 18, 1978. Applicant: J & H TRUCKING CO., INC., P.O. Box 2466, Greenville, SC 29602. Certificate of

public convenience and necessity sought to operate a freight service over irregular routes, as follows: Transportation of: *Textile and textile-related commodities* (except any commodities or products in bulk in tank trucks; classes A and B explosives and classes A, C, and D poisons as defined under explosives and other dangerous articles in Amerian Trucking Association, Inc., agent, tariff No. 10, MF-ICC, No. 11, PSCSC No. 11, supplements thereto or reissues thereof; and *household goods* and *related articles*, as defined in motor truck rate bureau, agent, household goods tariff, motor freight tariff No. 8-H, SCPSC-MF No. 121, supplements thereto reissues thereof): Between points and places within Greenville County, SC. Intrastate, interstate and foreign commerce authority sought. (Hearing site: Date, time and place not yet fixed). Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Box 11649, Columbia, SC 29211, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-16495 Filed 6-14-78; 8:45 am]

[1505-01]

INTERSTATE COMMERCE COMMISSION

[Volume No. 92]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Railroad Abandonments, Alternate Route Deviations, and Intrastate Applications

Correction

In FR Doc. 78-14535, appearing at page 22496 in the issue for Thursday, May 25, 1978, the first line of the first complete paragraph in column two of page 22498 should read, "No. MC 117786 (Sub-No. 12F), filed".

[7035-01]

[Corrected I.C.C. Order No. 57 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

In the opinion of Robert S. Turkington, agent, the Chicago and North Western Transportation Co. is unable to transport traffic over its line between Albia, Iowa, and Marshalltown, Iowa, because of track damage from flooding.

It is ordered,

(a) *Rerouting traffic.* The Chicago and North Western Transportation Co. being unable to transport traffic over its line between Albia, Iowa, and Marshalltown, Iowa, because of track damage from flooding, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9 a.m., May 18, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m. May 31, 1978, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and it shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 18, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-16598 Filed 6-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 To Corrected I.C.C. Order No. 57; Under Revised Service Order No. 1252]

REROUTING TRAFFIC

Upon further consideration of I.C.C. Order No. 57 (Chicago and North Western Transportation Co. and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 57 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 23, 1978, unless otherwise modified, changed, or suspended.

This amendment shall become effective at 11:59 p.m., May 31, 1978, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and it shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 30, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-16601 Filed 6-14-78; 8:45 am]

[7035-01]

[Decision No. 36958]

THE LAWFULNESS OF PRACTICES WHEREBY LEASES OF LESSEE SHIPPERS HAVE BEEN CANCELLED BECAUSE OF COMPLAINTS OR PROTESTS WHICH THE LESSEES HAVE FILED WITH THE COMMISSION

Investigation

The Commission has reason to believe that there exists a practice among several railroads whereby the carriers have cancelled the leases of several shipper lessees of property located on the carriers' lines because shipper lessees have filed complaints or protests before the Commission against certain carrier actions. The result of these practices is that the carriers may have violated section 1(6) of the Interstate Commerce Act, 49 U.S.C. 1(6). It also appears that several carriers have inserted provisions into their leases which forbid lessees from protesting any carrier abandonment. Additionally, several carriers have refused to lease land to prospective lessees unless the prospective lessees agree not to protest a carrier abandonment of the line on which the property to be leased is located. These actions may have also resulted in vio-

lations of section 1(6). Further, the effect of these practices may have been to prejudice abandonment proceedings before the Commission.

It is ordered:

1. An investigation on the Commission's own motion is instituted under sections 12(1) and 13(2) of the Interstate Commerce Act, 49 U.S.C. 12(1) and 13(2), for the purpose of inquiring into the possible violations of section 1(6). Appropriate decisions will be issued to terminate any violations found to exist.

2. The St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis, MO 63101 is made a respondent.

3. During the pendency of this investigation, the respondent shall not cancel its leases with any shipper lessee because of any action taken by the shipper lessee before the Commission, nor shall the respondent evict any tenant whose lease has been terminated because of any action taken by the tenant before the Commission.

4. All proceeding in *St. Louis-San Francisco Abandonment,* Docket No. AB 9 (Sub-No. 9) shall be stayed during the pendency of this proceeding.

5. Within 30 days from the service date of this decision, the respondent shall submit a special report to the Commission pursuant to section 20(1) of the Interstate Commerce Act, 49 U.S.C. § 20(1), in which the respondent shall list the names of all shipper lessees whose leases have been cancelled, or who have been evicted, because of actions taken by the lessees before the Commission. The report also shall include the names of all prospective lessees who were denied the opportunity to lease land from the respondent because they refused to agree not to protest future carrier abandonments. The report also shall include copies of correspondence and all other documentation relating to the institution, implementation and maintenance of the policy of restricting lessees from filing complaints with the Commission or protesting carrier abandonments before the Commission.

6. In addition to the abandonment proceeding set forth in ordering paragraph numbered 4, the respondent has one other abandonment proceeding pending before the Commission. *St. Louis-San Francisco Abandonment,* Docket No. AB 9 (Sub-No. 12). In connection with this abandonent application, the respondent shall report whether any shipper lessee on this line has a lease with provisions barring protests to abandonment, whether any shipper lessee on the subject line has been threatened with cancellation of its lease if it protested the abandonment, or has had its lease cancelled because of a protest.

7. The Bureau of Investigations and Enforcement is directed to participate as a party in this proceeding.

8. A copy of this order shall be served upon the respondent and, in view of the nature and scope of this proceeding, a notice of this proceeding shall be given to the general public by posting a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C. and by publishing a copy in the FEDERAL REGISTER.

9. Because of the exigency of the situation, this decision shall be effective immediately.

Decided June 8, 1978.

By the Commission, A. Daniel O'Neal, Chairman.

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

[FR Doc. 78-16603 Filed 6-14-78; 8:45 am]

[7035-01]

[No. 36700]

AUTOMATIC CAR IDENTIFICATION (ACI) SYSTEMS

Petition Seeking Institution of Rulemaking Proceeding

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening for further consideration of petition seeking rulemaking pursuant to 49 U.S.C. § 13(6)(a).

SUMMARY: The Commission previously denied a petition which sought the institution of a rulemaking to investigate the need for regulations governing the use of automatic car identification (ACI) systems. Certain material in support of the petition did not come to the Commission's attention during its consideration of the petition. The decision reopening this proceeding provides for the resubmission of all pertinent material in support of the petition. In addition, because the Commission believes the views of the Association of American Railroads and Federal Railroad Administration, as well as other interested persons, would be helpful, the decision requests their comments.

DATES: Petition seeking the institution of a rulemaking, along with all pertinent documents upon which petitioner relies, may be resubmitted within 30 days of this date. The comments of Association of American Railroads, Federal Railroad Administration, and other interested persons may be submitted within 30 days of this date.

ADDRESS: Petition, with accompanying documents, and comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director; or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Washington, D.C. 20423, 202-275-7693.

This notice is issued pursuant to 49 U.S.C. § 13(6)(a).

Dated: June 8, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp.

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

[FR Doc. 78-16451 Filed 6-13-78; 8:45 am]

[7035-01]

GRANTS OF OPERATING RIGHTS

Notice of Prior Publication

JUNE 14, 1978.

Notice of grants of permanent operating rights authority appeared in the FEDERAL REGISTER issue of Monday, June 12, 1978 (43 FR 25401). These notices are referred to the attention of all interested persons in view of the Commission's statement published in the FEDERAL REGISTER of May 18, 1978 (43 FR 21527) regarding the scheduling of such notices in the FEDERAL REGISTER issues of the second and fourth working day each week. All protests to Decisions Volume No. 5 are due on or before July 12, 1978.

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

[FR Doc. 78-16827 Filed 6-14-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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	Items
Civil Aeronautics Board	1, 2
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[6320-01]

1

[M-138, Amdt. 1; June 13, 1978]

NOTICE OF CHANGE OF TIME AND DATE

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 2 p.m., June 22, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Mexico: Renewal of procedure for reviewing capacity increases and resolving dissatisfaction through consultations. Instructions to Staff (Memo No. 8000).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: For explanation of the closing, list of persons expected to attend, and General Counsel's certification, see Meeting Announcement M-138 dated June 9, 1978.

[S-1251-78 Filed 6-13-78; 3:51 pm]

[6320-01]

2

[M-141; June 12, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 4:30 p.m., June 9, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: United States-United Kingdom discussions regarding dual designation.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: On Friday, June 9, 1978, the State Department requested the Board's views on this issue by 5 p.m. that day. Accordingly, the following Members voted that agency business required that the Board meet on less than seven days' notice and that no earlier announcement of this meeting was possible:

Acting Chairman, G. Joseph Minetti
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey (on telephone)

This meeting concerned the position the Board should take regarding efforts to resolve the question of which cities should be designated as those to receive service by two U.S. carriers in the United States-London market under Bermuda II. Premature public disclosure of the options, plans, and opinions of the Board could seriously compromise the United States ability to successfully deal with this matter in the best interest of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that the meeting should be closed:

Acting Chairman, G. Joseph Minetti
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey (on telephone)

PERSONS ATTENDED

Board Members.—Acting Chairman, G. Joseph Minetti; Member, Richard J. O'Melia; and Member, Elizabeth E. Bailey (on telephone)

Assistants to Board Members.—Mr. Mike Roach, Mr. James Casey, Mr. John Golden, and Mr. David Kirstein.

Office of the Managing Director.—Mr. Dennis Rapp.

Bureau of International Aviation.—Mr. Donald Farmer, Mr. Donald Litton, Mr. Joseph Chesen, and Mr. Ivars Mellups.

Bureau of Pricing and Domestic Aviation.—Mr. Michael Levine and Mr. Doug Leister.

Office of the General Counsel.—Mr. Phil Bakes, Mr. Gary Edles, Mr. Peter Schwarzkopf, Mr. Glen Bendixsen, Ms. Barbara Thorson, and Ms. Carol Light.

Office of Economic analysis.—Mr. Sanford Rederer.

Office of the Secretary.—Mr. Craig Lindsay, Ms. Linda Senese, and Ms. Loraine Daugherty.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

GARY J. EDLES,
Acting General Counsel.

[S-1252-78 Filed 6-13-78; 3:51 pm]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., June 16, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1244-78 Filed 6-13-78; 3:04 pm]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., June 20, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Customer protection rules.

Portions closed to the public:

Enforcement matter.
Rule enforcement reviews.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1249-78 Filed 6-13-78; 3:40 pm]

[7035-01]

5

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, June 20, 1978.

PLACE: Room 4225, Interstate Commerce commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED: 1. Lease and Interchange of Vehicles (BIE). 2. New costing methodologies (Accounts).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone: 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1250-78 Filed 6-13-78; 3:48 pm]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, June 22, 1978. [NM-78-25]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first nine items will be open to the public; the last two items will be closed under exemption 9B and exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report.*—Kansas Public Service Co., Inc., explosion and fire, Lawrence, Kans., December 15, 1977.
2. *Marine Accident Report.—Ocean Express* capsizing and sinking off the Texas Coast, April 15, 1976.
3. *Analysis of Proceedings.*—Safety Board's public hearing on train derailments and the carriage of hazardous materials.
4. *Recommendation* to the Federal Railroad Administration as a result of Special Study, "Pedestrian Fatalities on the Nation's Railroads."
5. *Recommendation* to the Federal Aviation Administration re light twin engine fire-in-flight accidents.
6. *Recommendation* to the Federal Aivation Administration review of 14 CFR Part 91, Subpart D, Large and Turbine-Powered Multiengine Airplanes.
7. *Recommendation Closeout.*—Aviation A-74-124 and A-77-23.
8. *Discussion* of aviation goals and objectives.
9. *Request* for approval of depositions in the National Airlines accident at Pensacola, Florida, May 8, 1978.
10. *Aircraft Accident Report.*—Japan Air Lines DC-8, JA8054, Anchorage, Alaska, January 13, 1977.
11. *Opinion and Order.—Administrator* v. *Doe,* Docket SM-1798; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1248-78 Filed 6-13-78; 3:24 pm]

[7590-01]

7

NUCLEAR REGULATORY COMMISSION.

MEETINGS DURING THE WEEK OF JUNE 12, 1978

(SHORT NOTICE OF MEETINGS)

APPROVAL: By vote of 3-0 on June 12 (Commissioner Kennedy not participating) the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that the agenda items be held on less than one week's notice to the public. Prompt consideration is required for these urgent items.

Monday, June 12, 1:30 p.m.—Affirmation of FOIA appeal of S. Klein (public meeting).

Tuesday, June 13, 2 p.m.—Discussion of draft testimony on DOE Mill Tailings Legislation (approximately 2 hours—public meeting).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, Office of the Secretary, telephone 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 12, 1978.

[S-1247-78 Filed 6-13-78; 3:04 pm]

[7901-01]

8

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, July 6, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: DeLong Corp. (New York), SII to: DeLong Corp. (Delaware), fiscal year ended December 31, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 13, 1978.

GOODWIN CHASE,
Chairman.

[S-1245-78 Filed 6-13-78; 3:04 pm]

[7901-01]

9

RENEGOTIATION BOARD.

DATE AND TIME: Friday, August 4, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Howard P. Foley Co., fiscal year ended March 31, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 13, 1978.

GOODWIN CHASE,
Chairman.

[S-1246-78 Filed 6-13-78; 3:04 pm]

federal register

THURSDAY, JUNE 15, 1978
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection

NATIONAL MOBILE HOME ADVISORY COUNCIL

Appointment of Members

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods Voluntary Associations and Consumer Protection

[Docket No. N-78-779]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Appointment of Members

AGENCY: Mobile Home Standards Division, HUD.

ACTION: Appointment of Members of National Mobile Home Advisory Council.

SUMMARY: This notice announces the appointment of 12 members to the National Mobile Home Advisory Council. Their terms are for two years, ending on August 21, 1979. The terms of the other 12 members on the Council will expire on August 21, 1978

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards, Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, telephone 202-755-5595.

SUPPLEMENTARY INFORMATION: The National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of the Housing and Community Development Act of 1974) authorizes the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for mobile homes. It provides for the appointment by the Secretary of a National Mobile Home Advisory Council composed of 24 members. The membership of the Council is selected equally from each of the following categories: (a) Consumer organizations, community organizations, and recognized consumer leaders; (b) the mobile home industry and related groups including at least one representative of small business; and (c) government agencies including Federal, State, and local governments. The purpose of the National Mobile Home Advisory Council is to advise the Department to the extent feasible prior to the establishment, amendment or revocation of any mobile home construction and safety standard.

Section 6(a) of the Charter of the National Mobile Home Advisory Council enacted pursuant to section 9(c) of the Federal Advisory Committee Act stipulates that members are appointed to serve 2-year terms which expire on August 21 of the second year of the member's appointment.

Nominations for the expiring terms were requested at 42 FR 36038 on July 13, 1977. In response to that request 366 persons were nominated. Their qualifications were evaluated and the 12 appointments were made from that group.

The following is a discussion of the major considerations that led to the Department's selections. The Department sought to achieve geographical balance according to the size of the mobile home industry and the number of homes in use in each region of the country. The Department also tried to appoint persons who would offer the Council a broad spectrum of views.

It was decided that since the Federal mobile home standards and the enforcement program enlist substantial participation by the States, and since intragovernmental participation may be achieved by other means, representatives of Federal agencies would not be appointed to the council.

The following members were previously appointed and will continue to serve on the council until August 21, 1978:

COMMUNITY AND CONSUMER REPRESENTATIVES

Jane Conrad, Free Lance Writer, Colorado.
Margery Moore, Counselor, Orleans County Council of Social Agencies, Vermont.
Robert Myers, President, Michigan Mobile Homeowners Association, Michigan.
William R. Palmer, Editor, Mobile Home Owners Association of New Jersey, Inc., New Jersey.

GOVERNMENT OFFICIALS

Richard Bullock, Chief, Manufactured Housing Section, Wisconsin Department of Industry, Labor and Human Relations.
Fred H. Jolly, Director, Division of Housing and Environmental Health, Nebraska Department of Health.
Kenneth E. Meiser, Assistant Deputy Public Advocate, New Jersey Department of Public Advocate.
C. Sutton Mullen, Administrator, Industrialized Building Law, Virginia State Corporation Commission.

INDUSTRY REPRESENTATIVES

Charles T. Ashford, Vice President—Products, Conchemco Homes Group, Kansas.
Phillip J. Braff, President, Sahara Mobile Homes, Ohio.
Daniel Siegel, Siegel Mobile Home Group—Siegel Financial Services, Utah.
William Stewart, California Mobile Home Dealers Association, California.

Pursuant to the requirements of section 603 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and the Federal Advisory Committee Act of 1972 (Pub. L. 92-463), the following persons are appointed to serve terms on the National Mobile Home Advisory Council, which will expire on August 21, 1979:

COMMUNITY AND CONSUMER REPRESENTATIVES

Patricia Kish, Vice Chairperson of Mobile Home Advisory Board, California.
Michael M. Landa, Consultant, Center for Auto Safety, Washington, D.C.
Larry Landis, Associate Professor, Drake University, Iowa.
Manuel Lujan, Mobile home owner, Clovis, Calif.

GOVERNMENT OFFICIALS

Daniel Baird, Mobile Home Plant Inspector, Office of the State Fire Marshal, Louisiana.
Orville Cummings, Deputy Chief, Bureau of Mobile Home Construction, Florida.
Richard I. Hauck, Section Chief, Mobile Homes/Manufactured Structures Section, Minnesota Department of Administration.
E. R. Jones, Director, Division of Building Codes, State of Arizona.

INDUSTRY REPRESENTATIVES

Louis M. Balius, Director of Consumer and Legal Affairs for Champion Home Builders Company, Michigan.
Donald A. Barrow, Vice President of Product Development, Skyline Corporation, Elkhart, Indiana.
James Dyer, President of the New Jersey Mobile Home Association, New Jersey.
Paul Kay, General Sales Manager, Wood Products, Weyerhaeuser Co., Washington.

Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d) and Sec. 605, National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5404.

Issued at Washington, D.C., June 5, 1978.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 78-16487 Filed 6-14-78; 8:45 am]

federal register

THURSDAY, JUNE 15, 1978
PART III

WATER RESOURCES COUNCIL

■

COUNCIL ORGANIZATION

Implementation of Reorganization Decision

[8410-01]

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Implementation of Reorganization Decision

JUNE 12, 1978.

AGENCY: Water Resources Council.

ACTION: Final rule.

SUMMARY: At its meeting on October 11, 1977, the Water Resources Council abolished the Council of Representatives and existing committees. The final rules in this announcement have been adopted by the Water Resources Council to implement the October 11, 1977 decision.

DATE: Effective May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Wanda Phelan, Public Information Officer, Water Resources Council, 2120 L Street NW., Suite 850, Washington, D.C. 20037, 202-254-6448.

LEO M. EISEL,
Director.

Accordingly, Subparts A and B of the Water Resources Council's rules (18 CFR Part 701) are revised as follows:

Subpart A—Introduction

Sec.
701.1 General.
701.2 Creation and basic authority.
701.3 Purpose of the Water Resources Council.
701.4 Functions.
701.5 Organization pattern.
701.6 Location of office.
701.7-701.50 [Reserved]

Subpart B—Headquarters Organization

701.51 The Council.
701.52 Definitions.
701.53 Council decisions by Members.
701.54 Interagency Liaison Committee.
701.55 Associate Members.
701.56 Observers.
701.57 Official decisions of the Council.
701.58 Task Forces.
701.59 Advisory Committees.
701.60-701.70 [Reserved]
701.71 The Chairman.
701.72-701.75 [Reserved]
701.76 The Water Resources Council Staff.
701.77 Director—duties and responsibilities.
701.78 Director—delegation of authorities.
701.79 Selection policy for professional personnel.
701.80-701.99 [Reserved]

Subpart A—Introduction

§ 701.1 General.

This part describes the organization established by the Water Resources Council in discharging its duties and responsibilities. The organization is designed to assure that Council Members will meet at least quarterly and consider and decide major matters before the Council. It provides that the Director can take action when necessary and appropriate; provided, that in the preparation of agenda items for the Council meetings, the Director shall consult with the Interagency Liaison Committee. It also provides that the Council Members shall be continuously advised of the significant actions of the Council staff. Council Members expect to participate personally in the work of the Council.

§ 701.2 Creation and basic authority.

The Water Resources Council was established by the Water Resources Planning Act of 1965 (Pub. L. 89-80, 79 Stat. 244, as amended (42 U.S.C. 1962—1962d-5)). The rules and regulations of this part are promulgated by authority of section 402 of the Act (42 U.S.C. 1962 d-1).

(41 FR 20548, May 19, 1976)

§ 701.3 Purpose of the Water Resources Council.

It is the purpose of the Water Resources Council to effectuate the policy of the United States in the Water Resources Planning Act (hereinafter the Act) to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned, within the limitations set forth in section 3 of the Act (42 U.S.C. 1962-1).

§ 701.4 Functions.

The functions of the Water Resources Council are:

(a) To maintain a continuing study and prepare periodically an assessment of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and of the national interest therein.

(b) To maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation.

(c) To appraise the adequacy of administrative and statutory means for coordination and implementation of the water and related land resources policies and programs of the several Federal agencies and to make recommendations to the President with respect to Federal policies and programs.

(d) To establish, after consultation with appropriate interested Federal and non-Federal entities, and with approval of the President, principles, standards, and procedures for Federal participation in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects, including primary direct navigation benefits as defined by section 7a, Pub. L. 89-670.

(e) To coordinate schedules, budgets, and programs of Federal agencies in comprehensive interagency regional or river basin planning.

(f) To carry out its responsibilities under title II of the Act with regard to the creation, operation, and termination of Federal-State river basin commissions.

(g) To receive plans or revisions thereof submitted by river basin commissions in accordance with section 204(3) of the Act (42 U.S.C. 1962b(3)), and to review and transmit them, together with its recommendations, to the President in accordance with section 104 of the Act (42 U.S.C. 1962a-3).

(h) To assist the States financially in developing and participating in the development of comprehensive water and related land resources plans in accordance with title III of the Act.

(i) To perform such other functions as the Council may be authorized by law, executive orders, regulations, or other appropriate instructions to perform.

(j) To take such actions as are necessary and proper to implement the Act and to carry out the functions enumerated herein.

§ 701.5 Organization pattern.

(a) The Office of the Water Resources Council is composed of the Water Resources Council, the Chairman of the Water Resources Council, the Water Resources Council Staff headed by a Director, and Field Organizations within its jurisdiction.

(b) The Water Resources Council consists of the following Members: The Secretary of Agriculture; the Secretary of the Army; the Secretary of Commerce; the Secretary of Energy; the Secretary of Housing and Urban Development; the Secretary of the Interior; the Secretary of Transportation; and the Administrator of the Environmental Protection Agency.

(c) The Chairman of the Council is designated by the President.

(d) The Water Resources Council staff is employed, assigned duties and responsibilities, and supervised by the Director.

(e) The Council Members shall establish an Interagency Liaison Com-

mittee. Task forces may be established and assigned duties by the Director with the concurrence of the Members, and/or action of the Council. Any Council Member may provide each task force with whatever representation he or she deems necessary.

(f) Field organizations are established by or operate under the Council and include field committees formerly under the Inter-Agency Committee on Water Resources and the offices of the Chairmen of Federal-State River Basin Commissions established under title II of the Act.

§ 701.6 Location of office.

The Headquarters is located in the Washington, D.C. area.

§ 701.7–701.50 [Reserved]

Subpart B—Headquarters Organization

§ 701.51 The Council.

Decisions of the Council are made as hereinafter described in §§ 701.53 and 701.54.

§ 701.52 Definitions.

As used in this part the term "Member" means the Secretary of Agriculture, the Secretary of the Army, the Secretary of Commerce, the Secretary of Energy, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, or Alternate appointed in accordance with § 701.53(a) when the alternate is acting for one of the above-named.

§ 701.53 Council decisions by Members.

Council decisions by Members may be made by direct vote at Council meetings or by a written communication which may provide for either a written or telephone response. Written communications shall state the time limit for voting on issues which they contain; however, extensions of time may be granted by the Director or Chairman when it is deemed necessary. Issues raised at Council meetings shall be decided by majority vote of Members present and voting. Issues identified in written communications must receive approval of all Members. If an action item does not receive approval of all Members, it will be considered as an agenda item at the next Council meeting. For purposes of this section, approval of all Members shall be defined as approval without a negative vote within the time limit for voting provided within each action memorandum. Decisions affecting the authority or responsibility of a Member, within the meaning of section 3(b) of the Act, 42 U.S.C. 1962-1(b)), can be made only with that Member's concurrence.

(a) Each of the Members in § 701.5(b) shall designate in writing to the Chairman, with a copy to the Director, those individuals who may act as their Alternates in fulfilling the duties as a Member. Each Member shall designate one Alternate and one second Alternate to represent the Member on the Council.

(b) A quorum for the transaction of business at Council meetings shall consist of six or more Members.

(c) Each Member has equal responsibility and authority in all decisions and actions of the Council. Each Member may place an item on a meeting agenda or, acting through the Director, circulate in writing an item for Council action. Each Member, as well as each Associate Member and each Observer, shall have full access to all information relating to the performance of his duties and responsibilities.

(d) No vote shall be taken at Council meetings until each Member and Associate Member present has had full opportunity to express his views.

(e) Members shall meet regularly at least quarterly, upon the call of the Chairman, or when requested by a majority of Members.

(f) Matters specifically reserved for Council decision by Members are:

(1) Actions requiring Presidential action or approval.

(2) Approval of Annual Budget requests and the Annual Operating Program of the Office of the Water Resources Council.

(3) Decisions involving substantial policy issues.

(4) Delegations of authority.

(5) Determination that testimony taken or evidence received shall be taken under oath.

(6) Issuance of invitations to become Associate Members or Observers.

(7) Appointment and termination of the appointment of the Director.

§ 701.54 Interagency Liaison Committee.

There is established within the Council an Interagency Liaison Committee (hereafter referred to as ILC).

(a) The ILC shall be composed of one representative for each Member, Associate Member, and Observer. Additional agency representatives may participate in the ILC meeting whenever necessary.

(b) The chairmanship of the ILC shall rotate quarterly among the Members' representatives. Secretarial assistance shall be the responsibility of the ILC Chairman.

(c) The function of the ILC will be to provide a forum for discussion of agenda items prior to Council meetings, to advise the Director of the Members' views on such agenda items, and with the Director, to develop the final agenda. It shall be the duty of the Director or his representative to brief the ILC on each agenda item at these meetings.

(d) The ILC may meet at other times upon the call of the Chairman or Director, to consider other items.

(e) Draft agenda items shall be submitted to ILC representatives at least 30 days prior to the Council meeting. The ILC shall meet at least 28 days prior to the Council meeting. Final Council agenda material shall be submitted to the Members at least 14 days prior to the Council meeting.

(f) All ILC meetings will be open except when privileged information is discussed. At such meetings only representatives of Members shall be present.

§ 701.55 Associate Members.

(a) The Chairman, with concurrence of the Council, may invite the heads of other Federal agencies having authorities and responsibilities relating to the work of the Council to become Associate Members. Associate Members, on the same terms and conditions as Members, may designate persons, in accordance with the same procedure identified in § 701.53(a), to serve for them as Associate Members.

(b) Associate Members may participate with Members in consideration of all matters relating to their areas of responsibility, except that their concurrence on a decision of the Council is not required.

§ 701.56 Observers.

(a) Chairmen and Vice-Chairmen of River Basin Commissions established under title II of the Act shall be Observers.

(b) The Chairman, with the concurrence of the Council, may invite the heads of offices or other officials of the Executive Office of the President or other Federal agencies to become Observers.

(c) Observers may designate persons to attend Council meetings of Members. Observers will be furnished agenda and other materials on the same basis as Associate Members.

§ 701.57 Official decisions of the Council.

Official decisions of the Council shall be of record. Such decisions shall be recorded in accepted minutes of duly called regular or special meetings or set forth in resolutions, memoranda, or other documents approved by Members. Decisions which would affect the authority and responsibilities of heads of other Federal agencies, including Associate Members, within the meaning of section 3(b) of the Act, shall only be made during a regular or special meeting of Members and recorded in the minutes thereof.

§ 701.58 Task forces.

The Director with Council concurrence or the Council may establish task forces from time to time to aid in the preparation of issues for presentation to the Council.

(a) Any Member, Associate Member, or Observer may provide representation on each task force.

(b) The Director or the Council may designate the chairman of each task force.

(c) For each task force, the Director or the Council shall set forth the purpose and specific functions of each task force and their termination dates in establishing such task forces. Such charter documents shall also identify the relationship of each task force to functions of the Council.

(d) Each duly constituted task force will be provided administrative and secretarial support by the Water Resources Council Staff to the extent possible, directly or through arrangements with other Federal agencies.

§ 701.59 Advisory committees.

The Council may establish standing and ad hoc advisory committees. The establishment, operation, and termination of such committees shall be in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and other pertinent law and directives.

§ 701.60-701.70 [Reserved]

§ 701.71 The Chairman.

(a) The Chairman shall preside at Council Meetings of Members.

(b) The Chairman is the official spokesman of the Council and represents it in its relations with the Congress, the States, Federal agencies, persons, or the public. He shall from time to time report, on behalf of the Council, to the President. He shall keep the Council apprised of his actions under this section.

(c) The Chairman shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council.

(d) In the case of absence, disability, or vacancy, the acting Chairman shall be, in order of precedence, as designated (1) by the President (2) by the Chairman from among the Members, or (3) by the Council from among the Members.

§ 701.72-701.75 [Reserved]

§ 701.76 The Water Resources Council Staff.

The Water Resources Council Staff (hereinafter the Staff) serves the Council and the Chairman in the performance of their functions and in the exercise of their authorities in accordance with the Act, the rules and regulations and other decisions of the Council, and all other laws, rules, regulations, and orders applicable to the Water Resources Council, and will be organized in accordance with a structure approved by the Council.

§ 701.77 Director—duties and responsibilities.

The Director shall serve as the principal executive officer for the Council and as the head of the staff, and shall see to the faithful execution of the policies, programs, and decisions of the Council; report thereon to the Council from time to time or as the Council may direct; administer the office and staff of the Council within the limits of the Annual Budget and the Annual Operating Program related thereto; make recommendations to the Council and the Chairman relating to the performance of their functions and the exercise of their authorities; and facilitate the work of the Council and the Chairman. His duties and responsibilities include, but are not limited to, the following:

(a) Acting for the Chairman, represents the Council in its relations with the Congress, States, Federal agencies, persons, or the public under the general supervision and direction of the Council.

(b) Establishes the line of succession as Acting Director among the other officers of the Council below the Deputy Director.

(c) Directs the Staff in its service to the Council and the Chairman in the performance of their functions and in the exercise of their authorities. The Director is responsible to the Council for the organization of the Staff, employment and discharge of personnel, training and personnel development program, assignment of duties and responsibilities, and the conduct of its work.

(d) Insures that the quality of the work of the Staff in its studies, reports, and in other assignments is high that the professional integrity of its personnel is respected, and that its overall perspective and independence of judgment with regard to water and related land resources matters is approximately maintained within the context of the inter-agency, intergovernmental, and other staff collaboration that is both necessary and desirable in the fulfillment of the purpose of the Council as set forth in § 701.3.

(e) Prepares and recommends reports on legislation, Executive orders, and other documents requested of the Council.

(f) Prepares and recommends an Annual Budget request in accordance with policies, rules, and regulations applicable thereto. During its consideration by the Office of Management and Budget the President and the Congress, the Director shall seek acceptance of the proposed Annual Budget by every appropriate means. On behalf of the Council, he is authorized in his discretion to make appeals and agree to adjustments. However, to the extent that time and circumstances permit, he shall consult with and obtain the approval of the Council on all substantial appeals and adjustments.

(g) Prepares and recommends the Annual Operating Program to carry out the work of the Council, within the appropriations provided by the Congress and allowances approved by the Office of Management and Budget.

(h) Prepares and recommends proposed rules and regulations, including proposed delegations of authority, for carrying out the provisions of the Act, or other provisions of law which are administered by the Council.

(i) Prepares and recommends reports and materials for public information that are explanatory of the work and accomplishments of the Council.

(j) Appoints staff representatives to each task force established pursuant to § 701.58.

(k) Establishes and enforces administrative rules and regulations pertaining to the Staff consistent with applicable laws, Executive Orders, Budget Circulars, and other regulations and orders.

§ 701.78 Director—delegation of authorities.

(a) Under the authority of section 403 of the Act (42 U.S.C. 1962d-2), the Director is delegated authority to—

(1) Hold hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reprints thereon as he may deem advisable.

(2) Acquire, furnish, and equip such office space as is necessary.

(3) Use the U.S. mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(4) Employ and fix compensation of all personnel as the Director deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended; assign duties and responsibilities among such personnel and supervise personnel so employed.

(5) Procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 3109), at rates not in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of Title 5 of the United States Code in the case of individual experts or consultants.

(6) Purchase, hire, operate, and maintain passenger motor vehicles.

(7) Utilize and expend such funds as are deemed advisable for proper administration of the authorities delegated herein. However, contract and individual modifications there of in excess of $100,000 or which involve significant policy decisions shall be submitted to the Council for approval before execution.

(8) Request any Federal department or agency (i) to furnish to the Council

such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (ii) to detail personnel to temporary duty with the Council on a reimbursable basis.

(9) Make available for public inspection during ordinary office hours all appropriate records and papers of the Council.

(10) Compute and certify for payment funds to the States in accordance with standards and formula approved by the Council, and perform related functions of the Council contained in section 305 of the Act.

(11) Serve as a duly authorized representative of the Chairman of the Council for the purpose of audit and examination of any pertinent books, documents, papers, and records of the recipient of a grant under title III of the Act, and recommend to the Chairman the appointment of further representatives as may be necessary for such function.

(12) Review, for compliance, State programs approved under title III; conduct full inquiries as the Council may direct; and recommend for Council decision such withholding or reinstatement of payments as is appropriate and authorized by section 304 of the Act.

(13) Serve as the "responsible agency official" under Part 705 of these rules and regulations.

(b) The authorities delegated in this section may be redelegated by the Director to the extent determined by him to be necessary and desirable for proper administration.

§ 701.79 Selection policy for professional personnel.

In the selection for employment of the professional staff as a whole, the Director shall be guided by the following criteria:

(a) Outstanding character and competence—both personal and professional.

(b) Spread and balance of training and experience in the several relevant professions—ecology; economics; economic geography; engineering; fish and wildlife biology; forestry; hydrology; irrigation; landscape architecture; law; political science; recreation; sanitary engineering; soil conservation; urban and other land planning; etc.

(c) Diversity of prior identification and experience, both planning and operating in Washington and in the field; including personnel with prior identification and experience with Federal, State, or local government, private enterprise, or university teaching and research.

§ 701.80–701.99 [Reserved]

[FR Doc. 78-16553 Filed 6-14-78; 8:45 am]

federal register

THURSDAY, JUNE 15, 1978
PART IV

TENNESSEE VALLEY AUTHORITY

■

IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing Executive Order 12044

For other agency proposals and a list of previously published proposals, see Part III of the FEDERAL REGISTER of June 2, 1978.

[8120-01]

TENNESSEE VALLEY AUTHORITY

IMPROVING GOVERNMENT REGULATIONS

Implementation

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Draft Report Implementing Executive Order 12044.

SUMMARY: Executive Order 12044 provides for each Executive agency to report its existing process for developing regulations and to revise such process, as needed, in accordance with the provisions and criteria established by the Executive order. TVA's regulations are contained in 18 CFR Chapter II 1977), and include primarily regulations which are required by statute or Executive order, such as those involving employee conduct; nondiscrimination; relocation assistance and the acquisition of real property; and Freedom of Information Act, Privacy Act, and Government in Sunshine Act guidelines. This report identifies TVA's existing regulations and describes TVA's intent to apply the guidelines set forth by the order in formulating future regulations.

DATES: Comments will be accepted through August 14, 1978.

ADDRESS: Comments should be directed to Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tenn. 37902.

FOR FURTHER INFORMATION CONTACT:

Lynn G. Morehous, Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E10D76, Knoxville, Tenn. 37902.

DRAFT REPORT

1. PURPOSE OF REPORT

This report has been prepared pursuant to section 5 of Executive Order No. 12044 as an outline of the process by which the Tennessee Valley Authority develops and revises regulations issued by it and the criteria which the Tennessee Valley Authority will use to implement various provisions of the order.

2. EXISTING TENNESSEE VALLEY AUTHORITY REGULATIONS

The Tennessee Valley Authority has no significant existing regulations; and because of the nature of its activities, it is unlikely to issue any in the future. TVA is essentially a program agency and has issued few rules and regulations. It conducts no major financial assistance programs. In addition, TVA has traditionally made a concerted effort to minimize the number of regulations it issues. These circumstances are unlikely to change in the future. The only existing TVA regulations concern the following subjects:

a. Ethical and conduct standards for TVA employees and special government employees,

b. Equal employment opportunity provisions in TVA contracts,

c. Nondiscrimination in programs financially assisted by TVA,

d. Use of off-the-road vehicles at Land Between The Lakes,

e. Relocation assistance and real property acquisition policies,

f. Freedom of Information Act guidelines,

g. Privacy Act guidelines,

h. Government in the Sunshine Act guidelines, and

i. Approval of construction in the Tennessee River System and regulation of structures (Section 26a of the TVA Act).

All but the last regulation generally follow the form of fairly standard Government-wide regulations which are unlikely to change or be substantially revised on a regular basis. The last regulation implements an informal approval process which requires revision only at infrequent intervals.

All TVA regulations are initially developed by the appropriate office or division within TVA and submitted to the TVA Board of Directors for approval.

3. FUTURE TENNESSEE VALLEY AUTHORITY REGULATIONS

a. *Changes in existing process.* No changes are proposed in the existing process for developing TVA regulations. The head of the agency is the TVA Board of Directors. The Board of Directors reviews and approves all regulations before they are proposed or issued. The infrequency with which TVA regulations are issued requires no formal internal development process, and the establishment at this time of a formal process would be counterproductive to the objectives of the Executive order. TVA will, of course, provide full opportunity for public comment on proposed regulations as suggested in the order.

b. *Proposed criteria for defining "significant" agency action.* Similarly, the establishment at this time of elaborate criteria to determine which future TVA regulations are "significant" would be counterproductive to simplifying regulations and their development process. For each proposed new regulation the TVA Board of Directors will use the guidelines set forth in section 2(e) of the order to determine on a case-by-case basis whether the proposed new regulations should be regarded as "significant."

c. *Proposed criteria for determining whether a "regulatory analysis" will be performed.* Again, the preparation of elaborate criteria would be counterproductive in light of the infrequency with which TVA issues regulations and the nature of those regulations. TVA will follow the guidelines in section 3 for determining whether a regulatory analysis should be performed for each proposed new regulation which the TVA Board of Directors has determined to be significant.

d. *Criteria for selecting existing regulations to be reviewed.* TVA will review an existing regulation whenever the experiences of those subject to the regulation indicate that some revisions should be made, whenever TVA's experience with implementing the regulation indicates that some revisions should be made, whenever the regulation no longer serves its intended public purpose (except where the regulation continues to be required by statute or other law), whenever the lead Federal agency (in the case of a Government-wide regulation where there is a lead agency) proposes to revise the underlying regulation, or whenever the underlying statutory or other legal basis for the regulation is changed.

Signed at Knoxville, Tenn., this 8th day of June, 1978.

H. N. STROUD, Jr.,
Acting General Manager,
Tennessee Valley Authority.

[FR Doc. 78-16612 Filed 6-14-78; 8:45 am]

federal register

THURSDAY, JUNE 15, 1978
PART V

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERAE SCRIPTAE MANET
1934

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

TWELFTH COAST GUARD DISTRICT

Boundary Realignments

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-088]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Boundary Realignments Within the 12th Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments realign the boundaries of the Captain of the Port Areas in the 12th Coast Guard District. The realignment of these boundaries places all the land area in this District under the jurisdiction of the captain of the port offices. This action is similar to that taken by other Districts and is intended to enable the Coast Guard to operate more effectively.

EFFECTIVE DATE: These amendments are effective on June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF REGULATION

These boundary realignments are a result of Coast Guard organizational changes in recent years. One of these organizational changes is intended to place all the land area within each District under the jurisdiction of the captain of the port offices in each District. These amendments accomplish this change for the 12th Coast Guard District.

In consideration with the foregoing, Part 3 of Chapter 1, Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.60-50 is revised to read as follows:

§ 3.60-50 Monterey captain of the port area.

(a) The Monterey captain of the port office is located in Monterey, Calif.

(b) The Monterey captain of the port area comprises the State of California within the boundary that starts at the sea at 37°14′ N. latitude, 122°25′ W. longitude; thence due east to 37°14′ N. latitude, 121°40′ W. longitude; thence southeasterly to 35°00′ N. latitude, 120°20′ W. longitude; thence southwesterly to the sea at 34°58′ N. latitude, 120°39′ W. longitude (mouth of the Santa Maria River).

2. Section 3.60-55 is revised to read as follows:

§ 3.60-55 San Francisco captain of the port area.

(a) The San Francisco captain of the port office is located in San Francisco, Calif.

(b) The San Francisco captain of the port area comprises the State of Utah, except for Washington, Kane, San Juan, and Garfield Counties; the State of Nevada, except for Clark County; and the State of California north of Santa Barbara, Kern, and San Bernadino Counties, except for the areas covered in § 3.60-50, Monterey captain of the port area; and § 3.60-60, Humboldt Bay captain of the port area.

3. Section 3.60-60 is revised to read as follows:

§ 3.60-60 Humboldt Bay captain of the port area.

(a) The Humboldt Bay captain of the port office is located in Samoa, Calif.

(b) The Humboldt Bay captain of the port area comprises the State of California within the boundary that starts at the sea at 42°00′ N. latitude, 124°11′ W. longitude (the California-Oregon boundary); thence due east along the California-Oregon boundary to 42°00′ N. latitude, 123°30′ W. longitude; thence due south to 40°00′ N. latitude, 123°30′ W. longitude; thence due west to the sea at 40°00′ N. latitude, 124°00′ W. longitude.

(63 Stat. 545; 80 Stat. 937; 14 U.S.C. 633; 49 U.S.C. 1655(b); 49 CFR 1.46(b).)

Dated: June 8, 1978.

J. B. HAYES,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc. 78-16610 Filed 6-14-78; 8:45 am]

THURSDAY, JUNE 15, 1978
PART VI

federal

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

ARRIVALS, DEPARTURES, HAZARDOUS CONDITIONS AND CERTAIN DANGEROUS CARGOES

Notification Requirements

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 124, 126, 161]

[CGD 75-238]

NOTIFICATION OF ARRIVAL, DEPARTURE, HAZARDOUS CONDITIONS, AND CERTAIN DANGEROUS CARGOES

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to amend the navigation and navigable waters regulations by transferring the notification requirements for arrivals, departures, hazardous conditions, and certain dangerous cargoes from Part 124 to Part 161 and modifying them to perform safety as well as security functions. In addition, Part 126 is being amended to define a cargo of particular hazard, which is necessitated by the deletion of Part 124. These regulations affect vessels entering, departing, or upon the navigable waters of the United States. Coast Guard Captains of the Port currently receive inadequate information concerning vessel movements within their respective areas. Requiring more vessel movement notifications should give Captains of the Port better information on which they may base their decisions.

DATES: Comments must be received on or before July 31, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 75-238) and the specific section of the proposal to which his comment applies, and give the reason for his comment. All comments received will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice of the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information: The principal persons involved in drafting this proposal are: Lt. Comdr. Edward H. Bonekemper III, USCG, Project Manager, Office of Marine Environment and Systems, and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Part 124 now contains requirements for the master or agent of every foreign vessel and every registered vessel of the United States, except U.S. registered pleasure and fishing vessels and certain other vessels, bound for a port or place in the United States from a port or place outside the United States to give at least 24 hours' notice of arrival. The same requirements are on these vessels if they are destined for a port or place in the United States from another port or place in the United States via the high seas.

In addition to these requirements, any domestic or foreign vessel bound for a port or place in the United States carrying certain specified dangerous cargoes must give at least 24 hours' notice of arrival at each port or place. Further notification requirements in Part 124 apply to any domestic or foreign vessel bound for a port or place in the United States with a fire or other hazardous condition on board that may jeopardize the vessel's safety or jeopardize the safety of another vessel or the facilities in a port.

The intent of the proposed regulations is different than the intent of Part 124. Part 124 implements the general enforcement provisions of E.O. 10173, (1 CFR 1949-1953 Comp., p. 156), as amended, which is codified in 33 CFR Part 6. The President, in issuing E.O. 10173, stated, "* * * the security of the United States is endangered by reason of subversive activity, and I hereby prescribe the following regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and water, continental or insular, subject to the jurisdiction of the United States, exclusive of the canal zone * * *". The present regulations in Part 124 are, therefore, basically security regulations.

The proposed requirements in this document would be substantially similar to the existing requirements in Part 124. However, because the safety rationale for the proposed regulations differs from the primarily security rationale of Part 124, these proposed regulations are different in scope.

The regulations proposed in this document are issued under Section 104 of the Ports and Waterways Safety Act of 1972 (86 Stat. 427, 33 U.S.C. 1224) (PWSA). The stated intent of the PWSA is "* * * to prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss * * *". The proposed regulations, therefore, would be established for the protection of property and the marine environment.

These proposed regulations would prescribe requirements for the advance notice of arrivals and departures for vessels bound for or departing from U.S. ports or places. The required notices are intended to provide Captains of the Port with advance notice of certain vessels and cargoes entering and departing their respective ports to enable them to more effectively exercise their authority under the PWSA. The Captains of the Port are authorized to operate and maintain vessel traffic services and systems; to control vessel traffic; to direct the anchoring, mooring or movement of vessels to prevent damage to or by vessels or their cargoes, stores, supplies or fuel; and to establish water or waterfront safety zones or other measures for limited, controlled or conditional access and activity for the protection of any vessel, structure, waters or shore area.

The regulations proposed in this document would require owners, agents, masters, and persons in charge of certain vessels entering, departing or upon navigable waters of the United States to furnish specified information. This information, in conjunction with other relevant data, would aid the District Commander, Captain of the Port and their authorized representatives in making decisions to issue or not issue orders authorized by the PWSA. These proposed regulations, therefore, would be an important element in the Coast Guard marine safety program established under the PWSA.

It is necessary to obtain maximum information concerning significant vessel traffic, hazardous conditions on board vessels and carriage of dangerous cargoes in order to carry out the safety purposes of the PWSA. Therefore, more vessels and activities would be subject to the reporting requirements of the proposed regulations

than are under the existing regulations.

Existing regulations cover foreign and registered U.S. vessels, other than registered U.S. pleasure and fishing vessels, arriving at a port or place in the United States from a voyage involving travel on the high seas. This "arrival" test is satisfactory for security purposes but not for safety purposes. Thus, the proposed regulations would apply to voyages to or from a U.S. port or place regardless of high seas transit.

The normal arrival reporting requirement of the proposed regulations generally would not apply to boats under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451, et seq), barges, fishing vessels of less than 1,600 gross tons, vessels operating exclusively within a Captain of the Port area, vessels operating on qualifying schedules, vessels arriving under force majeure, vessels arriving at ports or places on the Western Rivers, and vessels entering the U.S. in compliance with the Automated Mutual-Assistance Vessel Rescue System (AMVER).

However, the hazardous conditions reporting requirements would apply to all vessels except boats under the Federal Boat Safety Act. These vessels would be required to report any condition on board, such as fire, explosion, grounding, leakage, damage, illness of a person that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port or harbor or navigable waters of the United States. They would, in addition, be required to report, in all cases, any absence or failure of any of the navigation safety equipment required in 33 CFR 164.35. Notices to different Captains of the Port are required depending upon the circumstances of the hazardous conditions. More of these conditions would be reportable than under the present § 124.16.

Because of the greater hazards involving vessels carrying certain dangerous cargoes, all vessels carrying those cargoes, except boats under the Federal Boat Safety Act and vessels on the Western Rivers, would be required to report their arrival and departure to the Captains of the Port. These requirements in the proposed §§ 161.15 and 161.17 are similar to those in the present § 124.14. The new requirements would be broader since they would apply to departures as well as arrivals and because they would apply not only to vessels carrying approximately the same class A explosives, radioactive materials, and oxidizing materials now subject to § 124.14 but also to those carrying any 46 CFR Subchapter D and O cargoes in bulk, not just the fewer cargoes of particular hazard under § 124.14. The proposed regulations cite 46 CFR 30.25-1 and 30.25-5, which list the Subchapter D and O cargoes respectively; Subchapters D and O include all the present cargoes of particular hazard and other hazardous cargoes. Reporting requirements also would apply for the first time to hazardous substances to be designated by the Environmental Protection Agency under the Federal Water Pollution Control Act (33 U.S.C. 1321) when carried in bulk.

However, the concept of cargoes of particular hazard would be preserved by transferring a slightly modified list of them to the waterfront facilities regulations in 33 CFR 126.10. Acrolein; hydrofluoric acid, aqueous (70 percent); hydrogen chloride, anhydrous; and hydrogen fluoride, anhydrous, which no longer may be carried in bulk, would be deleted from the list. Vinyl ethyl ether, a new hazardous cargo, would be added to the list. There they would provide the basis for regulating facilities of particular hazard. Part 126 cross references to § 124.14 would be changed to § 126.10.

Tankers entering or departing U.S. ports would be subject to more stringent reporting requirements than presently exist, including reporting of the operational condition of required navigation safety equipment or any absence or failure thereof.

These rules would provide for additional information concerning vessel movements and hazardous conditions to be provided to the Captain of the Port (COTP). This information would aid him in the exercise of his vessel traffic management authority under the Ports and Waterways Safety Act and 33 CFR Parts 160 and 165. COTP utilization of this information thus may reduce collisions and groundings and subsequent cargo spills, thereby reducing cleanup costs and lessening pollution danger to waterways and port areas.

This proposal has been reviewed for economic effects under current Department of Transportation directives. A field survey was conducted of the 45 Coast Guard Captain of the Port units affected under the proposed regulations. This survey revealed an estimated increase of 84,980 notifications per year. These are broken down as follows:

Atlantic Coast	22,640
Great Lakes	13,260
Gulf of Mexico	40,800
Pacific Coast	8,280
Total	84,980

Required notifications will be given by local and long distance telephone calls, telegrams, radio messages, and other means of communication. The total estimated average cost of notification, including increased labor expenses, would be $5 per movement. Total annual economic cost of this proposal, therefore, would be approximately $424,900.

The results of the field survey were also applied to determine additional costs to the Coast Guard. Additional costs would result only at COTP/MSO units which do not presently maintain an around-the-clock notice of arrival desk. Estimated additional arrivals which fall into this category are broken down as follows:

Atlantic Coast	22,140
Great Lakes	13,260
Gulf of Mexico	12,780
Pacific Coast	5,220
Total	53,400

The average time to process a notification is estimated to be about 30 minutes. Processing of the notification involves receipt of notification, entry of vessel in log, identification of unusual conditions, check of vessel history, and determination of any action required.

Total cost of 16 additional persons needed to meet the increased requirements is $143,000 annually.

PART 124—CONTROL OVER MOVEMENT OF VESSELS [Revoked]

In consideration of the foregoing, it is proposed to amend Chapter I of Title 33, Code of Federal Regulations as follows:

1. By revoking Part 124.

2. By amending § 126.05(b) to read as follows:

§ 126.05 Designated waterfront facility.

* * * * *

(b) "Facility of particular hazard" means a designated waterfront facility that is authorized to handle a cargo of particular hazard as defined in § 126.10.

* * * * *

3. By adding a new § 126.10 to read as follows:

§ 126.10 Cargo of particular hazard.

"Cargo of particular hazard" means any of the following: (a) Class A explosives.

(b) Oxidizing material for which a special permit is issued under 49 CFR 176.415.

(c) Radioactive material for which a radioactive yellow-III label is required under 49 CFR 172.403(d).

(d) The following cargoes when carried in bulk:

Acetaldehyde
Acetone Cyanohydrin
Acrylonitrile
Allyl Chloride
Ammonia, Anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin

Ethane
Ethylene
Ethylene Oxide
Ethyle Ether
Methyl Acetylene, Propadiene Mixture, Stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds Containing Lead Alkyls
Oleum
Phosphorus, Elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride
Vinyl Ethyl Ether

4. By revising § 126.27(b)(7) to read as follows:

§ 126.27 General permit for handling dangerous articles or substances.

* * * * *

(b) * * *

(7) A bulk shipment of a cargo of particular hazard, as defined in § 126.10(d).

* * * * *

5. By adding a new Subpart A to Part 161 to read as follows:

Subpart A—Notice of Arrival, Departure, Hazardous Conditions, and Certain Dangerous Cargoes

Sec.
161.1 Purpose.
161.3 Applicability: exceptions
161.5 Definitions.
161.7 Notice of arrival and hazardous conditions: vessels bound for ports or places in the United States on voyages of more than 24 hours.
161.9 Notice of arrival and hazardous conditions: vessels bound from the high seas for U.S. ports or places on the Great Lakes.
161.11 Notice of arrival and hazardous conditions: vessels on voyages of 24 hours or less.
161.15 Notice of arrival and hazardous conditions: vessels carrying certain dangerous cargoes.
161.17 Notice of departure and hazardous conditions: vessels carrying certain dangerous cargoes.

AUTHORITIES: 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n)(4).

Subpart A—Notice of Arrival, Departure, Hazardous Conditions, and Certain Dangerous Cargoes

§ 161.1 Purpose.

This subpart prescribes notification requirements for vessels entering, departing, or upon the navigable waters of the United States.

§ 161.3 Applicability: exceptions.

(a) This subpart does not apply to boats under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451, et seq.).

(b) Sections 161.7(a), 161.9 (a), (b) and (c), and 161.11(a) do not apply to the following, but Sections 161.7(b), 161.9(d), 161.11(b), 161.15 and 161.17 do apply to the following:

(1) Each vessel of less than 1600 gross tons that is employed in fishing.

(2) Each vessel operating exclusively within a Captain of the Port area.

(3) Each vessel operating on a route that is described in a schedule that lists (i) Each port or place of destination;

(ii) Each port of place of departure; and

(iii) Days and times of arrivals and departures at those ports and places.

The Captain of the Port of each port or place listed in the schedule must have a copy of the schedule. If the vessel is bound for the Great Lakes, the Commander, Ninth Coast Guard District must have a copy of the schedule at least 24 hours before the vessel arrives at the Snell Locks, Massena, New York.

(4) Each vessel arriving in a port or place under force majeure.

(5) Each vessel entering its first U.S. port of call in compliance with the Automated Mutual-Assistance Vessel Rescue System (AMVER).

(6) Each vessel entering its first U.S. port of call in compliance with the U.S. Flag Merchant Vessel Locator Filing System (USMER).

(7) Each vessel which is a barge.

(c) Sections 161.7(a), 161.9(a), (b) and (c), 161.11(a), 161.15(a) and 161.17(a) do not apply to, but Sections 161.7(b), 161.9(b), 161.11(b), 161.15(c) and 161.17(b), do apply to each vessel upon the waters of the Mississippi River between its source and the Heuy P. Long Bridge and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

§ 161.5 Definitions.

As used in this subpart: "Carried in bulk" means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

"Hazardous condtions" means each of the following: (1) any condition that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include, but is not limited to, fire, explosion, grounding, leakage, damage, or an illness of a person on board.

(2) Any lack of or failure of any of the equipment required under 33 CFR 164.35.

§ 161.7 Notice of arrival and hazardous conditions: vessels bound for ports or places in the United States on voyages of more than 24 hours.

(a) The owner, master, agent, or person in charge of a vessel bound for a U.S. port or place on a voyage of more than 24 hours, except when bound from the high seas for a port or place on Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, or adjacent port areas to these waters, shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of (1) The name and country of registry of the vessel;

(2) The name of the port or place of destination; and

(3) The estimated time of arrival at the port or place.

(b) Whenever there is a hazardous condition on board the vessel, the owner, master, agent, or person in charge shall notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

§ 161.9 Notice of arrival and hazardous conditions: vessels bound from the high seas for U.S. Ports or places on the Great Lakes.

(a) The owner, master, agent, or person in charge of a vessel bound from the high seas for any port or place on Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, or adjacent port areas of these waters, shall notify the Commander, Ninth Coast Guard District, at least 24 hours before arriving at the Snell Locks, Massena, New York of—

(1) The name and country of registry of the vessel; and

(2) The estimated time of arrival at the Snell Locks, Massena, New York.

(b) The owner, master, agent, or person in charge of a vessel bound from the high seas for a U.S. port or place on Lake Superior, Lake Michigan, Lake Huron, Lake Erie, Lake Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, or adjacent port areas of these waters, shall notify the Commander, Ninth Coast Guard District, at least 24 hours before entering a U.S. port or place of (1) The name and country of registry of the vessel;

(2) The name of the first port of call in the United States; and

(3) The estimated time of arrival at the first port of call in the United States.

(c) An owner, master, agent, or person in charge who reports the in-

formation required in paragraph (b) of this section to radio call sign "Seaway Eisenhower" on VHF-FM Channel 12 (156.6 MHZ) while the vessel is in or leaving the Eisenhower Lock, Massena, N.Y., is exempted from the notification requirements in paragraph (b). If any of the information reported under this paragraph is changed, the owner, master, agent, or person in charge must report that change to the Commander, Ninth Coast Guard District.

(d) Whenever there is a hazardous condition on board the vessel, the owner, master, agent, or person in charge shall notify the Commander, Ninth Coast Guard District of the hazardous condition.

§ 161.11 Notice of arrival and hazardous conditions: vessels on voyages of 24 hours or less.

(a) The owner, master, agent, or person in charge of a vessel making a voyage of 24 hours or less to a U.S. port or place shall notify the Captain of the Port or the port or place of destination before departing on the voyage of:

(1) The name and country of registry of the vessel;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination; and

(4) The estimated time of arrival at the port or place of destination.

(b) Whenever there is a hazardous condition on board the vessel, the owner, master, agent, or person in charge shall notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

§ 161.15 Notice of arrival and hazardous conditions: vessels carrying certain dangerous cargoes.

(a) The owner, master, agent, or person in charge of a vessel bound for a U.S. port or place carrying any of the dangerous cargoes listed in paragraph (b) of this section shall report the following information to the Captain of the Port of the port or place of the vessel's destination at least 24 hours before entering that port or place:

(1) The name and country of registry of the vessel;

(2) The location of the vessel at the time of the report;

(3) The name of each dangerous cargo carried;

(4) The amount of each dangerous cargo carried;

(5) The stowage location of each dangerous cargo;

(6) The operational condition of the equipment under 33 CFR 164.35;

(7) The name of the port or place of destination; and

(8) The estimated time of arrival at the port or place.

(b) For the purpose of this section, dangerous cargoes include the following:

(1) Class A explosives;

(2) Oxidizing material for which a special permit is issued under 49 CFR 176.415;

(3) Radioactive material for which a radioactive yellow-III label is required under 49 CFR 172.403(d);

(4) Each cargo under 46 CFR 30.25-1 or table I in 46 CFR part 153 when carried in bulk; and

(5) Each cargo designated as a hazardous substance under section 311 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321) when carried in bulk.

(c) Whenever there is a hazardous condition on board the vessel, the owner, master, agent, or person in charge shall notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

§ 161.17 Notice of departure and hazardous conditions: vessels carrying certain dangerous cargoes.

(a) The owner, master, agent, or person in charge of a vessel departing from a U.S. port or place for any other port or place and carrying any of the dangerous cargoes listed in § 161.15(b) shall report the following information to the Captain of the Port of the port or place of departure at least 24 hours before departing the port or place unless this report was made within 2 hours after the vessel's arrival in the port or place:

(1) The name and country of registry of the vessel.

(2) The name of each dangerous cargo carried.

(3) The amount of each dangerous cargo carried.

(4) The stowage location of each dangerous cargo.

(5) The operational condition of the equipment under 33 CFR 164.35.

(6) The name of the port or place of departure.

(7) The estimated time of departing from the port or place.

(b) Whenever there is a hazardous condition on board the vessel, the owner, master, agent, or person in charge shall notify the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

(86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n)(4).)

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

Dated: June 9, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 78-16611 Filed 6-14-78; 8:45 am]

federal register

THURSDAY, JUNE 15, 1978
PART VII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commission

■

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Frame Construction

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-490]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Frame Construction

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule—Frame Construction.

SUMMARY: The Department is issuing an interim rule on mobile home frame construction and requesting comment so that it can develop a final rule to take effect when the interim rule expires. The need for this action arose when comments on an Advance Notice of Proposed Rulemaking issued on December 7, 1977, at 42 FR 61967 convinced the Department that the present weld slag removal requirement was excessive, unnecessary, and would unjustifiably increase the cost of the mobile home.

EFFECTIVE DATE: July 15, 1978. This interim rule will be in effect through December 31, 1978, unless a final rule is promulgated at an earlier time. Comments on this interim rule must be received on or before August 15, 1978.

ADDRESS: Comments shall be addressed to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Richard A. Mendlen, Chief, Standards Branch, Mobile Home Standards Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4224, Washington, D.C. 20410, telephone 202-472-4710.

SUPPLEMENTARY INFORMATION: On December 7, 1977, the Department issued an Advance Notice of Proposed Rulemaking concerning the removal of welding slag and other foreign matter from mobile home frames. In that Notice, the Department requested comment on whether welding slag should be removed from mobile home frames and specifically solicited comment in the following areas:

1. Is there any history of frame failure related to corrosion or to faulty welding?

2. What is the cost of requiring weld slag removal?

3. If this requirement is to be changed, what should replace it with regard to factory inspection procedures and corrosion protection for the chassis welds?

4. Would it be appropriate to require random removal of slag and inspection of the weld at critical locations along the frame rather than requiring removal of slag at all welds?

5. Given quality control inspection procedures currently being followed in the construction of mobile home frames, if weld slag is removed, are the inspectors qualified to determine whether faulty welds were made?

6. Should specific training requirements be established for welders and quality control inspectors who are responsible for judging the adequacy of frame welds?

Of the 53 comments received, none indicated any knowledge of frame failure related to corrosion. The cost of slag removal and frame cleaning was estimated to vary between $15 and $300 per frame. The wide difference in the cost estimates provided by the commentors varied depending upon their understanding of the extent of the frame cleaning requirement. Those estimates reflecting the lower values assumed that only weld slag would be removed, while the higher estimates were based upon removal of all weld slag, loose mill scale, rust and other foreign matter. Comments received regarding how the requirement to remove weld slag should be changed ranged from elimination of the requirement in its entirety to random removal of slag, to removal of slag at critical locations along the frame. None of the commentors favored total removal of weld slag as required by § 280.304(b) and article 1.24.1 of the AISC standard. All commentors believed that adequate protection against corrosion was provided by painting of the mobile home frame and that such protection was also adequate for chassis welds.

The Department, after reviewing the comments, concluded that it would be appropriate to require the removal of weld slag only from welds susceptible to major damage under transportation loading. Accordingly, this interim rule requires that deposits of weld slag or flux be removed only from the following welded joints:

(1) Drawbar and coupling mechanism welds;

(2) Main member splices (i.e., I Beam, etc.); and

(3) Spring hanger to main member connections.

Some of the commentors believed that the AISC requirements do not apply to mobile home frames as cited in 1.24.1 of that standard. Though this is incorrect, in order to avoid further confusion as to the applicability of a particular paragraph concerning weld slag removal in the AISC standard, a new section is being added to subpart D of the standard which incorporates the slag removal requirement for critical weld areas, clarifies that metal frames are to be made corrosion resistant and indicates paints approved for that purpose, and provides that all welds are to be made in accordance with applicable provisions of the AISC and AISC standards. All of these requirements are being included in a new paragraph of the standard, under § 280.305, entitled "(i) Frame Construction."

The Department has concluded that there is no need to require removal of weld slag from those joints not mentioned in the interim rule (ex. outrigger to main member, cross member to main beam, etc.). For these joints, the weld slag need not be removed since adequate visual inspection can be made of the welds. Further, based on the minimal likelihood of corrosion resulting from failure to remove weld slag at these joints and the non-critical nature of the joints, the Department had decided that the cost of requiring slag removal at these joints is not justified at this time.

Most commentors expressed the opinion that the training procedures being utilized in the mobile home manufacturer's factory were acceptable to provide adequate frames. They pointed to their own histories of minimal frame failure in support of their position that weld slag removal was not necessary. However, based on frame failures of which the Department is aware, the Department has decided that a clear basic requirement for frame construction is necessary both to assure adequate construction and to state more clearly the requirements now in the standard.

The Secretary has determined that it would be unnecessary and contrary to the public interest to request further public comment before making this rule effective on an interim basis. This determination is based on the fact that the Department has already received extensive comment, the fact that this rule will not increase requirements on manufacturers from those originally established, and the fact that enforcement of the current standard has been delayed due to the misunderstanding, and the Department believes this standard is necessary to assure adequate frame construction pending development of a final rule.

A Finding of Inapplicability of section 102(2) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Hand-

book 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, during normal business hours.

This interim rule is being signed by two assistant secretaries because the standards were originally codified in the Federal Regulations Chapter assigned to the Assistant Secretary for Housing Production and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

Accordingly, 24 CFR 280.305 is amended by adding a new paragraph (i) to read as follows:

§ 280.305 Structural design requirements.

* * * * *

(i) *Frame construction.* The frame shall be capable of transmitting all design loads to stabilizing devices without exceeding the allowable load and deflections of this section. The frame shall also be capable of withstanding the effects of transportation shock and vibration without degradation as required by subpart J.

(1) *Welded connections.* (i) All welds shall be made in accordance with the applicable provisions of the Manual of Steel Construction as published by the AISC–1973, the specification for the design of cold-formed steel structural members as published by the AISI–1968, and the specification for the design of light gage cold-formed stainless steel structural members as published by the AISI–1972.

(ii) Regardless of the provisions of any reference standard contained in this subpart, deposits of weld slag or flux shall be required to be removed only from welded joints at the following locations:

(A) Drawbar and coupling mechanisms;

(B) Main member splices, and

(C) Spring hanger to main member connections.

(2) Protection of metal frames against corrosion. Metal frames shall be made corrosion resistant or protected against corrosion. Metal frames protected against corrosion by painting shall utilize one of the following types of paint:

(i) Zinc chromate,

(ii) Asphaltic base, or

(iii) Other paints providing equivalent levels of protection against corrosion. The manufacturer's instructions shall indicate which types of paint may be used to touch-up any areas of the frame which become exposed to corrosion during the useful life of the mobile home.

(3) This paragraph (i) shall be in effect through December 31, 1978, unless amended before that date.

(Secs. 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, (42 U.S.C. 5403 and 5424 and section 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).)

Issued at Washington, D.C., June 12, 1978.

PATRICIA M. WORTHY,
Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 78-16622 Filed 6-13-78; 10:20 am]

federal register

THURSDAY, JUNE 15, 1978
PART VIII

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

June 1978

This report is in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of June 1, 1978, of four rescissions contained in the fourteenth, fifteenth, and seventeenth special messages of fiscal year 1977 and five rescissions and 63 deferrals contained in the first eight special messages for fiscal year 1978. These messages were transmitted to the Congress on July 19 (both the fourteenth and fifteenth messages), July 26, September 23, October 3, November 10, December 15, 1977, January 27, February 23, March 10, and May 12, 1978.

RESCISSIONS (TABLE A AND ATTACHMENT A)

One rescission proposal totalling $30 million in budget authority is presently before the Congress. Table A summarizes the status of rescissions proposed by the President as of June 1, 1978, while Attachment A shows the history and status of each rescission proposed for fiscal year 1978. Also included are four rescission proposals totalling $643.4 million made in fiscal year 1977 but carried into fiscal year 1978 and a single fiscal year 1978 rescission for $2.7 million which has been reclassified as a deferral.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of June 1, 1978, $3,659.5 million in 1978 budget authority was being deferred from obligation and another $2.3 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President, and Attachment B shows the history and status of each deferral reported during fiscal year 1978.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Friday, July 22, 1977 (Vol. 42, No. 141, Part V) (both the fourteenth and fifteenth 1977 special messages).
Friday, July 29, 1977 (Vol. 42, No. 146, Part VIII) (seventeenth 1977 special message).
Thursday, September 29, 1977 (Vol. 42, No. 189, Part IX).
Friday, October 7, 1977 (Vol. 42, No. 195, Part IV).
Thursday, November 15, 1977 (Vol. 42, No. 220, Part IV).
Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV).
Wednesday, February 1, 1978 (Vol. 43, No. 22, Part VII).
Wednesday, March 1, 1978 (Vol. 43, No. 41, Part VII).
Thursday, March 16, 1978 (Vol. 43, No. 52, Part VII).
Thursday, May 18, 1978 (Vol. 43, No. 97, Part III).

Attachments.

JAMES T. MCINTYRE, Jr.,
Director.

TABLE A

STATUS OF 1978 RESCISSION PROPOSALS

	Amount (In millions of dollars)*
Rescissions proposed by the President	$731.3 a
Reclassified (from R78-1 to D78-54) b	-2.7
Rescinded by the Congress (R77-17, R77-18, R77-19, R78-2, R78-3, and R78-4)	-593.7 c
Rejected by the Congress (R77-20)	-105.0
Pending before the Congress	30.0

a. This amount includes $643.4 million in rescission proposals for FY 1977 which were still pending in FY 1978.

b. This rescission proposal, originally transmitted in conjunction with a request for transfer for the Department of Justice, was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final action on the transfer. The transfer was approved in the Supplemental Appropriations Act, 1978, and the deferred funds were made available.

c. Of this amount, $463.4 million, for B-1 Bomber and SRAM missile procurement, was originally proposed for rescission on July 19, 1977. These funds were made available for obligation on October 5, 1977, following the 45-day Congressional consideration period. Subsequently, the funds were rescinded by the Supplemental Appropriations Act, 1978, (P.L. 95-240).

TABLE B

STATUS OF 1978 DEFERRALS

	Amount (In millions of dollars)*
Deferrals proposed by the President	$4,958.4
Routine Executive releases (-$1,219.5 M) and adjustments (-$38.4 M) through May 1, 1977	-1,257.9
Overturned by the Congress	-38.8
Currently before the Congress	$3,661.8 a

a. This amount includes $2.3 million in outlays for a Department of the Treasury deferral, (D78-28B).

* Detail does not add to total due to rounding.

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1978 AS OF 06/01/78 18:17

AS OF JUNE 1, 1978 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT								
International Security Assistance								
Military assistance	BA	R78- 2	40,200a		1 27 78	40,200b		
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Agricultural conservation program	BA	R78- 5		30,000	5 12 78			
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Aircraft procurement, Air Force	BA	R77-18	462,000		7 19 77	462,000c	c	
Missle procurement, Air Force	BA	R77-19	1,400		7 19 77	1,400c	c	
	BA	R77-20	105,000		7 26 77		105,000	10 14 77
DEPARTMENT OF JUSTICE								
Law Enforcement Assistance Administration								
Salaries and expenses	BA	R78- 1d	2,000		9 23 77	e	e	
DEPARTMENT OF STATE								
International Organizations and Conferences								
Contributions for int l peacekeeping activities	BA	R78- 3	5,000		1 27 78	5,000b		

AS OF JUNE 1, 1978 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
GENERAL SERVICES ADMINISTRATION								
Real Property Activities								
Federal buildings fund	BA	R77-17	75,000		7 19 77	75,000f		
OTHER INDEPENDENT AGENCIES								
Federal Home Loan Bank Board								
Federal Home Loan Bank Board revolving fund	BA	R78- 4	10,055		1 27 78	10,055b		
TOTAL BA			701,323 g	30,000		593,655	105,000	

FOOTNOTES

a. This amount was initially deferred (D78-47) in a special message transmitted to the Congress on December 15, 1977.

b. P.L. 95-254

c. These funds, originally proposed for rescission on July 19, 1977, were made available for obligation on October 5, 1977, following the 45-day Congressional consideration period. Subsequently, the funds were rescinded by the Supplemental Appropriations Act, 1978, (P.L. 95-240).

d. An opinion issued by the Comptroller General on October 28, 1977, holds that this proposal should have been classified as a deferral.

e. This rescission proposal was transmitted in conjunction with a request for transfer of the same funds within the Department of Justice (contained in the Supplemental Appropriations Act, 1978, P.L. 95-240). The proposal was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final action on the transfer. The President signed the Act on March 7, approving the transfer.

f. Public Law 95-186.

g. Of this amount $643,400,000 was proposed for rescission in FY 1977.

END OF REPORT

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Military assistance	BA	D78-47	131,200		12 15 77			-40,200a	91,000
International military education and training	BA	D78-48	2,000		12 15 77				2,000
Foreign military credit sales	BA	D78-49	673,250		12 15 77	-631,000			42,250
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		806,450			-631,000		-40,200	135,250
DEPARTMENT OF AGRICULTURE									
Foreign Agricultural Service									
Salaries & expenses (special foreign currency)	BA	D78- 1	988		10 3 77				
	BA	D78- 1A		52	1 27 78				1,040
Agricultural Stabilization & Conservation Service									
Commodity credit corporation	BA	D78- 2	2,871		10 3 77	-2,871			
Forest Service									
Timber salvage sales	BA	D78-59	4,500		3 10 78				4,500
Permanent appropriations, Expenses, brush disposal	BA	D78- 3	31,312		10 3 77				
	BA	D78- 3A		4,839	3 10 78				36,151
Permanent appropriations, Expenses pr. purs	BA	D78- 4	141		10 3 77				141

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
DEPARTMENT OF AGRICULTURE								
TOTAL BA		39,812	4,891		-2,871			41,832
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Local public works program								
BA	D78- 5	4,000		10 3 77	-4,000			
Financial and technical assistance								
BA	D78- 6	3,900		10 3 77				
BA	D78- 6A		700	5 12 78				4,600
Economic development revolving fund								
BA	D78-51	123,647		1 27 78				123,647
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
BA	D78- 7	3,750		10 3 77	-3,750			
Promote and develop fishery products and research								
BA	D78- 8	5,429		10 3 77				
BA	D78- 8A		639	1 27 78				6,068
Fisheries loan fund								
BA	D78- 9	6,177		10 3 77	-723			5,454
Fishermen s guaranty fund								
BA	D78-10	716		10 3 77	-38			678
Maritime Administration								
Ship construction								
BA	D78-57	122,000		2 23 78				122,000
DEPARTMENT OF COMMERCE								
TOTAL BA		269,619	1,339		-8,511			262,447
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
Shipbuilding and conversion, Navy									
	BA	D78-44	871,125		11 10 77				871,125
Military Construction									
Military construction, all services									
	BA	D78-11	438,439		10 3 77	-129,540		1,383	310,282
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,309,564			-129,540		1,383	1,181,407
DEPARTMENT OF DEFENSE-CIVIL									
Corps of Engineers									
Alaska hydroelectric power development fund									
	BA	D78-60	5,450		5 12 78				5,450
The Panama Canal									
Canal Zone Government: Capital outlay									
	BA	D78-52	309		1 27 78				309
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations									
	BA	D78-12	458		10 3 77	-12			446
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			6,217			-12			6,205
DEPARTMENT OF ENERGY /b									
Departmental Operations									
Atomic energy defense activities									
	BA	D78-61	23,497		5 12 78				23,497
Energy (Plenum fill experiment)									
	BA	D78-31			10 3 77				
	BA	D78-31A	c		d 11 10 77				
Energy (Clean boiler fuel from coal project)									
	BA	D78-32	46,000		10 3 77				

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1978

AS OF 06/02/78 08:51

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST		AMOUNT TRANSMITTED SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
	BA	D78-32A				d	11 10 77				46,660
Energy (Molten salt breeder reactor project)											
	BA	D78-36					10 3 77				
	BA	D78-36A		e		d	11 10 77				
Energy (10 MW solar thermal power plant)											
	BA	D78-45	31,000				11 10 77	-31,000			
Energy											
	BA	D78-62	12,300				5 12 78				12,300
DEPARTMENT OF ENERGY /b											
TOTAL	BA		113,457					-31,000			82,457
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE											
Office of the Assistant Secretary for Health											
Scientific act. overseas (spec. foreign currency)											
	BA	D78-53	3,497				1 27 78				3,497
Office of Education											
Higher and continuing education											
	BA	D78-13	3,740				10 3 77				3,740
Social Security Administration											
Limitation on salaries and expenses											
	BA	D78-14	13,865				10 3 77				
	BA	D78-14A				f	1 27 78				13,865
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE											
TOTAL	BA		21,102								21,102
DEPARTMENT OF THE INTERIOR											
Bureau of Land Management											

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
Oregon and California grant lands								
BA	D78-15	31,200		10 3 77				
BA	D78-15A		1,980	2 23 78				33,180
Bureau of Reclamation								
Construction and rehabilitation								
BA	D78-63	17,700		5 12 78				17,700
Bureau of Outdoor Recreation								
Land and water conservation fund								
BA	D78-16	30,000		10 3 77				30,000
Geological Survey								
Payments from proceeds, sale of water								
BA	D78-17	34		10 3 77				34
Bureau of Mines								
Drainage of anthracite mines								
BA	D78-18	3,500		10 3 77				3,500
Office of Territorial Affairs								
Trust territory of the Pacific Islands								
BA	D78-19	12,000		10 3 77				12,000
DEPARTMENT OF THE INTERIOR								
TOTAL BA		94,434	1,980					96,414
DEPARTMENT OF JUSTICE								
Federal Prison System								
Buildings and facilities								
BA	D78-20	42,245		10 3 77				42,245
Law Enforcement Assistance Administration								
Salaries and expenses								
BA	D78-54	2,668		1 27 78	-2,668			
DEPARTMENT OF JUSTICE								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
TOTAL BA		44,913			-2,668			42,245
DEPARTMENT OF LABOR								
Employment and Training Administration								
Advances to unemployment trust fund & other funds								
BA	D78-55	1,380,114		1 27 78	-300,000			1,080,114
DEPARTMENT OF LABOR TOTAL BA		1,380,114			-300,000			1,080,114
DEPARTMENT OF STATE								
Other								
Emergency refugee and migration assistance fund /g								
BA	D78-43	2,000		11-10 77				
BA	D78-43A		5,800	12 15 77	-6,800			1,000
DEPARTMENT OF STATE TOTAL BA		2,000	5,800		-6,800			1,000
DEPARTMENT OF TRANSPORTATION								
Coast Guard								
Acquisition, construction, and improvements								
BA	D78-21	13,031		10 3 77	-13,031			
Federal Aviation Administration								
Construction, Metropolitan Washington Airports								
BA	D78-22	1,010		10 3 77				1,010

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
Civil supersonic aircraft development termination									
	BA	D78-23	134		10 3 77				
	BA	D78-23A		14	1 27 78				148
Facilities & equip. (Airport & airway trust fund)									
	BA	D78-24	320,650		10 3 77	-68,487			252,163
Federal Highway Administration									
Trust fund share of other highway programs									
	BA	D78-25	74,880		10 3 77	-3,130			71,750
DEPARTMENT OF TRANSPORTATION									
TOTAL	BA		409,705	14		-84,648			325,071
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
Antirecession financial assistance fund									
	BA	D78-26	8,184		10 3 77				
	BA	D78-26A		2,425	11 10 77				
	BA	D78-26B		100	12 15 77				
	BA	D78-26C		439	1 27 78	-8,927			2,221
	O	D78-50	3,406		12 15 77	-3,406			
	O	D78-58	388		2 23 78	-388			
State and local government fiscal assistance fund									
	BA	D78-27	45,996		10 3 77				
	BA	D78-27A		23,905	11 10 77				
	BA	D78-27B		11,831	12 15 77				
	BA	D78-27C		729	1 27 78	-1,237			81,224
	O	D78-28	391		10 3 77				
	O	D78-28A		1,320	12 15 77				
	O	D78-28B		4,068	2 23 78	-3,951		435	2,253
Bureau of the Mint									
Construction of mint facilities									
	BA	D78-29	5,730		10 3 77				5,730

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1978

AS OF 06/02/78 08:51

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
DEPARTMENT OF THE TREASURY								
TOTAL BA		59,910	39,429		-10,164			89,175
TOTAL O		4,185	5,388		-7,755		435	2,253
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION /k								
Operating Expenses								
Gas cooled reactors								
BA	D78-30	15,000		10 3 77		-15,000m		
Plant and Capital Equipment								
Fusion material test facility								
BA	D78-33	7,500		10 3 77		-7,500n		
Intense neutron source facility								
BA	D78-34	11,300		10 3 77		-11,300p		
Intersecting storage ring accelerator								
BA	D78-35	5,000		10 3 77		-5,000q		
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION /k								
TOTAL BA		38,800				-38,800		
GENERAL SERVICES ADMINISTRATION								
Property Management and Disposal Activities								
Rare silver dollar program								
BA	D78-37	1,710		10 3 77				1,710
Federal Preparedness Agency								
State and local preparedness								
BA	D78-38	80		10 3 77				80
GENERAL SERVICES ADMINISTRATION								
TOTAL BA		1,790						1,790
OTHER INDEPENDENT AGENCIES								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 06-01-78
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	BA	D78-39	10,738		10 3 77				10,738
International Communication Agency /r									
Salaries & expenses (special foreign currency)	BA	D78-41	1,153		10 3 77				
	BA	D78-41A		500	1 27 78				
	BA	D78-41B			5 12 78				1,653
Interstate Commerce Commission									
Payment of directed rail service	BA	D78-40	13,700		10 3 77				13,700
National Science Foundation									
Research and related activities	BA	D78-46	4,500		11 10 77	-4,500			
	BA	D78-56	6,900		1 27 78				6,900
United States Railway Association									
Payment for purchase of Conrail securities	BA	D78-42	260,000		10 3 77				260,000
OTHER INDEPENDENT AGENCIES TOTAL	BA		296,991	500		-4,500			292,991
TOTAL	BA		4,894,878	53,953		-1,211,714	-38,800	-38,817	3,659,500
TOTAL	O		4,185	5,388		-7,755		435	2,253

FOOTNOTES

a. This amount is included in a rescission proposal (R78-2) transmitted to the Congress on January 27, 1978.

b. See also Energy Research and Development Administration.

c. The amount previously reported in this deferral, $2.3 million, is now contained in another Department of Energy deferral, D78-62.

d. The supplementary report changed the deferral from the Energy Research and Development Administration to the Department of Energy.

e. The amount previously reported in this deferral, $1.5 million, is now contained in another Department of Energy deferral, D78-62.

f. The supplementary report changed the budget account title under which this deferral had been previously reported from the Limitation on construction to the Limitation on salaries and expenses.

g. This account, previously displayed in the Funds Appropriated to the President section of this report, was moved to the Department of State section to reflect a corresponding change in its location in the President's budget.

h. Impoundment resolution S. Res. 282 passed the Senate on November 1, 1977, rejecting this deferral. The funds, however, were made available for obligation on October 31, 1977.

j. This amount is net of a release of $40,000 that was made prior to the transmittal of this supplementary report.

k. See also Department of Energy.

m. Impoundment resolution H. Res. 851 passed the House on November 2, 1977, rejecting this deferral.

n. Impoundment resolution H. Res. 852 passed the House on November 2, 1977, rejecting this deferral.

p. Impoundment resolution H. Res. 853 passed the House on November 2, 1977, rejecting this deferral.

q. Impoundment resolution H. Res. 854 passed the House on November 2, 1977, rejecting this deferral.

r. On April 1, 1978, the functions and budgetary resources of the United States Information Agency were transferred to the International Communication Agency, pursuant to Reorganization Plan No. 2 of 1977 and Executive Order No. 12048 of March 27, 1978.

END OF REPORT

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