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federal register

THURSDAY, JUNE 29, 1978

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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	HEW/HSA			HEW/HSA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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S. 2380 ..... Pub. L. 95-302
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[3410-02]

Title 7—Agriculture

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Regulation 595]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 30-July 6, 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 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on June 27, 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 continues to be seasonally slow.

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.

Accordingly § 908.895 is added as follows:

§ 908.895 Valencia Orange Regulation 595.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 30, 1978, through July 6, 1978, are established as follows:

(1) District 1: 200,000 cartons;
(2) District 2: 300,000 cartons;
(3) District 3: Unlimited.

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

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

Dated: June 28, 1978.

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

[FR Doc. 78-18357 Filed 6-28-78; 11:47 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-SO-04; Amdt. No. 39-3249]

PART 39—AIRWORTHINESS DIRECTIVES

Goodyear Aerospace Corp. TSO-C80; Flexible Fuel Cells—Type BTC-39

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (A.D.) applicable to Goodyear BTC-39 series construction fuel cells installed on, but not necessarily limited to, certain Beech, Cessna, Israel Aircraft, Piper, and Rockwell International airplanes. This amendment is needed in order to identify more specifically certain Beech aircraft models which were intended to be covered by the applicability section of the existing A.D. The FAA has been informed that the applicability of the A.D. to those model series listed in the existing A.D. has been misunderstood because of the many different model series that are affected. This amendment will identify also those models about which this misunderstanding has occurred so as to make it clear that the A.D. is applicable to them and eliminate the misunderstanding.

DATES: Compliance schedule—as prescribed in the body of A.D. 78-05-06 (amendment 39-3151).

ADDRESSES: The applicable Beech Aircraft Service Instruction No. 0895 referred to in amendment 39-3151 has been distributed to all owners of record and all Beech Aviation and Aero Centers. That service instruction lists all of the models and serial numbers that are affected by this A.D. A copy may be obtained from the Beech Aircraft Corp., Wichita, Kans. 67201. A copy of the service instruction is contained in the Rules Docket, Room 264, Federal Aviation Administration, 3400 Whipple Street, East Point, Ga. 30344.

FOR FURTHER INFORMATION CONTACT:

W. S. Thomas, Engineering and Manufacturing Branch, Flight Standards Division, FAA, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: This amendment further amends amendment 39-3151, 43 FR 9591, A.D. 78-05-06, as amended by amendment 39-3173, 43 FR 14960, which currently provides for checks for evidence of fuel leakage, and imposes an integrity leakage test and inspections of aircraft incorporating Goodyear BTC-39 flexible fuel cells. After issuing amendment 39-3173, the FAA has determined that some owners or operators have misinterpreted the applicability statement and have concluded that their Beech model aircraft were not affected because that model was not specifically identified on the A.D., even though the manufacturer's service instruction included a complete list of affected models. Therefore, the FAA is further amending amendment 39-3151, as amended by amendment 39-3173, by providing a more detailed list of the Beech airplane models to which the A.D. is applicable.

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

DRAFTING INFORMATION

The principal authors of this document are W. S. Thomas, Flight Standards Division, and Keith May, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending amendment 39-3151, 43 FR 9591, A.D. 78-05-06, as amended by amendment 39-3173, 43 FR 14960, by revising the applicability statement to include the following Beech airplane models in place of the Beech airplane models listed:

BEECH—H18, 35-B33, 35-C33, E33 and F33; 35-C33A, E33A, and F33A; E33C and F33C; P35, S35, V35, V35-TC, V35A, V35A-TC, V35B and V35B-TC; 36 and A36; 45 (T34A), B45 and D45 (T34B); D50E, J50; 95-A55, 95-B55 and 95-B55A; 95-C55, 95-C55A, D55, D55A, E55 and E55A; 95-B55B (T42A); 56TC and A56TC; 58 and 58A; 60, A60 and B60; 65, A65 and A65-8200; 70; 65-80, 65-A80, 65-A80-8800 and 65-B80; 65-88; 65-90, 65-A90; B90; C90; E90; D95A and E95A; 99, 99A, A99A and B99; 100 and A100; and any other Beechcraft airplane models or serial numbers other than those listed above on which Goodyear BTC-39 construction fuel cells have been installed as spares replacements.

Amendment 39-3151 became effective March 17, 1978.

Amendment 39-3173 became effective April 10, 1978.

This amendment becomes effective June 30, 1978.

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

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

Issued in East Point, Ga., on June 16, 1978.

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

[FR Doc. 78-17884 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 78-EA-26; Amdt. 39-3248]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule publishes a new airworthiness directive (AD) applicable to Piper PA-31T-type airplanes. It requires an inspection prior to next flight of the weld joining the brake disc to the cup for circumferential cracks. This inspection results from reports which establish the separation of the disc from the cup and the finding of cracks in other discs.

EFFECTIVE DATE: June 29, 1978. Compliance prior to further flight.

FOR FURTHER INFORMATION CONTACT:

K. Tunjian, Systems and Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3372.

SUPPLEMENTARY INFORMATION: The manufacturer is susbstituting a forged part, Cleveland P/N 164-39F for the welded assembly, and when this is installed on the aircraft the inspections may be discontinued. This information as to the cracked discs was published to all known owners or operators of the subject airplane by airmail under date of April 6, 1978, due to the air safety hazard. Since there is still that effect on air safety, 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 K. Tunjian, 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:

PIPER AIRCRAFT CORP. Applies to PA-31T-type aircraft certificated in all categories, equipped with Cleveland main landing gear wheel assembly, Piper P/N 551775, Cleveland P/N 40-106.

To detect cracks in the main landing gear wheel brakes, accomplish the following:

(a) Prior to the next flight, visually check the weld joining the brake disc to the cup for circumferential cracks. If a crack is found, replace the disc with an airworthy part of the same P/N or with Cleveland brake disc, P/N 164-39F, before further flight. Check may be accomplished by the pilot.

(b) Repeat paragraph (a) prior to each flight until Cleveland P/N 164-39F is installed.

(c) Record results of each check in aircraft log or continuous inspection manual.

Effective date: Ths amendment is effective June 29, 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 Jamaica, N.Y., on June 15, 1978.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-17885 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 78-EA-38; Amdt. 39-3252]

PART 39—AIRWORTHINESS DIRECTIVES

Bendix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment (AD) amends AD 78-09-07 applicable to Bendix type magnetos and clarifies the applicability of AD 78-09-07 to magnetos incorporating impulse couplings. It appears that there had been misunderstandings in that regard.

EFFECTIVE DATE: June 3, 1978.

ADDRESSES: Bendix Service Bulletins may be acquired from the manufacturer at the Electrical Components Division, Sidney, N.Y. 13838.

FOR FURTHER INFORMATION CONTACT:

A. Farrar, 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: Since this amendment is solely for clarifying the applicability of AD 78-09-07, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are A. Farrar, 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 amending AD 78-09-07 as follows:

Delete: "Applies to Bendix S-20 series, S-1200 series and D-2000/D-2200 series magnetos."

Insert: "Applies to Bendix S-20 series, S-1200 series and D-2000 series magnetos incorporating impulse couplings."

Effective Date: This amendment is effective June 3, 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.—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 19, 1978.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-18049 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 78-NW-14-AD; Amdt. 39-3253]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Amendment 39-2145 (40 FR 14055), AD 75-07-11, which required inspections of the outboard trailing edge flap inboard tracks on Boeing Model 737 series airplanes, including military type T43A airplanes. Service experience discloses that cracks in the inboard tracks develop earlier than previously expected, and that cracks also have developed in the outboard tracks. Cracking, if allowed to progress, could result in loss of the outboard trailing edge flap. Consequently, the inspection threshold for the inboard track is being reduced, and inspection requirements for the outboard tracks are being added.

DATES: Effective date July 12, 1978. Initial compliance: As prescribed in the body of the AD.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. Those documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTAL INFORMATION: AD 75-07-11, Amendment 39-2145 (40 FR 14055), requires inspections for cracks in the inboard flap tracks of the outboard trailing edge flap installation on Boeing Model 737 series airplanes. Cracking, if allowed to progress, could result in the loss of the outboard trailing edge flap. The cracking is caused by fatigue, initiated by either pitting corrosion or stress corrosion. The AD inspection threshold is 7,000 landings.

Recently, a review of service experience data showed that cracking in the inboard tracks has occurred at thresholds as early as 4,000 landings. Also, these data showed that identical cracking has occurred in the outboard tracks; however, the threshold for the outboard tracks is higher than the threshold for the inboard tracks since the structural loading is less. Once cracking initiates, the propagation rate is the same for both tracks; therefore, the inspection interval for the inboard and outboard tracks is the same. Additionally, the review indicated that the majority of cracked tracks involved the aft fastener hole, which is the most critical location for crack propagation. Therefore, the inspection interval for tracks with a crack in the aft fastener hole is reduced from that permitted by AD 75-07-11. The inspection method required by AD 75-07-11 is the penetrant method. Magnetic particle inspection is also an acceptabled method and therefore, is included in the new AD.

Accordingly, AD 75-07-11 is being superseded by a new AD requiring penetrant or magnetic particle inspections for cracks in both the inboard and outboard flap tracks of the outboard trailing edge flap installation. 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 Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding AD 75-07-11, Amendment 39-2145 (40 FR 14055), and adding the following new Airworthiness Directive:

BOEING. Applies to inboard and outboard flap tracks of the outboard trailing edge flap installation identified in Boeing Service Bulletin Nos. 737-57-1082, Revision 4, or later FAA approved revisions, and 737-57-1084, Revision 2, or later FAA approved revisions, respectively, of all Boeing Model 737 series airplanes, including military type T43A airplanes, certificated in all categories.

Compliance required as indicated.

To detect cracks in the aft portion of the inboard and outboard flap tracks of the outboard trailing edge flap installation accomplish the following:

A. Inspect the inboard and outboard tracks in accordance with paragraph B of this AD as follows:

1. Inboard tracks: Unless accomplished within the last 600 landings prior to the effective date of this AD, within the next 600 landings from the effective date of this AD or prior to the accumulation of 4,000 landings whichever occurs later.

2. Outboard tracks: Unless accomplished within the last 300 landings prior to the effective date of this AD, within the next 900 landings from the effective date of this AD or prior to the accumulation of 7,000 landings, whichever occurs later.

If cracks are detected replace the track or repair per paragraph D of this AD. If cracks are not found, reinspect per paragraph C of this AD.

B. Penetrant or magnetic particle inspect the applicable tracks in accordance with Boeing Service Bulletin Nos. 737-57-1082, Revision 4, or later FAA approved revisions, and 737-57-1084, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. Repeat the inspections in accordance with paragraph B of this AD at intervals not to exceed 1,200 landings, except as required by paragraph D for repaired tracks.

D. Repair cracked tracks in accordance with Boeing Service Bulletin Nos. 737-57-1082, Revision 4, or 737-57-1084, Revision 2, or later FAA approved revisions, as applicable, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repaired tracks are to be penetrant or magnetic particle inspected at intervals not to exceed:

1. 1,200 landings for tracks with repaired lower flange edges by blendout.

2. 1,000 landings for tracks with cracks stop drilled in thin small portion of the flange.

3. 1,000 landings—for tracks with one web cracked between two adjacent holes in the area forward of aft fastener hole.

4. 500 landings—for tracks with one web cracked beyond two adjacent holes in the area forward of aft fastener hole.

5. 20 landings—for tracks with one web cracked and the crack propagating down from the aft fastener hole.

Tracks with cracks other than those specified above, must be replaced prior to further flight.

E. Replacement of the tracks affected by this AD with improved tracks identified in paragraphs C of Boeing Service Bulletin Nos. 737-57-1082, Revision 4, or later FAA approved revisions, and 737-57-1084, Revision 2, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for this AD.

F. For the purpose of complying with the Airworthiness Directive, with approval of the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplanes hours time-in-service by the operators Boeing Model 737 fleet average time from takeoff to landing.

G. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197.

H. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for that operator.

This AD supersedes AD 75-07-11.

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

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

This amendment becomes effective July 12, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Action of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423) and sec. 6(c) of the 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 A107.

Issued in Seattle, Wash., on June 20, 1978.

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

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

[FR Doc. 78-18047 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-39; Amdt. No. 39-3251]

PART 39—AIRWORTHINESS DIRECTIVES

Maule M-5 Series Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement of fuel feed lines that may have collapsed which could result in loss of engine power.

DATES: Effective date: July 5, 1978. Compliance required within the next 25 hours' time in service after the effective date of this AD.

ADDRESSES: The applicable service letter may be obtained from Maule Aircraft Corp., Spence Air Base, Moultrie, Ga. 31768. A copy of the service letter is contained in the Rules Docket, Room 264, FAA Southern Region, 3400 Whipple Street, East Point, Ga. 30344.

FOR FURTHER INFORMATION CONTACT:

W. J. Lawrence, Engineering and Manufacturing Branch, FAA Southern Region, 3400 Whipple Street, East Point, Ga. 30344, telephone 404-763-7435.

SUPPLEMENTAL INFORMATION: The airframe manufacturer has determined that during production there have been fuel feed lines deformed due to overtorqueing of line hose clamps. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires inspection and replacement of fuel feed lines, as necessary, on Maule M-5 series aircraft.

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.

The principal authors of this document are W. J. Lawrence, Flight Standards Division, and Ronald R. Hagadone, Office of the Regional Counsel, FAA Southern Region.

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:

MAULE AIRCRAFT CORP. Models M-5-210C, S/N 6190C through 6204C, M-5-235C, S/N 7061C through 7160C, 7163C through 7167C, 7169C through 7192C, 7194C, and 7197C.

To prevent reduction of fuel feed or supply to the engine, accomplish the following within the next 25 hours' time in service:

Remove the wing root fairings on both sides to gain access to both main tank outlets (two outlets per tank).

(1) If the fuel line tube clamps do not have hexagonal heads, no further inspection is necessary. Replace fairing and return aircraft to service.

(2) If the fuel line tube clamps have hexagonal heads, drain fuel tanks, and loosen the tube clamp(s) pull the fuel hose off of the fuel line(s) and tank outlets and inspect tube(s) for deformed tube sections. If fuel line tube(s) are deformed, replace tube(s), front tubes Maule P/N 5092X-7 left, 5092X-8 right; rear tube(s) P/N 5092X-1 left and 5092X-9 right. Use round head Aeroseal hose clamps P/N QS-100-M8S, or existing hose clamps, during reassembly. Torque clamps to 15-20 inch pounds. Leak check fuel system prior to returning aircraft to service.

An alternate method of compliance with this AD may be used if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, Atlanta, Ga.

Maule Service Letter 39, dated May 10, 1978, or later FAA-approved revision, pertains to the same subject.

This amendment becomes effective July 5, 1978.

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

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

Issued in East Point, Ga., June 19, 1978.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc. 78-18046 Filed 6-28-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-EA-44]

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

Alteration of Transition Area: Coatesville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will amend the area's description by reflecting a 1 degree change, 283° to 282°, in the bearing from the COATY LOM. This change is a reflection of the revised NDB Rwy 11 instrument approach procedure.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The rule is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) is amended, June 29, 1978, by adoption of the amendment, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to amend the description of the Coatesville, Pa., 700-foot floor transition area by deleting "283°" and by inserting, "282°" in lieu thereof.

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

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

Issued in Jamaica, N.Y., on June 13, 1978.

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

[FR Doc. 78-18043 Filed 6-28-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-9]

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

Alteration of Transition Area: Durant, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Durant, Okla. The intended effect of the action is to provide additional controled airspace for aircraft executing instrument procedures at the Eaker Field Airport. The circumstance which created the need for the action was the utilization of the airport by higher performance aircraft whose operation cannot be protected by existing controled airspace.

EFFECTIVE DATE: September 7, 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 alter the Durant, 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 71) alters the Durant, Okla., transition area. This action provides additional controled airspace from 700 feet above the ground for the protection of aircraft executing instrument procedures at the Eaker Field 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., September 7, 1978, as follows.

In Subpart G, 71.181 (43 FR 440), the Durant, Okla., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Eaker Field (latitude 33°56'30" N., longitude 96°24'00" W.), and within 3 miles each side of a 167° bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 8.5-mile radius area to 9 miles SE. 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 19, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-18045 Filed 6-28-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-GL-3]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controled airspace near Faribault, Minn., to accommodate a new instrument approach procedure into the Faribault Municipal Airport. The effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill, 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The flow of the controled airspace in this area will be lowered from 1,200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controled airspace to insure that the procedure will be contained within controled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 12027 of the FEDERAL REGISTER, dated March 23, 1978, the Federal Aviation Administration published a notice of proposed rulemaking which would amend section 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Faribault, Minn. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation regulations (14 CFR Part 71) is amended, effective September 7, 1978, as follows:

In section 71.181 (42 FR 440), the following transition area is added:

FARIBAULT, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'30" N., longitude 93°18'30" W.), within 1.25 miles each side of the 199° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles southwest of the airport, excluding the portion within the Owatonna, Minn., transition area.

(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)); sec. 11.61 of the Federal Aviation regulations (14 CFR 11.61).)

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

Issued in Des Plaines, Ill., on June 16, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In section 71.181 (43 FR 440), the following transition area is added:

FARIBAULT, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (Latitude 44°19'30" N., longitude 93°18'30" W.), within 1.25 miles each side of 199° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles southwest of the airport, excluding the portion within the Owatonna, Minn., transition area.

[FR Doc. 78-18044 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 18072; Amdt. No. 1114]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

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 (SIAP's) 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 SIAP's, 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.

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 (SIAP's). 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 (FAR's). 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 SIAP's, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory test of the SIAP's 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 SIAP's. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAP's 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 SIAP 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 SIAP's, an effective date at least 30 days after publication is provided.

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

* * * *Effective October 5, 1978*

Los Angeles, CA—Los Angeles Int'l, VOR Rwy 7L/R (TAC) Amdt. 13

* * * *Effective September 7, 1978*

Fayetteville, AR—Drake Field, VOR-A, Amdt. 17
Siloam Springs, AR—Smith Field, VOR/DME-A, Amdt. 3
Farmington, NM—Farmington Municipal, VOR/DME Rwy 5, Amdt. 3, Canceled
Farmington, NM—Farmington Municipal, VOR/DME Rwy 7, Original
Farmington, NM—Farmington Municipal, VOR Rwy 23, Amdt. 3, Canceled
Farmington, NM—Farmington Municipal, VOR Rwy 25, Amdt. 2
Madill, OK—Madill Muncipal, VOR/DME-A, Original

* * * *Effective August 10, 1978*

Dothan, AL—Dothan, VOR-A (TAC), Amdt. 9
Gadsden, AL—Gadsden Muni, VOR Rwy 6, Amdt. 10
El Dorado, AR—Goodwin Field, VOR Rwy 22, Amdt. 8
El Dorado, AR—Goodwin Field, VOR/DME Rwy 4, Amdt. 4
Fayetteville, AR—Drake Field, VOR/DME-B, Original
Jonesboro, AR—Jonesboro Municipal, VOR Rwy 23, Amdt. 5
Ozark, AR—Ozark-Franklin County, VOR/DME-A, Amdt. 1
Avalon, CA—Cataline, VOR-A, Amdt. 2
Avalon, CA—Cataline, VOR/DME-B, Original
Delano, CA—Delano Muni, VOR Rwy 32, Amdt. 2
Hilo, HI—General Lyman Field, VOR/DME or TACAN-A, Amdt. 1
Kaunakakai, Molokai, HI—Molokai, VOR-A (TAC), Amdt. 6
Effingham, IL—Effingham County Memorial, VOR Rwy 1, Amdt. 2
Kokomo, IN—Kokomo Municipal, VOR Rwy 23, Amdt. 12
Kokomo, IN—Kokomo Municipal, VOR Rwy 32, Amdt. 14
Topeka, KS—Philip Billard Muni, VOR Rwy 22, Amdt. 16
Mt. Pleasant, MI—Mt. Pleasant Municipal, VOR Rwy 27, Amdt. 4
Bemidji, MN—Bemidji Muni, VOR Rwy 13, Amdt. 11
Bemidji, MN—Bemidji Muni, VOR/DME Rwy 31 (TAC), Amdt. 7
Hibbing, MN—Chisholm-Hibbing, VOR Rwy 13 (TAC), Amdt. 9
Hibbing, MN—Chisholm-Hibbing, VOR Rwy 31 (TAC), Amdt. 13
Battle Mountain, NV—Lander County, VOR-A, Amdt. 2
Battle Mountain, NV—Lander County Airport, VOR/DME Rwy 3, Amdt. 3
Pendleton, OR—Pendleton Muni, VOR Rwy 7L, Amdt. 13
Big Spring, TX—Big Spring, VOR Rwy 17L, Original
Big Spring, TX—Big Spring, VOR Rwy 35R, Original

* * * *Effective July 13, 1978*

Beckley, WV—Raleigh County Memorial, VOR Rwy 10, Amdt. 9

* * * *Effective June 8, 1978*

Houghton Lake, MI—Roscommon County, VOR Rwy 27, Original, Canceled

2. By amending § 97.25 SDF-LOC-LDA SIAP's identified as follows:

* * * *Effective September 7, 1978*

Fayetteville, AR—Drake Field, LOC Rwy 16, Amdt. 6
Chicago, IL—Chicago O'Hare International, LOC Rwy 4L, Amdt. 14

* * * *Effective August 10, 1978*

Hibbing, MN—Chisholm-Hibbing, LOC BC Rwy 13, Amdt. 5
Bremerton, WA—Kitsap County, LOC BC Rwy 1, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAP's identified as follows:

* * * *Effective September 7, 1978*

Ketchikan, AL—Ketchikan International, NDB/DME-A, Amdt. 3
DeQueen, AR—Sevier County, NDB Rwy 8, Amdt. 2
Chicago, IL—Chicago O'Hare International, NDB Rwy 9R, Amdt. 11
Chicago, IL—Chicago O'Hare International, NDB Rwy 14L, Amdt. 20
Chicago, IL—Chicago O'Hare International, NDB Rwy 14R, Amdt. 18
Chicago, IL—Chicago O'Hare International, NDB Rwy 27R, Amdt. 17
Carrizo Springs, TX—Dimmit County, NDB Rwy 30, Original
Edna, TX—Jackson County, NDB-A, Orig.

* * * *Effective August 10, 1978*

Gadsden, AL—Gadsden Muni, NDB Rwy 6, Amdt. 8
Little Rock, AR—Adams Field, NDB Rwy 22, Amdt. 2
Harrisburg, IL—Harrisburg-Raleigh, NDB Rwy 24, Amdt. 4
Jonesboro, LA—Jonesboro, NDB Rwy 35, Original
Pendleton, OR—Pendleton Muni, NDB-A, Amdt. 3
Bay City, TX—Bay City Municipal, NDB Rwy 13, Original
Uvalde, TX—Garner Field, NDB Rwy 33, Original
Uvalde, TX—Garner Field, NDB Rwy 33, Amdt. 1, canceled
Bremerton, WA—Kitsap County, NDB Rwy 1, Amdt. 9

* * * *Effective July 13, 1978*

Rocky Mount, NC—Rocky Mount-Wilson, NDB Rwy 4, Amdt. 3

4. By amending § 97.29 ILS-MLS SIAP's identified as follows:

* * * *Effective October 5, 1978*

Los Angeles, CA—Los Angeles Int'l, ILS Rwy 6L, Amdt. 1
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 6R, Amdt. 7
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 7L, Amdt. 14
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 24L, Amdt. 12
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 24R, Amdt. 13
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 25L, Amdt. 13
Los Angeles, CA—Los Angeles Int'l, ILS Rwy 25R, Amdt. 13

* * * *Effective September 7, 1978*

Chicago, IL—Chicago O'Hare International, ILS Rwy 4R, Amdt. 3
Chicago, IL—Chicago O'Hare International, ILS Rwy 9L, Amdt. 3
Chicago, IL—Chicago O'Hare International, ILS Rwy 9R, Amdt. 9
Chicago, IL—Chicago O'Hare International, ILS Rwy 14L, Amdt. 25
Chicago, IL—Chicago O'Hare International, ILS Rwy 14R, Amdt. 24
Chicago, IL—Chicago O'Hare International, ILS Rwy 22L, Amdt. 2
Chicago, IL—Chicago O'Hare International, ILS Rwy 22R, Amdt. 4
Chicago, IL—Chicago O'Hare International, ILS Rwy 27L, Amdt. 8
Chicago, IL—Chicago O'Hare International, ILS Rwy 27R, Amdt. 19

* * * *Effective August 10, 1978*

Little Rock, AR—Adams Field, ILS Rwy 22, Amdt. 4

Pendleton, OR—Pendleton Muni, ILS Rwy 25R, Amdt. 18
Chattanooga, TN—Lovell Field, ILS Rwy 20, Amdt. 28
Bremerton, WA—Kitsap County, ILS Rwy 19, Amdt. 5

* * * *Effective July 13, 1978*

Rocky Mount, NC—Rocky Mount-Wilson, ILS Rwy 4, Amdt. 8
Beckley, WV—Raleigh County Memorial, ILS Rwy 10, Amdt. 1, Canceled
Beckley, WV—Raleigh County Memorial, ILS Rwy 19, Original

* * * *Effective June 15, 1978*

Cincinnati, OH—Cincinnati Municipal Lunken Field, ILS Rwy 20L, Amdt. 9

5. By amending § 97.33 RNAV SIAP's identified as follows:

* * * *Effective September 7, 1978*

Emporia, KS—Emporia Municipal, RNAV Rwy 18, Amdt. 3

* * * *Effective August 10, 1978*

Gadsden, AL—Gadsden Municipal, RNAV Rwy 24, Original
Tucson, AZ—Tucson Int'l, RNAV Rwy 11L, Original
Tucson, AZ—Tucson International, RNAV Rwy 29R, Original
Bay St. Louis, MS—Stennis International, RNAV Rwy 17, Original
Mount Veron, OH—Knox County, RNAV Rwy 28, Original
Bremerton, WA—Kitsap County, RNAV Rwy 1, Amdt. 3

* * * *Effective June 15, 1978*

Madison, GA—Madison Muni, RNAV Rwy 14, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1345(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 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 23, 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. 78-18048 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 12762; SFAR No. 30-2]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Special Federal Aviation Regulation No. 30; Ground Proximity Warning System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the expiration date of a special regulation which allows certain airplanes to be operated without a ground proximity warning system or a ground proximity warning-glide slope deviation system. The extension will avoid the imposition of an undue financial burden on airplane operators pending a determination of whether the equipment requirements should be revised.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald A. Schroeder (AFS-901), Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTAL INFORMATION: SFAR No. 30 provides that airplanes having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less may be operated under Parts 121, 123, and 135 of the Federal Aviation regulations without a ground proximity warning system or a ground proximity warning-glide slope deviation system. SFAR No. 30 was adopted to provide this relief on an interim basis pending the determination of whether or not new standards should be developed for operations conducted with these airplanes. The expiration date of SFAR No. 30, as amended by SFAR No. 30-1 (41 FR 53319; December 6, 1976), is June 30, 1978.

The FAA announced a regulatory review program, public notice of which was given in Notice 76-18, published in the FEDERAL REGISTER on September 13, 1976 (41 FR 38778), which involved a comprehensive review and upgrading of Part 135, including requirements applicable to "commuter air carrier" operations.

This program includes consideration of new standards and rules, including equipment requirements for the ground proximity warning system or ground proximity warning-glide slope deviation system, for certain aircraft operated by air taxi operators certificated by the FAA, including aircraft described in SFAR 30. A notice of proposed rulemaking (Notice 77-17) was published in the FEDERAL REGISTER on August 29, 1977 (42 FR 43490), as part of the Part 135—Regulatory Review Program. This program will not be concluded by the June 30, 1978, termination date of SFAR No. 30.

If SFAR No. 30 were to expire prior to the completion of the rulemaking action generated by the Part 135—Regulatory Review Program, an undue financial burden could be placed on certain operators of airplanes meeting the criteria specified in SFAR No. 30 because they would be required to purchase and install equipment which might not be required when the Part 135—Regulatory Review Program is completed. Thus, the FAA believes that it is not in the public interest to require the installation of a ground proximity warning system or a ground proximity warning-glide slope deviation system in the airplanes described in SFAR No. 30 pending a determination of whether or not new standards should be developed.

The extension of SFAR No. 30 to June 30, 1979, should provide the FAA sufficient time to determine what regulatory changes are necessary.

DRAFTING INFORMATION

The principal authors of this document are Donald A. Schroeder, Flight Standards Service, and Richard C. Beitel, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Since this amendment contines in effect the provisions of a currently effective special Federal Aviation regulation and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Accordingly, special Federal Aviation regulation No. 30, as amended by SFAR No. 30-1, is amended, effective June 30, 1978, by deleting the words "June 30, 1978," and inserting in their place the words "June 30, 1979."

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document is

not significant in accordance with the criteria required by Executive Order 12044 and set forth in interim Department of Transportation guidelines.

Issued in Washington, D.C., on June 22, 1978.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc. 78-17925 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket Nos. 16388 and 16389; SFAR No. 33-2]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Special Federal Aviation Regulation No. 33; Flight Data Recorders and Cockpit Voice Recorders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the expiration date of a special regulation which allows certain airplanes to be operated without a flight data recorder or a cockpit voice recorder. The extension will avoid the imposition of an undue financial burden on airplane operators pending a determination of whether the equipment requirements should be revised.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald A. Schroeder (AFS-901), Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTAL INFORMATION: SFAR No. 33 allows certain airplanes, type certificated as large airplanes, having a maximum passenger capacity of 30 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 35,000 pounds or less, to be operated under parts 121 and 135 of the Federal Aviation regulations without complying with the requirements for a flight recorder or a cockpit voice recorder. SFAR No. 33 was adopted to provide this relief on an interim basis pending the determination of whether or not new standards should be developed for operations conducted with these airplanes. The expiration date of SFAR No. 33, as amended by SFAR No. 33-1 (42 FR 42194; August 22, 1977) is June 30, 1978.

The FAA announced a regulatory review program, public notice of which was given in Notice 76-18, published in the FEDERAL REGISTER on September 13, 1976 (41 FR 38778), which involved a comprehensive review and upgrading of Part 135, including requirements applicable to "commuter air carrier" operations.

This program includes consideration of new standards and rules, including equipment requirements for the flight data recorder and cockpit voice recorder for certain aircraft operated by air taxi operators certificated by the FAA, including aircraft described in SFAR No. 33. A notice of proposed rulemaking (Notice 77-17) was published in the FEDERAL REGISTER on August 29, 1977 (42 FR 43490), as part of the Part 135—Regulatory Review Program. This program will not be concluded by the June 30, 1978, termination date of SFAR No. 33.

If SFAR No. 33 were to expire prior to the completion of the rulemaking action generated by the Part 135—Regulatory Review Program, an undue financial burden could be placed on certain operators of airplanes meeting the criteria specified in SFAR No. 33 because they would be required to purchase and install equipment which might not be required when the Part 135—Regulatory Review Program is completed. Thus the FAA believes that it is not in the public interest to require the installation of a flight data recorder or a cockpit voice recorder in airplanes described in SFAR No. 33 pending a determination of whether or not new standards should be developed.

The extension of SFAR No. 33 to June 30, 1979, should provide the FAA sufficient time to determine what regulatory changes are necessary.

DRAFTING INFORMATION

The principal authors of this document are Donald A. Schroeder, Flight Standards Service, and Richard C. Beitel, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Since this amendment continues in effect the provisions of a currently effective special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Accordingly, special Federal Aviation Regulation No. 33, is amended, effective June 30, 1978, by deleting the words "June 30, 1978," and inserting in their place the words "June 30, 1979."

(Sec. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in interim Department of Transportation guidelines.

Issued in Washington, D.C., on June 22, 1978.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc. 78-17924 Filed 6-28-78; 8:45 am]

[4910-13]

[Docket No. 14621; Amdt. No. 137-8]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

Special VFR Night Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment allows agricultural aircraft operators to conduct special VFR night operations without complying with certain instrument flight requirements. The FAA considers the current instrument flight requirements for special VFR night operations to be unnecessary and impractical for agricultural flights and believes it would be in the public interest if these requirements were eliminated.

DATE: Effective date: July 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8716.

SUPPLEMENTARY INFORMATION: In Notice No. 77-28 (42 FR 62400, December 12, 1977), the FAA proposed to eliminate the instrument flight requirements of § 91.107(e) of the Federal Aviation Regulations (FARs) for agricultural aircraft operators conducting special VFR night operations in control zones.

Section 91.107(e) specifies that no person may operate an aircraft (other than a helicopter) in a control zone under appropriate special VFR weather minimums, between sunset and sunrise, unless that person meets the applicable requirements for instrument flight under part 61 of the FARs and the aircraft is equipped as required by § 91.33(d).

Notice No. 77-28 was proposed in response to a petition for rulemaking by the California Agricultural Aircraft Association, Inc., and because the

agency believed that compliance with the requirements of § 91.107(e) was not necessary for the safety of special VFR night operations conducted by part 137 certificate holders.

In addition, certificates of waiver from the provisions of § 91.107(e) have been granted in the past to many agricultural aircraft operators who requested them. While the waiver process served to relieve certain operators from the requirements of § 91.107(e), this procedure requires individual determinations and involves considerable FAA and industry resources. Accordingly, this amendment will provide relief from the provisions of § 91.107(e) without the necessity of granting individual certificates of waiver in appropriate circumstances.

Ten comments were received in response to notice No. 77-28 and all favored adoption of the proposal. In general, the commenters praised the FAA for proposing to eliminate an unnecessary regulatory requirement which did not affect the safety of agricultural aircraft operations. One commenter stated that adoption of the proposal would hold down the cost of providing night agricultural services to farmers. Another commenter supported the proposal because it encouraged night operations. This, in turn, would protect bees (who return to the hive at night) and thereby benefit a large segment of the agricultural industry which relies on bees for pollination.

For the reasons set forth herein and in notice No. 77-28, and in light of the unanimous support for the proposal expressed by the commenters, the agency believes that agricultural aircraft operators should not be required to comply with the instrument flight requirements of § 91.107(e) when conducting special VFR night operations in control zones.

DRAFTING INFORMATION

The principal authors of this document are E. A. Ritter, Flight Standards Service and Marshall S. Filler, Office of the Chief Counsel.

THE AMENDMENT

In consideration of the foregoing, part 137 of the Federal Aviation Regulations (14 CFR Part 137) is hereby amended, effective July 28, 1978, by adding a new paragraph (c) to § 137.43 to read as follows:

§ 137.43 Airport traffic areas and control zones.

* * * * *

(c) Notwithstanding § 91.107(e) of this chapter, an aircraft may be operated in a control zone under special VFR weather minimums without meeting the requirements prescribed therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), and 1421) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on June 19, 1978.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc. 78-17886 Filed 6-28-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9038]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Verrazzano Trading Corp., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This order, among other things, requires a New York City importer and distributor of wool and textile fiber products, and four affiliated companies, to cease misrepresenting or failing to properly disclose the fiber content of wool and textile fiber products, and the residual shrinkage of such products. Additionally, the firms must file bond with the Secretary of the Treasury before participating in the importation of wool and textile fiber fabrics; and provide purchasers of mislabeled merchandise with a copy of the order.

DATES: Complaint issued June 24, 1975. Final Order issued May 15, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

John F. Dugan, Acting Director, New York Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1207.

SUPPLEMENTARY INFORMATION: In the matter of Verrazzano Trading Corp., a corporation, and Francesco Datini Inc., a corporation, and Lanificio Tuscania Inc., a corporation, and Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, and Walter Banci, individually and as agent for said corporations and as officer of Lanificio Tuscania Inc., and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci, s.a.s.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.30 Composition of goods; 13.30-75 Textile Fiber Products Identification Act; 13.30-100 Wool Products Labeling Act; § 13.45 Content; § 13.73 Formal regulatory and statutory requirements; 13.73-70 Wool Products Labeling Act; 13.73-90 Textile Fiber Products Identification Act; § 13.135 Nature of product or service; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Importing, Manufacturing, Selling, or Transporting Merchandise: § 13.1060 Importing, manufacturing, selling, or transporting merchandise; § 13.1061 Formal regulatory and/or statutory requirements. Subpart—Invoicing Products Falsely: § 13.1108 Invoicing products falsely; 13.1108-80 Textile Fiber Products Identification Act; 13.1108-90 Wool Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1170 Advertising and promotion; § 13.1185 Composition; 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act; § 13.1260 Nature; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1590 Composition; 13.1590-70 Textile Fiber Products Identification Act; 13.1590-90 Wool Products Labeling Act; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; 13.1623-80 Textile Fiber Products Identification Act; 13.1623-90 Wool Products Labeling Act; § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1845 Composition; 13.1845-70 Textile Fiber Products Identification Act; 13.1845-80 Wool Products Labeling Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852-70 Textile Fiber Products Identification Act; 13.1853-80 Wool Products Labeling Act; § 13.1870 Nature; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130 (15 U.S.C. 45, 70, 68).)

The final order to cease and desist, including further order requiring report of compliance therewith, is as follows:

[1] Copies of the Complaint, Initial Decision, Opinion, and Final Order filed with the original document.

FINAL ORDER

This matter has been heard by the Commission upon the cross-appeals of complaint counsel and respondents' counsel from the initial decision and upon briefs and oral argument in support and in opposition to each appeal. The Commission, for the reasons stated in the accompanying Opinion, has granted the appeal of complaint counsel and denied the appeal of respondents' counsel. Therefore,

It is ordered, That the initial decision of the administrative law judge be adopted as the Findings of Fact and Conclusions of Law of the Commission, except for page 31, paragraph headed "Understatements of Fiber Content"; page 35, line 7, sentence beginning "Still * * *" through line 29, sentence ending with "violation"; page 47, first full paragraph onward.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be entered:

ORDER

It is ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporations, and as an officer of Lanificio Tuscania Inc. and Lima Textiles, Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such textile fiber product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as an agent for said corporations and as an officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporation and as officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction into commerce, or the offering for sale, transportation, distribution, delivery for shipment or shipment in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporations and as an officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Verrazzano Trading Corp., a corporation, Francesco Datini Inc., a corporation, Lanificio Tuscania Inc., a corporation, Lima Textiles Inc., a corporation, and Hudson Textile Corp., a corporation, their successors and assigns and their officers, and Walter Banci, individually and as agent for said corporations and as officer of Lanificio Tuscania Inc. and Lima Textiles Inc., and as a partner trading and doing business as Lanificio Walter Banci s.a.s., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the importing, advertising, offering for sale, sale or distribution of wool and/or textile products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character and amount of constituent fibers contained in such products and the shrinkage factor of such products on contracts, invoices, shipping memoranda, or labels applicable thereto, or in any other manner.

It is further ordered, That respondents deliver a copy of this order by registered mail to each of their customers that purchased qualities Sioux, Manito, Totem, Marnie, Gretel, Isabel, Veruska, Spluga, Eva, Navajo, Ellen, Ingrid, or Myla during the period January 1, 1973 to June 24, 1975.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include said respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the corporate respondents shall forthwith distribute a copy of this order to each of their operating divisions and/or subsidiaries.

It is further ordered, That the corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in said respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-18150 Filed 6-28-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4040]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of El Mirage, Maricopa County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of El Mirage, Maricopa County, Ariz.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of El Mirage, Maricopa County, Ariz., are available for review at the Department of Public Works, P.O. Box 26, 12206 Wells Street, El Mirage, Ariz.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of El Mirage, Maricopa County, Ariz.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Agua Fria River	Cactus Rd. extension	1,111
	Grand Ave	1,126
	Greenway Rd	1,138
Lizard Acres Wash	Confluence with Agua Fria River.	1,141
	Corporate limits	1,156
Lower El Mirage Wash.	Cactus Rd	1,115
Lower El Mirage Wash tributary.	Confluence with Lower El Mirage Wash.	1,117
	⅛ mi upstream of confluence with Lower El Mirage Wash.	1,129
A.T. & S.F. RR. channel.	Downstream corporate limits.	1,130
	Palm St. (extended)	1,139
	El Mirage Rd. (extended).	1,145
	Upstream corporate limits.	1,161

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17754 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-4045]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Isleton, Sacramento County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Isleton, are available for review at City Hall, 100 Second Street, Isleton, Calif.

FOR FURTHER INFORMATION CONTACT:

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

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

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

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Joaquin River	Georgiana Dr	6
	Southern Pacific RR	6
	Main St	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17755 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3176]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Milford, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Milford, are available for review at City Hall, River Street, Milford, Conn.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Milford, Conn.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River	Merritt Parkway	13
	Connecticut Turnpike	11
Indian River	Indian Lake Dam*	40
	Indian Lake Dam**	35
	Rose Mill Pond Dam*	34
	Rose Mill Pond Dam**	23
	Clark Mill Dam*	18
	Clark Mill Dam**	11
Wepawaug River	Flax Mill Rd.*	66
	Flax Mill Rd.**	64
	Connecticut Turnpike (I-95).*	43
	Connecticut Turnpike (I-95).**	42
	U.S. 1-A	38
	New Haven Avenue Dam.*	23
	New Haven Avenue Dam.**	13
Long Island Sound	Intersection of Grant Ave. and Broadway Ave.	11
	Intersection of Naugatuck Ave. and Broadway Ave.	11
	Intersection of Nettleton Ave. and East Broadway Ave.	11
	Intersection of Surf Ave. and East Broadway Ave.	11
	Intersection of Seabreeze Ave. and Edgefield Ave.	11

*Upstream.
**Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17756 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3486]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The City of Lake Worth, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lake Worth, are available for review at City Hall, 7 North Dixie, Lake Worth, Fla.

FOR FURTHER INFORMATION CONTACT:

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

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

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

4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Atlantic Ocean	Shoreline from northern corporate limit to southern corporate limit.	7
Lake Worth	East end of north 16th Ave.	7
	East end of south 12th Ave.	7
Rainfall	Lake Osborne Dr. west side.*.	11
	West end of 22d Ave.*	11
	West end of 17th Ave.*	11

*Flooding at these locations is caused by poor drainage.

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

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-17757 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3765]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Attleboro, Bristol County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Attleboro are available for review at the Mayor's Office, City Hall, 29 Park Street, Attleboro, Mass.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Attleboro, Bristol County, Mass.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ten Mile River	At town boundary with Seekonk.	79
	At pipeline crossing, 660 ft downstream of Mill Bridge.	79
	Just downstream of Hebronville Dam.	82
	Just upstream of Bridge St.	90
	Just downstream of Tiffany St.	91
	Just upstream of Tiffany St.	94
	At railroad, 530 ft downstream of Dodgeville Dam.	95
	Just downstream of Dodgeville Dam.	97
	Just upstream of Dodgeville Dam.	111
	At Lamb St	111
	1,200 ft downstream of Olive St.	112
	At road east of Nordic Bldg.	116
	Just upstream of Mechanics Pond Dam.	120
	At confluence of Bungay River.	122
	200 ft downstream of Farmers Pond.	124
	Just upstream of Farmers Pond Dam.	129
	660 ft downstream of town limit with North Attleboro.	135
	At Cedar Rd	138
Bungay River	At confluence with Ten Mile River.	122
	Just downstream of Blackington Pond Dam.	122
	Just upstream of Blackington Pond Dam.	123
	Just upstream of Bank St.	124
	At town boundary with North Attleboro.	126
Sevenmile River	At town boundary with Pawtucket.	69
	Just downstream of County St.	70
	Just upstream of County St.	72
	Just upstream of Pitas Ave.	75
	Just downstream of Roy Ave.	80
	Just downstream of Read St.	88
	Just upstream of Read St.	90
	Just downstream of Orrs Pond Dam.	92
	Just upstream of Orrs Pond Dam.	103
	Just downstream of Water Works Dam.	103
	Just upstream of West St.	108
	Just downstream of Luther Reservoir Dam.	125
	Just upstream of Luther Reservoir Dam.	140
	At town boundary with North Attleboro.	141
Attleboro Industrial Stream.	At confluence with Ten Mile River.	90
	520 ft upstream of McKay St.	91
	Just downstream of Tiffany St.	107
Lake Como Stream.	At confluence with Sevenmile River.	82
	Just downstream of Newport Ave.	92
	Just upstream of Newport Ave.	95
	Just downstream of Cumberland Ave.	95
	Just downstream of Route 1.	99
	Just upstream of Route 1.	108
	1,300 ft upstream of Route 1.	108
Rocklawn Avenue Stream.	At confluence with Sevenmile River.	122
	Just downstream of Todd Dr. extension.	128
	Just upstream of Todd Dr. extension.	130

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rocklawn Avenue Stream.	Just downstream of Rocklawn Ave.	136
	Just upstream of Rocklawn Ave.	138
East Junction Stream.	At confluence with Ten Mile River.	90
	At Route 152	90
	Just downstream of Thurber Ave.	92
	Just upstream of Thurber Ave.	95
	1,000 ft upstream of Thurber Ave.	97
Speedway Brook	At confluence with Ten Mile River.	111
	1,050 ft downstream of Maple St.	112
	Just downstream of Maple St.	113
Chartley Brook	At town boundary of Norton.	105
	Just upstream of Peckhan St.	106
	Just downstream of Wilmarth St.	109
	Just upstream of Wilmarth St.	113

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17758 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3231]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of East Rockaway, Nassau County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of East Rockaway, Nassau County, N.Y., are available for review at the Office of the Mayor, 376 Atlantic Avenue, East Rockaway, N.Y.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Hewlett Bay	Welsey Dr	8.3
	Thompson Dr	8.3
	Intersection of Emmet Ave. and Adams St.	8.3
	Chathay Rd	8.3
	Dart St	8.3
	Lawson Ave	8.3
	1st Ave	8.3
	3d Ave	8.3
	John St	8.3
	Front St	8.3
	Pearl St	8.3
	Intersection of Payne Circle and Waverly Ave.	8.3
	Intersection of Ocean Ave. and East Atlantic Ave.	8.3
	New St	8.3
	Davis St	8.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17759 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3418]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the city of Oneonta, Otsego County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Oneonta are available for review at the Municipal Building, Oneonta, N.Y.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Oneonta, Otsego County, N.Y.

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

days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	2,300 ft downstream of State Highway 205.	1,061
	100 ft downstream of Main St.	1,079
	Grand St. (State Route 23 and 28).	1,081
	Downstream of dam above confluence of Glenwood Creek.	1,084
	500 ft upstream of dam above confluence of Glenwood Creek.	1,089
	120 ft upstream of abandoned railroad bridge.	1,097
	2,150 ft upstream of abandoned railroad bridge.	1,099
Oneonta Creek	50 ft upstream of confluence with Mill Race.	1,087
	35 ft downstream of Main St.	1,111
	375 ft upstream of Main St.	1,115
	55 ft upstream of Center St.	1,128
	Downstream of Spruce St.	1,131
	150 ft upstream of Spruce St.	1,138
	675 ft upstream of Spruce St.	1,143
	Upstream of Wilber Park Rd.	1,180
	60 ft upstream of high school drive.	1,191
	475 ft upstream of high school drive.	1,195
	1,100 ft upstream of high school drive.	1,209
	City limit (1,300 ft. upstream of high school drive).	1,211
Mill Race	River St	1,079
	50 ft upstream of Gas Ave.	1,084
	325 ft upstream of Gas Ave.	1,085
Silver Creek	25 ft upstream from Delaware & Hudson RR.	1,081
	125 ft upstream from Ford Ave.	1,122
	Upstream of Dietz St	1,134
	Church St	1,155
	550 ft upstream of Center St.	1,175
	480 ft upstream of Clinton St.	1,200
	At dam, 625 ft upstream from Clinton St.	1,215
	730 ft downstream from Ravine Parkway.	1,220
	45 ft upstream from Ravine Parkway.	1,255
	415 ft upstream from Ravine Parkway.	1,267
	1,700 ft upstream of Ravine Parkway.	1,320
Silver Creek	City limits (1,975 ft upstream from Ravine Parkway).	1,337
Glenwood Creek	30 ft downstream from I-88.	1,084
	120 ft downstream from Susquehanna St.	1,090
	Upstream of Susquehanna St.	1,097
	230 ft upstream from Delaware & Hudson RR.	1,107
	Rose Ave	1,133
	Downstream of Main St.	1,164
	Upstream of Main St	1,172
	40 ft downstream from private dam located 900 ft upstream of Main St.	1,216
	70 ft upstream from private dam located 900 ft upstream of Main St.	1,224
	City limit (1,670 ft upstream of Main St).	1,270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17760 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3899]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Bedford, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Bedford, Va. are available for review at the Bedford County Courthouse, Main Street, Bedford, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the county of Bedford, Va.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Lynchburg corporate limits.	568
	Holcomb Rock Dam (downstream).	588
	Holcomb Rock Dam (upstream).	593
	Coleman Falls Dam (downstream).	599
	Coleman Falls Dam (upstream).	612
	Virginia route 647	623
	Blue Ridge Parkway	630
	U.S. 507	652
	Cashaw Dam (upstream).	670
	Chessie System (upstream).	673
	Upstream county boundary.	709
Ivy Creek	Lynchburg corporate limits.	675
	Virginia Route 660	679
	Virginia Route 621 (downstream).	691
	Virginia Route 621 (upstream).	696
	Virginia Route 622	712
	Virginia Route 644	837
	Virginia Route 621 (downstream).	875
	Virginia Route 621 (upstream).	877

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Judith Creek	Chessie System	568
	Trents Ferry Rd	638
	Virginia Route 674	764
	U.S. 501	770
Hunting Creek	Virginia Route 604	626
	U.S. 501 (downstream)	637
	U.S. 501 (upstream)	648
	Virginia Route 600	801
	Virginia Route 601	850
	Virginia Route 602, (20,500 ft above mouth downstream).	1,037
	Virginia Route 602, (20,500 ft above mouth upstream).	1,043
	Virginia Route 602, (23,600 ft above mouth).	1,111
	Virginia Route 602, (24,850 ft above mouth downstream).	1,165
	Virginia Route 602, (24,850 ft above mouth upstream)..	1,171
Battery Creek	Chessie System	630
Roanoke River	County boundary	616
	Virginia Route 608	618
	Virginia Route 908	620
	Smith Mountain Lake	803
	Virginia Route 634	803
	County boundary	822
Big Otter River	Virginia Route 24 (downstream).	587
	Virginia Route 24 (upstream).	589
North Otter Creek	Virginia Route 644	709
	Virginia Route 643	774
	Virginia Route 639	896
	Virginia Route 122	931
Little Otter River	Virginia Route 715	639
	Virginia Route 784	676
	U.S. 460 (downstream)	699
	U.S. 460 (upstream)	703
	Virginia Route 718	734
	Norfolk & Western Ry. (downstream).	746
	U.S. 221 (downstream)	759
	U.S. 221 (upstream)	762
	Virginia Route 122	794
	Virginia Route 43 (downstream).	837
	Virginia Route 43 (upstream).	841
Machine Creek	Virginia Route 714 (downstream).	651
	Virginia Route 714 (upstream).	653
	Virginia Route 804	679
	Virginia Route 43 (downstream).	700
	Virginia Route 43 (upstream).	704
Wells Creek	Virginia Route 747 (downstream).	751
	Virginia Route 747 (upstream).	753
Little Otter River tributary.	Lake Dr. (downstream)	848
	Lake Dr. (upstream)	851
	Bedford City corporate limit (downstream).	858
	Bedford City corporate limit (upstream).	912
Goose Creek	Private drive, 0.24 mi below confluence of South Fork Goose Creek (downstream).	902
	Private drive, 0.24 mi below confluence of South Fork Goose Creek (upstream).	907
Mill Creek	Virginia Route 122	846
Bore Auger Creek	Virginia Route 755	865
	Virginia Route 616 (downstream).	902
	Virginia Route 616 (upstream).	907
	Virginia Route 619 (downstream).	932
Mill Creek	Virginia Route 619 (upstream).	936
Bore Auger Creek	Virginia Route 699, (32,800 ft above mouth).	960
	Virginia Route 699, (36,000 ft above mouth downstream).	995
	Virginia Route 699, (36,000 ft above mouth upstream).	999
	Virginia Route 699, (36,700 ft above mouth downstream).	1,004
	Virginia Route 699, (36,700 ft above mouth upstream).	1,005
South Fork Goose Creek.	Virginia Route 691 (downstream).	928
	Virginia Route 691 (upstream).	933
	Virginia Route 607 (downstream).	946
	Virginia Route 607 (upstream).	950
	Terminal Ave. (downstream).	962
	Terminal Ave. (upstream).	971
	Virginia Route 698	987
	Norfolk & Western Ry. (downstream).	1,218
	Norfolk & Western Ry. (upstream).	1,224
North Fork Goose Creek.	U.S. 460	909
	Norfolk & Western Ry. (upstream).	913
Beaverdam Creek	Virginia Route 757 (downstream).	823
	Virginia Route 757 (upstream).	827
	Norfolk & Western Ry. (downstream).	837
	Norfolk & Western Ry. (upstream).	839
	Virginia Route 24 (downstream).	874
	Virginia Route 24 (upstream).	878
	Virginia Route 619 (downstream).	968
	Virginia Route 619 (upstream).	973
East Fork Beaverdam Creek.	Virginia Route 24	879
	Virginia Route 755 (downstream).	907
	Virginia Route 755 (upstream).	916
West Fork Beaverdam Creek.	Virginia Route 635 (downstream).	845
	Virginia Route 635 (upstream).	846
	Virginia Route 24	921
	Virginia Route 619 (downstream).	954
	Virginia Route 619 (upstream).	967
	Power transmission line	1,076
Falling Creek	Virginia Route 619 (downstream).	864
	Virginia Route 619 (upstream).	868
Sandy Creek	Virginia Route 634 (downstream).	925
	Virginia Route 634 (upstream).	928
	Virginia Route 635 (downstream).	954
	Virginia Route 635 (upstream).	956

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: June 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-17761 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the City of Fort Smith, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Fort Smith, Ark. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Fort Smith, Ark. that certain property is not within the Speical Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a conditon of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 055013A Panel 15, published on June 29, 1977, in 42 FR 33205, indicates that Southwoods Subdivision, Phase I, Fort Smith, Ark., as recorded in drawer 383 of plats, in the office of the circuit clerk and ex-officio recorder for the county of Sebastian, Ark., is located within the Special Flood Hazard Area.

Map No. H&I 055013A Panel 15 is hereby corrected to reflect that Lots 1 through 5, and 12 through 19, and Lot 127, with the exception of that portion within the Dedicated 80' Drainage Easement of the above property are not within the Special Flood Hazard Area identified on May 7, 1976. The lots are in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18001 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Carpinteria, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Carpinteria, Calif. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Carpinteria, Calif., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 060332B panel 01, published on June 29, 1977, in 42 FR 33205, indicates that lot 1, block 202, as shown on the city assessor's map, is located within the Special Flood Hazard Area. This property is recorded as lot 1, block A, in book 1, page 8, in the office of the recorder of Santa Barbara County, Calif.

Map No. H&I 060332B panel 01 is hereby corrected to reflect the above property is in zone C and is not within the Special Flood Hazard Area identified on March 15, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18002 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lakewood, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Lakewood, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Lakewood, Colo., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 085075A panel 04, published on February 13, 1978, in 43 FR 6070, indicates that lot 17, block 14, Meadowlark Hills, at 9040 West Third Place, Lakewood, Colo., as recorded in book 12, page 2, in the office of the recorder of Jefferson County, Colo., is within the Special Flood Hazard Area.

Map No. H&I 085075A panel 04 is hereby corrected to reflect the existing structure on the above property is in zone C and is not within the Special Flood Hazard Area identified on July 21, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18003 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Longmont, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Longmont, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Longmont, Colo., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, MD 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 080027A panel 05, published on February 13, 1978, in 43 FR 6070, indicates that lot 1, block 1, Burlington Square Subdivision, Longmont, Colo., as recorded in planfile R P-4, F-2, No. 48, in the office of the clerk of Boulder County, Colo., is within the Special Flood Hazard Area.

Map No. H&I 080027A panel 05 is hereby corrected to reflect that a portion of the above property described as follows:

Beginning at the center ¼ corner of Section 10, Township 2 North, Range 69 West, thence, N. 00°04'40" W., 85.34 feet; thence, S. 89°45'06" W., 209.83 feet; thence, N. 00°17'30" W., 186.41 feet; thence, N. 89°42'30" E., 50.00 feet; thence, N., 00°17'30" W., 60.00 feet; thence, N. 89°42'30" E., 256.97 feet; thence, S. 00°04'40" E., 134.95 feet; thence, S. 08°27'47" W., 12,87 feet; thence S. 43°27'35" W., 136.91 feet back to the true point of beginning,

is not within the Special Flood Hazard Area identified on October 26, 1973. The portion is within zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18004 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Louisville, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the city of Louisville, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Louisville, Colo., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 085076B, panel 02, published on June 29, 1977, in 42 FR 33206, indicates that lots 1 and 2, block 6, Parkwood filing No. 2, as recorded in plan file P-5, F-3, No. 42, in the office of the Recorder of Boulder County, Colo., are within the special flood hazard area.

Map No. H & I 085076B, panel 02 is hereby corrected to reflect that the existing structures on lots 1 and 2 are in zones B and C, respectively, and are not within the special flood hazard area identified on July 25, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18005 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of Bloomfield, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of com-

munities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of Bloomfield, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of Bloomfield, Conn., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 090122, panel 0002A, published on February 13, 1978, in 43 FR 6070, indicates that a parcel of land in Bloomfield, Conn., on drawing No. 7744, prepared by William R. Palmberg and dated September 1977, being the "third piece" described in the deed and recorded in deed book 118, page 4, in the Office of the Town Clerk of Bloomfield, Conn., is located within the special flood hazard area.

Map No. H&I 090122, panel 0002A is hereby corrected to reflect that a portion of the above property, which can be described as follows:

Beginning at a point in the easterly line of Tunxis Avenue, which point is also the southwest corner of the said property; thence S. 58°09'47" E., approximately 262 feet to a point; thence N. 20°30' E., approximately 389 feet to a point; thence N. 2°20' W., approximately 50 feet to a point; thence N. 50°20' W., approximately 66 feet to a point; thence N. 31°20' E., approximately 76 feet to a point; thence N. 58°45'30" W., approximately 95 feet to a point; thence S. 28°07' W., approximately 230.70 feet to a point; thence 266.99 feet along a curve with a radius of 2,031.9 feet to the point of beginning,

is not within the special flood hazard area identified on August 19, 1977. This portion is in zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18006 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of West Hartford, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of West Hartford, Conn., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 095082, panel 08, published on June 29, 1977, in 42 FR 33206, indicates that lot 36, section 1(D), Rockledge Estates, West Hartford, Conn., also known as 25 Kimberly Road, as recorded in the plat, map file No. 1139, in the office of the town clerk of West Hartford, Conn., is within the special flood hazard area.

Map No. H&I 095082, panel 08 is hereby corrected to reflect that the existing structure located on the above property is not within the special flood hazard area identified on September 29, 1971. The structure is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18007 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of West Hartford, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of West Hartford, Conn., that certain property is not within the special flood hazard area.

This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 095082, panel 06, published on June 29, 1977, in 42 FR 33206, indicates that lot 32 and the southerly 20 feet of lot 31, Wyndwood, West Hartford, Conn., as recorded in the deed, volume 636, page 54, in the Office of the Town Clerk of West Hartford, Conn., are within the special flood hazard area.

Map No. H & I 095082, panel 06, is hereby corrected to reflect that the structure located on the above property is not within the special flood hazard area identified on September 25, 1971. The structure is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18008 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Dade County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Dade County, Fla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Fla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistant for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 125098B, panel 11, published on June 29, 1977, in 42 FR 33208, indicates that lot 13, block 2, Hampton Acres, located at 8235 Northwest 56th Street, Dade County, Fla., as recorded in book 7378, page 537, in the Office of the Clerk of the Circuit Court of Dade County, Fla. is within the Special Flood Hazard Area.

Map No. H & I 125098B, panel 11, is hereby corrected to reflect the existing structure on the above property is in zone C and is not within the Special Flood Hazard Area identified on March 18, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18009 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Albany, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Albany, Ga. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Albany, Ga., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property

owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 130075B Panels 01 and 03, published on February 13, 1978 in 43 FR 6071, indicates that Lots 8, 9, and 10, Lakewood Homes Subdivision and Lots 11, 13, 14, 103 through 106, 113 through 119, and 147 through 158, Westwood Subdivision, Albany, Ga., as recorded in Plat Book 4, Page 220, and Plat Book 4, Page 88, respectively, in the office of the Recorder of Dougherty County, Ga., are within the Special Flood Hazard Area.

Map No. H&I 130075B Panels 01 and 03 are hereby corrected to reflect the above property is in zone C and are not within the Special Flood Hazard Area identified on August 15, 1977.

[National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719].

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18010 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lenexa, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Lenexa, Kans. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Lenexa, Kans. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 200168B Panel 04, published on February 13, 1978, in 43 FR 6071 indicates that Lots 15-18, Block 1 of Brentwood East Subdivision in the city of Lenexa, Kans., as recorded in Book 41, Page 37, in the office of the Register of Deeds of Johnson County, Kans., are within the Special Flood Hazard Area.

Map No. H&I 200168B Panel 04 is hereby corrected to reflect the above properties are not withn the Special Flood Hazard Area identified on August 1, 1977. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128), and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18011 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Gladstone, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Gladstone, Mich. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Gladstone, Mich., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034.

The map amendments listed below are in accordance with § 1920.7 (b):

Map No. H&I 260267, Panel 0001B, published on February 13, 1978 in 43 FR 6071, indicates that Lot 2 of Gladstone Industrial Park No. 1 in the city of Gladstone, Mich., as recorded in

Liber C, Page 35, in the office of the Register of Deeds of Delta County, Mich., is within the Special Flood Hazard Area.

Map No. H&I 260267, Panel 0001B, is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on September 15, 1977. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc.78-18012 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Upper Saddle River, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Borough of Upper Saddle River, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Upper Saddle River, N.J., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 340077 Panel 0001A, published on February 13, 1978, in 43 FR 6072, indicates that lot 1-P, block 11, at 20 Blue Spruce Drive, Upper Saddle River, N.J., as recorded in book 5193, pages 241 through 243, in the office of the clerk of Bergen County, N.J., is within the Special Flood Hazard Area.

Map No. H&I 340077 Panel 0001A is hereby corrected to reflect that the above property is within zone C and is not within the Special Flood Hazard Area identified on September 15, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18013 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of Cheektowaga, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the town of Cheektowaga, N.Y. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of Cheektowaga, N.Y., that certain property is not within the special flood hazard area.

This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 360231B Panel 08, published on February 13, 1978, in 43 FR 6072, indicates that a portion of parcels 1 and 2, Cheektowaga, N.Y., as filed under map cover 2274, said portion being recorded in deed liber 8559, page 164, in the office of the clerk of Erie County, N.Y., is within the Special Flood Hazard Area.

Map No. H&I 360231B, panel 08, is hereby corrected to reflect that a portion of the above property which can be described as follows:

Commencing at a point in the center line of French Road, said point being 1,573.17 feet east of the center line of Borden Road; thence north at right angles to the last mentioned line 45 feet to the north line of French Road and the point of beginning; thence continuing north along a line that forms a right angle with the north line of French Road approximately 175 feet to a point; thence east along a line parallel to the center line of French Road approximately 167 feet to a point; thence S. 61° E., approximately 82 feet to a point; thence east approximately 65 feet to the east property line; thence south along a line that forms a right angle with the north line of French Road approximately 137 feet to a point on the north line of French Road; thence west along the north line of French Road 304.31 feet to the point of beginning,

is not within the Special Flood Hazard Area identified on July 5, 1977. The portion is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18014 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Town of Cheektowaga, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the town of Cheektowaga, N.Y. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the town of Cheektowaga, N.Y., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 360231B panel 08, published on February 13, 1978, in 43 FR 6072, indicates that a portion of parcels 1 and 2 which can be described as follows:

Commencing at a point in the center line of French Road, said point being 1,573.17 feet east of the center line of Borden Road; thence north at right angles to the last mentioned line 45 feet to the north line of French Road; thence continuing north along a line that forms a right angle with the north line of French Road approximately 175 feet to a point; thence east along a line parallel to the center line of French Road approximately 167 feet to the actual point of beginning; thence continuing along the same line approximately 135.5 feet to the east property line; thence south along a line that forms a right angle with the north line of French Road approximately 41 feet to a point; thence west approximately 65 feet to a point; thence N. 61° W., approximately 82 feet to the actual point of beginning,

is located in Cheektowaga, N.Y., and recorded in the deed filed under map cover 2274, deed liber 8559, page 164, in the office of the clerk of Erie County, N.Y., is within the Special Flood Hazard Area.

Map No. H&I 360231B panel 08, is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 5, 1977. The portion is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18015 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Fargo, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Fargo, N. Dak. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Fargo, N. Dak., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 385364A, Panel 04, published on June 29, 1977, in 42 FR 33221, indicates that the west 43 feet of lot 1, and the east 4 feet of lot 2, block 8, case, peake, and hall's addition to the city of Fargo, Fargo, N. Dak., as recorded in book 422, page 27, in the office of the register of Cass County, N. Dak., is within the Special Flood Hazard Area.

Map No. H&I 385364A, Panel 04, is hereby corrected to reflect the above property is in zone B and is not within the Special Flood Hazard Area identified on April 23, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18016 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Tulsa, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Tulsa, Okla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Tulsa, Okla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: The National Flood Insurance Program, P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 405381 B, panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 15, Block 10, Kirkdale, Tulsa, as recorded in Book 4130, Page 1078, in the office of the clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H&I 405381 B, Panel 142, is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18017 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Lakewood, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Lakewood, Colo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Lakewood, Colo., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 085075A, Panel 01, published on February 13, 1978, in 43 FR 6070, indicates that Lot No. 9, Block 19 of Applewood Glen Subdivision in the city of Lakewood, Colo., as recorded in Book 15, Page 63 in the office of the clerk and Recorder of Jefferson County, Colo., is within the Special Flood Hazard Area.

Map No. H&I 085075A, Panel 01, is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on July 1, 1977. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18018 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Beaufort, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Beaufort, S.C. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Beaufort, S.C. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not

within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map Number H&I 450025 Panel 08, published on February 13, 1978, in 43 F.R. 6074, indicates that the Beachcomber Club, Beaufort County, S.C., as recorded in Plat Book 24, Page 46, in the Office of the Clerk of the Court of Beaufort County, S.C., is within the Special Flood Hazard Area.

Map Number H&I 450025 Panel 08 is hereby corrected to reflect that the portion of the above property which is at or above 14 feet National Geodetic Vertical Datum (N.G.V.D.) is not within the Special Flood Hazard Area identified on September 30, 1977. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18019 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Brazoria, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Brazoria, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Brazoria, Tex. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 485458B Panels 18 and 26, published on February 13, 1978, in 43 FR 6074, indicate that the 2,300 acre tract of land located in Brazoria County, Tex., as shown on the General Crude 100-year Flood Plain Map by Farner and Winslow, Inc., dated April 1976, being a portion of the property recorded in Deed Volume 420, Pages 86 through 149, and Deed Volume 1177, Page 107, respectively, in the Office of the Clerk of the Court for Brazoria County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 485458B Panels 18 and 26 are hereby corrected to reflect that the portions of the property shown to be located above the 100-year flood plain on the above-mentioned General Crude 100-year Flood Plain Map by Farner and Winslow, excluding the area of approximately 275 acres lying east of Austin Bayou in the northern central area of the subject property, are not within the Special Flood Hazard Area identified on June 10, 1977. These portions are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18020 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Unincorporated Areas of Brazoria County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the unincorporated areas of Brazoria County, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the unincorporated areas of Brazoria County, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: The National Flood Insurance Program, P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 485458B panel 02, published on February 13, 1978, in 43 FR 6074, indicates that a 1,022.294 acre tract in Brazoria County, Tex., as recorded in volume 1346, page 810, of the deed records in the office of the clerk of the county court of Brazoria County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 485458B panel 02 is hereby corrected to reflect that a portion of the above property, described below, is not within the Special Flood Hazard Area identified on June 10, 1977.

Beginning at the Intersection of the centerline of F.M. Road No. 518 (Old Chocolate Bayou Road) with the centerline of Clear Creek; thence south for a distance of approximately 435 feet to the actual point of beginning; thence continuing south a distance of approximately 941.36 feet; thence S 89°30' W a distance of 3,421.29 feet; thence S 24°26' W a distance of 741.04 feet; thence N 89°30' E a distance of 722.04 feet; thence S 00°29' E a distance of approximately 750 feet; thence S 86°01' W a distance of approximately 750 feet; thence S 88°21' W a distance of approximately 1,610 feet; thence N 76°59' W a distance of approximately 545 feet; thence N 73°14' W a distance of approximately 945 feet; thence N 83°14' W a distance of approximately 230 feet; thence N 87°44' W a distance of approximately 205 feet; thence S 77°16' W a distance of approximately 255 feet; thence S 80°46' W a distance of approximately 350 feet; thence S 84°20' W a distance of approximately 260 feet; thence N 86°40' W a distance of approximately 190 feet; thence N 88°40' W a distance of approximately 800 feet; thence S 81°50' W a distance of approximately 400 feet; thence S 84°50' W a distance of approximately 640 feet; thence N 89°10' W a distance of approximately 540 feet; thence S 60°00' W a distance of approximately 610 feet; thence S 48°05' W a distance of approximately 450 feet; thence N 00°09' E a distance of approximately 2,981.77 feet; thence S 89°57' E a distance of 1,244.40 feet; thence N 00°15' W a distance of 207.76 feet; thence N 88°18' E a distance of 76.00 feet; thence S 89°57' E a distance of 1,366.95 feet; thence N 00°20' E a distance of approximately 535 feet; thence N 71°00' E a distance of approximately 125 feet; thence N 89°30' E a distance of approximately 330 feet; thence S 57°00' E a distance of approximately 175 feet; thence S 79°30' E a distance of approximately 107 feet; thence N 78°00' E a distance of approximately 118 feet; thence N 84°00' E a distance of approximately 172 feet; thence N 72°00' E a distance of approximately 137 feet; thence N 85°00' E a distance of approximately 106 feet; thence S 44°30' E a distance of approximately 200 feet; thence S 79°00' E a distance of approximately 178 feet; thence S 71°45' E a distance of approximately 258 feet; thence S 88°00' E a distance of approximately 260 feet; thence S 74°10' E a distance of approximately 960 feet; thence S 71°20' E a distance of approximately 305 feet; thence S 04°20' E a distance of approximately 90 feet; thence S 43°00' W a distance of approximately 195 feet; thence S 36°30' W a distance of approximately 135 feet; thence S 23°00' W a distance of approximately 120 feet; thence N 40°00' E a distance of approximately 250 feet; thence N 53°00' E a distance of approximately 120 feet; thence N 22°30' E a distance of approximately 250 feet; thence S 46°30' E a distance of approximately 112 feet; thence S 65°30' E a distance of approximately 185 feet; thence S 11°30' E a distance of approximately 45 feet; thence S 40°00' E a distance of approximately 65 feet; thence S 24°00' W a distance of approximately 60 feet; thence S 08°45' E a distance of approximately 110 feet; thence S 21°00' W a distance of approximately 140 feet; thence S 12°30' E a distance of approximately 152 feet; thence S 04°45' W a distance of approximately 125 feet; thence S 14°00' E a distance of approximately 40 feet; thence N 23°00' E a distance of approximately 32 feet; thence N 08°00' E a distance of approximately 123 feet; thence N 08°15' W a distance of approximately 150 feet; thence N 16°45' E a distance of approximately 110 feet; thence N 04°30' E a distance of approximately 120 feet; thence N 34°20' E a distance of approximately 93 feet; thence N 65°00' E a distance of approximately 120 feet; thence N 72°30' E a distance of approximately 535 feet; thence N 66°30' E a distance of approximately 340 feet; thence N 75°20' E a distance of approximately 220 feet; thence S 22°42' W a distance of approximately 600 feet; thence S 67°32' E a distance of 1,014.97 feet; thence N 24°09' E a distance of approximately 295 feet; thence N 65°10' E a distance of approximately 95 feet; thence N 24°45' E a distance of approximately 155 feet; thence N 52°30' E a distance of approximately 95 feet; thence N 79°00' E a distance of approximately 370 feet; thence N 89°45' E a distance of approximately 445 feet; thence S 84°00' E a distance of approximately 380 feet; thence S 88°00' E a distance of approximately 275 feet; thence S 72°00' E a distance of approximately 125 feet; thence N 82°30' E a distance of approximately 150 feet; thence N 72°00' E a distance of approximately 220 feet; thence N 89°40' E a distance of approximately 340 feet; thence S 81°15' E a distance of approximately 225 feet; thence S 77°00' E a distance of approximately 295 feet; thence S 88°30' E a distance of approximately 79 feet to the actual point of beginning, excluding the right-of-way for State Highway 288, as shown on a survey plat of the H.S. Trousdale et ux 1,022.294 acre tract, surveyed July 1970.

The property is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18021 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex. that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insur-

ance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 480287B panel 69, published on June 29, 1977, in 42 FR 33233, indicates that Lots 1 through 31, Block 2; Lots 1 through 31, Block 3; Lots 1 through 27, Block 4; Lots 19 through 34, Block 5, Lots 1 through 5, Block 6; Section 1, Williamsburg Settlement, Harris County, Tex., as recorded in Plat Volume 241, Page 95, in the Office of the clerk of the County Court of Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 69 is hereby corrected to reflect that the above lots are not within the Special Flood Hazard Area identified on July 30, 1976. The lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18022 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 480287B Panel 40, published on June 29, 1977, in 42 FR 33233, indicates that the Barbara Curtin Pace Land Tract located in Harris County, Tex., and recorded in the Deed, Film Code No. 177-16-1516. and the 85.35 acre Roebuck tract located in Harris County, Tex., and recorded in the deed, Deed Volume 2734, page 195; in the Office of the Clerk of Harris County, Tex. are within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 40 is hereby corrected to reflect that portions of the Barbara Curtin Pace Land Tract which can be described as follows:

Beginning at an axle found for the northwest corner of the Francis Survey and southwest corner of the A. Kennon Survey, Abstract 494, and being the northwest corner tract herein described; thence S. 00°15'01" E., along the west line of the said Francis Survey and a meandering fence, a distance of 1,778.70 feet, to a T-rail for the southwest corner of the tract being described and being interior corner of the said Francis Survey; thence N. 89°33'44" E., along fence line, the south line of the said August Mueller Tract, a distance of 840.00 feet, to a ⅝ inch iron bar found for the corner; thence N. 00°39'31" W., a distance of 240.00 feet, to a ⅝ inch iron bar set for the corner; thence N. 89°33'44" E., along fence line, a distance of approximately 388 feet to a point; thence N. 32° W., approximately 280 feet to a point; thence N. 59°30' W., approximately 625 feet to a point; thence N. 2°30' W., approximately 580 feet to a point; thence N. 37° W., approximately 460 feet to a point on the south line of the A. Kennon Survey, Abstract 494; thence S. 89°58'29" W., approximately 250 feet to the point of beginning;

and the 85.35 acre Roebuck Tract are not within the Special Flood Hazard Area identified on July 30, 1976. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18023 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3875]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Windcrest, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Windcrest, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Windcrest, Tex. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender

now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 480689A Panel 01, published on February 13, 1978, in 43 FR 6075, indicates that Lots 1 through 32, Block 61, Unit 17, Windcrest, Tex., as recorded in Volume 6200, page 119; Lots 1 through 10, Block 51, Unit 16; as recorded in Volume 5970, page 124; Lots 3, 9, 10, 11, 16, and 17, Block 96, Unit 23: as recorded in Volume 7000, page 168; Lots 5 and 6, Block 71, Lot 8, Block 69, Lots 9 and 10, Block 70, Unit 19; as recorded in Volume 6500, page 47, in the Office of the Records of Deeds and Plats of Bexar County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 480689A Panel 01 is hereby corrected to reflect that Lots 1 through 32; Block 61, Unit 17; Lots 4 through 10, Block 51, Unit 16; Lots 3, 9, 10, 11, 16, and 17, Block 96, Unit 23; Lots 5 and 6, Block 71, Unit 19; are not within the Special Flood Hazard Area identified on August 5, 1977, but are in Zone C; and the structures on Lots 1 through 3, Block 51, Unit 16; Lot 8, Block 69, Unit 19; and Lots 9 and 10, Block 70, Unit 19; are not within the Special Flood Hazard Area identified on August 15, 1977, but are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18024 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the City of Alexandria, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Alexandria, Va. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Alexandria, Va., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 515519A Panel 06, published on June 29, 1977, in 42 FR 33235, indicates that the property of William S. Banks, et al., as recorded in Deed Book 789, pages 408 and 409; a Subdivision of Parcel 3009-01, as recorded in Plat Book 659, pages 180 through 183; a Subdivision of a Portion of the Land of the Southern Railway Co., as recorded in Plat Book 835, pages 685 through 696; and the property delineated on the plat showing boundary adjustment between the lands of the Southern Railway Co. and Charles R. Hooff, Jr., and Bernard M. Fagelson, et al., as recorded in Plat Book 836, pages 686 through 688; all being located in Alexandria, Va., and recorded in the Office of the Clerk of the Circuit Court of Alexandria, Va., are located within the Special Flood Hazard Area.

Map No. H&I 515519A Panel 06 is hereby corrected to reflect that a portion of the above-mentioned property deeded to William S. Banks, et al., and described as follows:

Commencing at a point being the intersection of the centerlines of Mill Road and Eisenhower Avenue, thence S. 19°30' W., approximately 233 feet to the actual point of beginning; thence S. 73°30' E., approximately 76 feet to a point; thence S. 15°30' E., approximately 107 feet to a point; thence N. 83°00' E., approximately 116 feet to a point; thence S. 53°31'32" E., approximately 511 feet to a point; thence S. 72°00' E., approximately 144 feet to a point; thence S. 60°31'32" E., approximately 130 feet to a point; thence S. 44°21'32" E., approximately 106 feet to a point; thence S. 31°30' E., approximately 116 feet to a point; thence S. 50°30' E., approximately 165 feet to a point; thence S. 25°00' E., approximately 130 feet to a point; thence N. 54°30' W., approximately 136 feet to a point; thence S. 31°00' W., approximately 48 feet to a point; thence S. 88°30' W., approximately 76 feet to a point; thence N. 58°30' W., approximately 164 feet to a point; thence S. 7°00' E., approximately 80 feet to a point; thence S. 56°00' W., approximately 166 feet to a point; thence N. 61°00' W., approximately 112 feet to a point; thence S. 42°00' W., approximately 34 feet to a point; thence N. 61°30' W., approximately 833 feet to a point; thence N. 5°30' E., approximately 47 feet to a point; thence N. 61°30' W., approximately 54 feet to a point; thence S. 2°00' W., approximately 50 feet to a point; thence S. 71°00' W., approximately 76 feet to a point; thence N. 65°00' W., approximately 217 feet to a point; thence N. 6°00' W., approximately 116 feet to a point; thence S. 52°00' W., approximately 143 feet to a point; thence N. 70°00' W., approximately 117 feet to a point; thence N. 49°17'28" E., approximately 191.99 feet to a point; thence N. 38°18'28" E., approximately 413.00 feet to a point; thence S. 89°55'32" E., approximately 85 feet to a point; thence S. 29°00' E., approximately 120 feet to a point; thence N. 65°30' E., approximately 156 feet to a point, being the actual point of beginning,

is not within the Special Flood Hazard Area, but is in Zones B and C.

Also a portion of the two parcels of land shown on the subdivision of a portion of land of the Southern Railway Co. and the plat showing a boundary adjustment between the lands of the Southern Railway Co. and Charles R. Hooff, Jr., and Bernard M. Fagelson, et al., which can be described as follows, based on the Virginia Grid North:

Commencing at a point being the intersection of the centerline of Duke Street (Route 236) and the westerly right-of-way line of Holland Lane, thence in a southerly direction along the westerly right-of-way line of Holland Lane approximately 411 feet to a point, being the actual point of beginning;

thence S. 8°25'20" W., approximately 606.00 feet to a point; thence S. 79°28'40" E., approximately 146 feet to a point; thence S. 11°30' W., approximately 285 feet to a point; thence S. 25°30' W., approximately 178 feet to a point; thence S. 9°00' W., approximately 1,448 feet to a point; thence N. 68°00' W., approximately 570 feet to a point; thence N. 26°30' W., approximately 388 feet to a point;

thence N. 39°30' W., approximately 46 feet to a point; thence N. 6°42'35" W., approximately 12 feet to a point; thence N. 25°29'03" W., approximately 118.53 feet to a point; thence N. 47°40'32" W., approximately 75.74 feet to a point; thence N. 59°15'52" W., approximately 43.05 feet to a point; thence N. 61°11'21" W., approximately 45.65 feet to a point; thence N. 46°50'51" W., approximately 43.86 feet to a point; thence N. 53°03'40" W., approximately 166.40 feet to a point; thence N. 66°27'24" W., approximately 65 feet to a point; thence N. 55°30' W., approximately 787 feet to a point; thence N. 72°28'53" W., approximately 61.09 feet to a point; thence N. 6°10'40" W., approximately 1329.26 feet to a point; thence S. 83°13'40" E., approximately 825.47 feet to a point; thence S. 81°34'40" E., approximately 1132.89 feet to a point; thence N. 8°25'20" E., approximately 50.00 feet to a point; thence S. 81°34'40" E., approximately 240.70 feet to a point, being the actual point of beginning,

is not within the Special Flood Hazard Area, but is in Zones B and C.

Also a portion of the Subdivision of Parcel 3009-01, which can be described as follows, based on the Virginia Grid North:

Beginning at a point being the intersection of the easterly right-of-way line of Mill Road and the centerline of Eisenhower Avenue, thence S. 6°10'40" E., approximately 230 feet to a point; thence N. 72°28'22" W., approximately 337.40 feet to a point; thence S. 52°58'03" W., approximately 316.54 feet to a point; thence S. 6°81'30" W., approximately 112.04 feet to a point; thence S. 49°00'10" W., approximately 339 feet to a point; thence N. 69°30' W., approximately 63 feet to a point; thence N. 10°30' E., approximately 34 feet to a point; thence N. 75°00' W., approximately 283 feet to a point; thence N. 69°30' W., approximately 346 feet to a point; thence N. 39°30'" W., approximately 157 feet to a point; thence N. 72°00' W., approximately 64 feet to a point; thence S. 33°00' W., approximately 71 feet to a point; thence N. 57°00' W., approximately 108 feet to a point; thence N. 15°00' W., approximately 127 feet to a point; thence S. 74°00' W., approximately 140 feet to a point; thence N. 54°30' W., approximately 147 feet to a point; thence N. 17°30' W., approximately 294 feet to a point; thence N. 65°00' W., approximately 185 feet to a point; thence N. 17°33' 30" W., approximately 102 feet to a point;

thence N. 81°00' E., approximately 214 feet to a point; thence N. 51°40'10" E., approximately 350.08 feet to a point; thence N. 79°15'16" E., approximately 1245.77 feet to a point; thence N. 3°17'23" W., approximately 123.39 feet to a point; thence N. 78°14'17" W., approximately 185.48 feet to a point; thence N. 10°48'43" W., approximately 75.96 feet to a point; thence S. 77°08'43" E., approximately 172.97 feet to a point; thence S. 6°10'40" E., approximately 317.08 feet to a point; thence N. 87°23'20" E., approximately 250.49 feet to a point; thence S. 6°10'40" E., approximately 192 feet to a point being the point of beginning,

is not within the Special Flood Hazard Area, but is in Zone B.

All of the above properties were identified on October 22, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.0

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18025 Filed 6-28-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Fairfax, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the county of Fairfax, Va. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Fairfax, Va., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H & I 515525C, panel 18, published on June 29, 1977, in 42 FR 33235, indicates that lot 53, section 1, Canterbury Woods Subdivision, Fairfax County, Va., also known as 8503 Canterbury Drive, as recorded in the deed, deed book 3799, page 404, in the Office of the Clerk of the Circuit Court, Fairfax County, Va., is within the special flood hazard area.

Map No. H&I 515525C, panel 18, is hereby corrected to reflect that the existing structure located on the above property is not within the special flood hazard area identified on May 14, 1976. The structure is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: June 9, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-18026 Filed 6-28-78; 8:45 am]

[7532-01]

CHAPTER XXIV—NATIONAL COMMISSION ON NEIGHBORHOODS

PART 4000—PRIVACY ACT IMPLEMENTATION

AGENCY: National Commission on Neighborhoods.

ACTION: Final rule.

SUMMARY: The National Commission on Neighborhoods announces the adoption of regulations, to implement the Privacy Act of 1974 (5 U.S.C. 552a)

EFFECTIVE DATE: June 29, 1978.

CONTACT PERSON:

Robert L. Kuttner, Executive Director-Designate, 2000 K Street NW., Suite 350, Washington, D.C. 20006, 202-632-5200.

A new chapter is established to read as set forth above, and part 4000 is now added to title 24 of the CFR as set forth beginning at page 20511 in the FEDERAL REGISTER on May 12, 1978.

JONATHAN STEIN,
Administrative Officer.

EDITORIAL NOTE.—Under the provisions of Pub. L. 95-24, 91 Stat. 59, 42 U.S.C. 1441 note, the National Commission on Neighborhoods will expire prior to April 1, 1979, unless extended by the Congress. April 1,

1979 is the revision date for title 24 of the Code of Federal Regulations.

[FR Doc. 78-18142 Filed 6-28-78; 8:45 am]

[7532-01]

PART 4001—ORGANIZATION AND INFORMATION

Implementation of Freedom of Information Act

AGENCY: National Commission on Neighborhoods.

ACTION: Final rule.

SUMMARY: The National Commission on Neighborhoods announces the adoption of regulations, to implement the Freedom of Information Act (5 U.S.C. 552).

EFFECTIVE DATE: June 29, 1978.

CONTACT PERSON:

Robert L. Kuttner, Executive Director-Designate, 2000 K Street NW., Suite 350, Washington, D.C. 20006, 202-632-5200.

Part 4001 is now added to title 24 of the CFR as set forth beginning at page 20512 in the FEDERAL REGISTER on May 12, 1978.

JONATHAN STEIN,
Administrative Officer.

EDITORIAL NOTE.—Under the provisions of Pub. L. 95-24, 91 Stat. 59, 42 U.S.C. 1441 note, the National Commission on Neighborhoods will expire prior to April 1, 1979, unless extended by the Congress. April 1, 1972 is the revision date for title 24 of the Code of Federal Regulation.

[FR Doc. 78-18143 Filed 6-28-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-003]

PART 110—ANCHORAGE REGULATIONS

Disestablishment of Anchorage Grounds, Hampton Roads, Va., and Adjacent Waters

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is disestablishing the temporary anchorages in Hampton Roads, Va. These temporary anchorages were established between 1971 and 1973 to accommodate barges and floating contruction equipment used in the construction of the second Hampton Roads Bridge-Tunnel. The Bridge-Tunnel has been completed, therefore the anchorages are no longer needed.

EFFECTIVE DATE: This amendment is effective on July 29, 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: On March 17, 1971, (36 FR 5042) the Coast Guard established two anchorage grounds in Hampton Roads, Va. for the anchoring of barges used in the contruction of the second Hampton Roads Bridge-Tunnel. On April 28, 1971 (36 FR 7970) two additional anchorages were established for use of construction barges and floating equipment required for construction. Subsequently, on May 16, 1973, (38 FR 12804) the first anchorage was enlarged, and a fifth anchorage was established.

The construction of the second Hampton Roads Bridge-Tunnel has now been completed. The Virginia Department of Highways, and the contractors, Tidewater Construction Corp. and the Norfolk Dredging Co., have advised the Coast Guard that the anchorages are no longer needed. Accordingly, the five anchorages are being disestablished. Since the anchorages involved were only used by the contractors working on the Bridge-Tunnel Complex, the Coast Guard has determined that it is unnecessary to go through the rulemaking requirements under 5 U.S.C. 553.

This regulation has been reviewed under DOT Notice 78-1 "Improving Government Regulations" (43 FR 9582) and a final evaluation has been prepared and is available for viewing at the address indicated above. Drafting information: The principal persons involved in drafting this rule are: Mr. D. W. Ziegfeld, Project Manger, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

§ 110.168 [Amended]

In consideration of the foregoing, 110.168 (a)(8), (a)(9), (a)(10), (a)(11), and (a)(12) of part 110 of title 33 of the Code of Federal Regulations are deleted.

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

(Sec. 7, 39 Stat. 1053, as amended, (33 U.S.C. 471); sec. 6(g)(1) 80 Stat. 940, (49 U.S.C. 1655(g)(1); 49 CFR 1.46 (c)(1).)

Dated: June 22, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 78-18156 Filed 6-28-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Certifications by Nonprofit Third-Class Bulk Mailers

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule adds a sentence to section 134.57 of the Postal Service Manual referencing two Postal Service forms filed by nonprofit third-class bulk mailers with the Postal Service at the time of mailing; no change is made to the substance of section 134.57. The referenced forms have also been revised to advise nonprofit mailers of applicable requirements and to require express certification from such mailers that they are in compliance with pertinent postal regulations.

EFFECTIVE DATE: September 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold J. Hughes, 202-245-4612.

SUPPLEMENTARY INFORMATION: On August 4, 1977, the Postal Service published for comment in the FEDERAL REGISTER, 42 FR 39411, a proposed addition to section 134.57 of the Postal Service Manual, and to two postal forms, as described above. These changes were proposed as a result of a settlement agreement in two law suits. In those law suits it was alleged that certain named and unnamed organizations which were permitted to engage in third-class bulk rate mailings had violated section 134.57 of the Postal Service Manual by mailing matter other than their own, or by mailing matter on behalf of or produced for organizations not qualified as third-class permit holders, or by engaging in cooperative mailings with other organizations not qualified as third-class permit holders. As a result of this litigation, it was determined that a third-class permit holder had mailed matter, under its permit, on behalf of another organization not qualified to be a third-class permit holder, that this violated section 134.57, and that no regulation, procedure, or practice existed requiring a nonprofit third-class

permit holder to make an affirmative representation of compliance with section 134.57 when presenting a mailing to the Postal Service. The parties to that litigation believed that a regulatory change such as that offered for comment by the Postal Service would serve to advise nonprofit mailers of pertinent regulations, and might deter unwitting violations of section 134.57 in the future; accordingly, the settlement agreement provided for a rulemaking procedure in this regard.

The Postal Service received two comments in response to its August 4 notice. One commenter approved of the proposal but indicated that the Postal Service should be even more stringent. The second commenter objected to the proposed revisions for four reasons. This commenter believed that criminal "false statement" sanctions were inconsistent with the Postal Service's position in litigation while its law suit challenging the Postal Service's jurisdiction to issue section 134.57 was on appeal. This commenter also expressed the opinion that current Postal Service procedures for resolving disputes concerning the content of third-class mail had not been shown to be so ineffective as to justify criminal sanctions, and that the ambiguity of section 134.57 made such sanctions unfair and unreasonable.

On the basis of the comments received, its own experience with third-class mail, and further internal consideration of the proposed changes, the Postal Service has decided to adopt its proposed changes with only a minor, clarifying change in wording in the sentence which is added to section 134.57. In regard to the comments of the sole objecting commenter, the Postal Service believes such comments to be based on a misunderstanding of 18 U.S.C. 1001, and of the proposed revision. Violation of 18 U.S.C. 1001 requires intent, as shown by the requirement that falsification be "knowingly and willfully" made. Accordingly, the criminal sanctions which worry the objecting commenter would apply only where the falsehood was intended and deliberate. A prosecutor would not meet his burden of proof where a false representation resulted from a good faith misapprehension due to an asserted ambiguity in the Postal Service's mailing requirements.

Moreover, the "false statement" sanctions statement already has for some time appeared on forms 3602 and 3602-PC and is not an addition or revision proposed by the August 4, 1977, FEDERAL REGISTER notice. As it now appears, this statement warns of the criminal penalties applicable to "willful entry of false, fictitious or fraudulent statements or representations" under 18 U.S.C. 1001. The provisions and penalties of section 1001 would apply whether or not the Postal Service printed this warning on its forms.

Finally, the Postal Service's authority to issue section 134.57, Postal Service Manual, has been sustained in *National Retired Teachers Association* v. *United States Postal Service*, 430 F. Supp. 141 (D.D.C. 1977), in which the court found "that § 134.57 fully comports with the spirit of the special rate legislation and was necessary to prevent abuse of the existing program." The present revisions make no substantive change in section 134.57. The Postal Service believes its revisions are necessary to bring the requirements of pertinent postal regulations to the attention of mailers, and "to prevent abuse of the existing program."

Copies of the forms 3602 and 3602-PC with the certifications are reproduced below.

FOR ZONE RATED MAIL USE PS FORM 3605.

U.S. POSTAL SERVICE STATEMENT OF MAILING BULK RATES	MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labelled "RCA Offices".	PERMIT NO.

POST OFFICE	DATE	RECEIPT NO.	NUMBER OF SACKS	NUMBER OF TRAYS	NUMBER OF OTHER CONTAINERS

☐ *1st–Letters, written matter, post cards, at presort discount rate.*

☐ *3rd–Circulars and other printed matter.*

☐ *3rd–Merchandise less than 16 ozs.*

☐ *3rd–Books or catalogs of 24 pages or more, seeds, etc., less than 16 ozs.*

RCA Offices:

NAME AND ADDRESS OF PERMIT HOLDER (Include ZIP Code)

TELEPHONE NO.

☐ Check if non-profit under 134.5, PSM*

Postage is being paid by: (Check one) ☐ *Pre-canceled Stamps* ☐ *Meter Stamps*

Number of pieces in mailing:

Weight of a single piece: ozs.

Postage chargeable per piece: ¢

NAME AND ADDRESS OF INDIVIDUAL OR ORGANIZATION FOR WHICH MAILING IS PREPARED (If other than permit holder)

☐ CHECK HERE, if mailing is not eligible for discount and mailer elects to pay the full rate.

PRESORT DISCOUNT IF APPLICABLE

_____ *pieces at* _____ ¢ *discount*

Mailer (other than authorized nonprofit organization) must check here whether his total mailings made at bulk third-class rates at all post offices, under any name or permit, for the current calendar year, exceed 250,000 pieces. ☐ YES ☐ NO

* The signature of a nonprofit mailer certifies that: (1) the mailing does not violate section 134.57, PSM; and (2) Only the mailer's matter is being mailed; and (3) This is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

SIGNATURE OF PERMIT HOLDER OR AGENT (Both principal and agent are liable for any postage deficiency incurred)	TELEPHONE NO.

PS Form 3602-PC
July 1977

Willful Entry of false, fictitious or fraudulent statements or representations hereon punishable by fine up to $10,000 or imprisonment up to 5 years, or both (18 USC 1001).

*FOR ZONE RATED MAIL USE PS FORM 3605

U.S. POSTAL SERVICE STATEMENT OF MAILING WITH PERMIT IMPRINTS	MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired. Check for instructions from your postmaster regarding box labelled "RCA Offices".	PERMIT NO.

POST OFFICE	DATE	RECEIPT NO.	NUMBER OF SACKS	TRAYS	OTHER CONTAINERS

CHECK APPLICABLE BOX

- ☐ 1st Class single piece rate
- ☐ 2nd—Newspapers and magazines entered at Transient rate.
- ☐ 3rd—Merchandise less than 16 ozs.
- ☐ 4th Library rate
- ☐ International
- ☐ Presorted 1st Class rate
- ☐ 3rd—Circulars and other printed matter.
- ☐ 3rd—Books or catalogs of 24 pages or more, seeds, etc., less than 16 ozs.
- ☐ Special 4th rate
- ☐ Presorted Special 4th Class

NAME AND ADDRESS OF PERMIT HOLDER (Include ZIP Code)	TELEPHONE NO.	WEIGHT OF A SINGLE PIECE oz.	NO. PIECES IN POUND	RCA Offices:

TOTAL IN MAILING		RATE CHARGEABLE		TOTAL POSTAGE
PIECES	POUNDS	☐ PIECE ☐ POUND	AT ¢	$

☐ Check if non-profit under 134.5, PSM *

FIRST-CLASS PRESORT COMPUTATION (If applicable)

NAME AND ADDRESS OF INDIVIDUAL OR ORGANIZATION FOR WHICH MAILING IS PREPARED (If other than permit holder)

	NO. PIECES	AT ¢	AMOUNT $
PRESORTED PIECES			
RESIDUAL PIECES	NO. PIECES	AT ¢	AMOUNT $
TOTAL COMPUTED NET POSTAGE →			$

Mailer (other than authorized nonprofit organization) must check here whether his total mailings made at bulk third-class rates at all post offices, under any name or permit, for the current calendar year, exceed 250,000 pieces. ☐ YES ☐ NO

* The signature of a nonprofit mailer certifies that: (1) The mailing does not violate section 134.57, PSM; and (2) Only the mailer's matter is being mailed; and (3) this is not a cooperative mailing with other persons or organizations that are not entitled to special bulk mailing privileges; and (4) This mailing has not been undertaken by the mailer on behalf of or produced for another person or organization that is not entitled to special bulk mailing privileges.

SIGNATURE OF PERMIT HOLDER OR AGENT (Both principal and agent are liable for any postage deficiency incurred)	TELEPHONE NO.

PS Form 3602 July 1977

Willful Entry of false, fictitious or fraudulent statements or representations hereon punishable by fine up to $10,000 or imprisonment up to 5 years, or both (18 USC 1001).

There being no other comments concerning the proposed regulation, the Postal Service adopts the following amendments to the Postal Service Manual, and revisions to PS forms 3602 and 3602-PC:

PART 134—THIRD CLASS

In part 134 of the Postal Service Manual, add at the end of .57 the following sentence:

134.57 What May be Mailed at the Special Bulk Third-class Rates for Qualified Nonprofit Organizations.

* * * * *

See Form 3602, Statement of Mailing with Permit Imprints or Form 3602-PC, Statement of Mailing—Bulk Rates for the certifications required of nonprofit mailers for mailings made under 134.57.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3 (39 U.S.C. 401, 404).

LOUIS A. COX,
General Counsel.

[FR Doc. 78-18056 Filed 6-28-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 919-2]

PART 35—STATE AND LOCAL ASSISTANCE

Subpart E—Grants for Construction of Wastewater Treatment Works

AMENDMENT AND CORRECTION OF ALLOTMENTS

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document establishes as a matter of public record that no funds allotted for fiscal years 1974 and 1975 on February 11, 1974, were reallotted. EPA published a similar statement on February 27, 1975, with respect to fiscal year 1973 funds. In addition, we are correcting the section number of the allotment of authorizations for fiscal years 1979, 1980, and 1981 (43 FR 1598, January 10, 1978). The section number used in that promulgation, § 35.910-7, had already been used for the allotment of fiscal year 1977 Supplemental Appropriations Act funds (42 FR 29482, June 9, 1977). We are making no substantive changes. We are publishing these corrections as final rules at this time so that they will be included in the July 1, 1978, revision and codification of Title 40 of the Code of Federal Regulations.

DATES: Effective date: June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Belle Davis, Grants Administration Division (PM-216), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0860.

1. 40 CFR 35.910-3 is amended by adding a new paragraph (e) to read as follows:

§ 35.910-3 Fiscal years 1973 and 1974 allotments.

* * * * *

(e) No reallotment of sums allotted for Fiscal Year 1974 was made after June 30, 1975, inasmuch as each State had fully exhausted its Fiscal Year 1974 allotment on or before June 30, 1975, in accordance with Section 205(b) of the Act.

2. 40 CFR 35.910-4 is amended by adding a new paragraph (d) to read as follows:

§ 35.910-4 Fiscal year 1975 allotments.

* * * * *

(d) No reallotment of sums allotted for fiscal year 1975 was made after June 30, 1976, inasmuch as each State had fully exhausted its fiscal year 1975 allotment on or before June 30, 1976, in accordance with section 205(b) of the act.

§ 35.910-7 [Redesignated as § 35.910-8]

3. 40 CFR 35.910-7, Allotments for fiscal years 1978-1981, published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1598), is redesignated as § 35.910-8.

Dated: June 9, 1978.

WILLIAM DRAYTON,
Assistant Administrator for Planning and Management.

Dated: June 22, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-18115 Filed 6-28-78; 8:45 am]

[6560-01]

SUBCHAPTER C—AIR PROGRAMS

[FRL 913-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Disapproval of State-Issued Variance Submitted as Revision to the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this rulemaking, the Administrator of EPA is taking final action to disapprove a variance which was issued by the Missouri Air Conservation Commission to Empire District Electric Co. and submitted to EPA as a revision to the Missouri State Implementation Plan. The variance is being disapproved due to deficiencies in the underlying control strategy demonstration. Proposed disapproval of the variance was published in the FEDERAL REGISTER on February 2, 1978.

EFFECTIVE DATE: This rulemaking is effective June 29, 1978.

ADDRESSES: Copies of the variance disapproved in this rulemaking, corresponding EPA evaluation reports and comments received in response to proposed rulemaking are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108; Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Gale A. Wright, Legal Branch, Enforcement Division, Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION: The variance order which is the subject of this rulemaking action was submitted by the State of Missouri, pursuant to section 110(a)(3) of the Clean Air Act, as a revision to the Missouri State Implementation Plan. The variance was reviewed by EPA and determined to be unapprovable due to deficiencies in the accompanying control strategy demonstration as required under 40 CFR 51.12. These deficiencies are more specifically described in the notice of proposed rulemaking which was published in the FEDERAL REGISTER on February 2, 1978, (43 FR 4442).

On March 3, 1978, the Empire District Electric Co. submitted detailed comments and modeling data specifically addressed to deficiencies in the control strategy demonstration as noted in the February 2 notice of proposed rulemaking. Additional comments were submitted to the Missouri Department of Natural Resources on May 13, 1978, after the expiration of the formal comment period. EPA has not received any comments from the State of Missouri regarding proposed disapproval of the variance. Having reviewed all available information, including that submitted by Empire District Electric Co. on March 3 and May 13, 1978, it is EPA's determination that the variance for the Asbury power plant is still unapprovable. Specifically, the variance does not restrict emissions from the Asbury power plant to 327.5 grams of particulate matter per second, which is the emission rate assumed for purposes of modeling the potential air quality impact during the term of the variance.

There are other deficiencies in the air quality impact analysis, including the failure to consider natural background levels for particulate matter in the area impacted by source emissions.

This rulemaking will become effective immediately upon publication. The agency finds that good cause exists for not deferring the effective date of this rulemaking since, pursuant to 40 CFR 51.8, revisions of a state implementation plan are not considered part of the applicable plan until approved by the Administrator, and disapproval of a state variance order thus does not change the source's underlying obligation to comply with the existing requirements of the approved state implementation plan.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: June 20, 1978.

BARBARA BLUM,
Acting Administrator, Environmental Protection Agency.

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

Subpart AA—Missouri

1. In § 52.1335, the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

* * * * *

(b) * * *

Source	Location	Regulation involved	Date adopted
Empire District Electric Co., Power Plant.	Asbury Joplin	III (10 CSR 10-3.060) V (10 CSR 10-3.080)	Apr. 27, 1977.

[FR Doc. 78-18151 Filed 6-28-78; 8:45 am]

[4910-59]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. LVM 77-01; Notice 3]

PART 531—PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final decision to grant exemption from average fuel economy standards.

SUMMARY: This notice exempting Avanti Motor Corp. (Avanti) from the generally applicable average fuel economy standard of 18.0 miles per gallon (mpg) for 1978 model year passenger automobiles and establishing an alternative standard is issued in response to a petition by Avanti. The alternative standard is 16.1 mpg.

DATE: The exemption and alternative standard apply in the 1978 model year.

FOR FURTHER INFORMATION CONTACT:

Douglas Pritchard, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is exempting Avanti from the generally applicable passenger automobile average fuel economy standard for the 1978 model year and establishing an alternative standard. A section specifying the manufacturers which are exempted from the generally applicable standards and the alternative standards applicable to those manufacturers in the model years for which they are exempted is added to part 531 of the NHTSA regulations in title 49 of the Code of Federal Regulations by this action.

This exemption is issued under the authority of section 502(c) of title V of the act. Section 502(c) provides that a manufacturer of passenger automobiles that manufactures fewer than 10,000 vehicles annually may be exempted from the generally applicable average fuel economy standard if that generally applicable standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the manufacturer's maximum feasible average fuel economy. In determining the manufacturer's maximum feasible average fuel economy, section 502(e) of the act requires the NHTSA to consider:

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the receipt of a petition for exemption from the 1978 standard (42 FR 64168; December 22, 1977) and a proposed decision to grant an exemption to Avanti for the 1978 model year (43 FR 18575; May 1, 1978). Only one comment on the notice of receipt was submitted. That commenter urged that Avanti be exempted "in the name of common sense." No comments were received on NHTSA's proposal to exempt Avanti from the generally applicable standard of 18.0 mpg for the 1978 model year and to establish an alternative standard for Avanti at 16.1 mpg during the 1978 model year.

Accordingly, in consideration of the foregoing, Chapter V of Title 49, Code of Federal Regulations, is amended to read as set forth below.

The program official and attorney principally responsible for the development of this decision are Douglas Pritchard and Stephen Kratzke, respectively.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2005); delegation of authority at 41 FR 25015, June 22, 1976.)

Issued on June 21, 1978.

JOAN CLAYBROOK,
Administrator.

PART 531—AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES

1. § 531.1 is amended to read as follows:

§ 531. Scope.

This part establishes average fuel economy standards pursuant to section 502 (a) and (c) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles.

2. § 531.5 is amended to read as follows:

§ 531.5 Fuel economy standards.

(a) Except as provided in paragraph (b) of this section, each manufacturer of passenger automobiles shall comply with the following standards in the model years specified:

Model year:	*Average fuel economy standard (miles per gallon)*
1978	18.0
1979	19.0
1980	20.0
1981	22.0
1982	24.0
1983	26.0
1984	27.0
1985 and thereafter	27.5

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

(1) Avanti Motor Corp.:

Model year:	*Average fuel economy standard (miles per gallon)*
1978	16.1

[FR Doc. 78-17711 Filed 6-28-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 36730]

DESIGNATING A CLASS III RAILROAD FOR ACCOUNTING AND REPORTING PURPOSES

Decision

AGENCY: Interstate Commerce Commission.

ACTION: Decision.

SUMMARY: The Interstate Commerce Commission (Commission) decided to designate a Class III railroad

classification for accounting and reporting purposes. Class III will include all railroads with annual operating revenue of $10 million or less. Class III will not be required to abide by the Commission's Uniform System of Accounts but will be required to file an annual report in accordance with Railroad Annual Report Form R-2 or such other report designated by the Commission. This will reduce the accounting and reporting burden of small railroads.

DATES: Effective January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Brown, Jr., Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, phone No.: 202-275-7448.

SUPPLEMENTARY INFORMATION: Additional information and/or a copy of the Decision will be forwarded upon request.

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

It is ordered: 1. That parts 1201A, 1240, 1241 of title 49 of the Code of Federal Regulations be amended to read as shown below.

PART 1201A—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Amend Part 1201A—Uniform System of Accounts for Railroad Companies:

General Instructions

Under "1-1 Classification of Carriers," the following revisions are made:

1-1 Classification of Carriers. (a) * * *

Class I. * * *

Class II. Carriers having annual operating revenues less than $50 million but in excess of $10 million.

Class III. Carriers having annual operating revenues of $10 million or less.

* * * * *

(b)(1) * * *

(2) If at the end of any calendar year a carrier's annual operating revenue is less than the minimum revenue level for that class, and has been for 3 consecutive years, the carrier shall adopt the accounting and reporting requirements for the next lowest class. Such adoption shall be effective as of January 1 of the following year.

* * * * *

(6) * * *

(c) Class I carriers shall keep all of the accounts of this system which are applicable to their operations. Class II carriers shall keep all of the accounts applicable to their operations except that their accounts for operating expenses may be kept under the accounts of the respective condensed groupings provided for herein. Class III are not required to maintain the accounts of this system.

* * * * *

PART 1240—CLASSES OF CARRIERS

Amend Part 1240—Classes of Carriers:

Under "Subpart A—Railroads" the following revisions are made:

§ 1240.1 Classification of rail carriers.

(a) * * *

Class II. Carriers having annual operating revenues of less than $50 million but in excess of $10 million.

Class. III. Carriers having annual operating revenue of $10 million or less.

* * * * *

(b)(1) * * *

(2) If at the end of any calendar year a carrier's annual operating revenues is less than the minimum revenue level for that class, and has been for 3 consecutive years, the carrier shall adopt the accounting and reporting requirements for the next lowest class. Such adoption shall be effective as of January 1 of the following year.

* * * * *

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Amend Part 1241—Annual, Special or Periodic Reports; Carriers Subject to Part I of The Interstate Commerce Act:

Under § 1241.12 "Annual reports of class II railroad companies," alphabetize the existing paragraph and add paragraph (b).

§ 1241.12 Annual reports of Classes II and III railroad companies.

(a) Commencing with reports for the year ended December 31, 1974, and thereafter, until further order, all line-haul and switching and terminal companies of Class II, as defined in § 1240.1 of this chapter, subject to section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form R-2. Such annual report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31, of the year following the year which is being reported.

(b) Commencing with reports for the year ending December 31, 1978, and thereafter, until further order, all line-haul and switching and terminal companies of class III, as defined in § 1240.1 of this chapter, subject to section 20, part I of the Interstate Commerce Act, are required to file annual report in accordance with Railroad Annual Report Form R-2 or such other report designated by the Commission. Such report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

[FR Doc. 78-18144 Filed 6-28-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Possession of Shotshells Loaded With Material Other Than Steel Shot While Taking Waterfowl in Nontoxic Shot Zones.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prohibits the possession of 12-gauge shotshells loaded with any material other than steel shot while hunting waterfowl in designated nontoxic shot zones during waterfowl hunting seasons commencing in 1978 and terminating in 1979. It is apparent that supplies of nontoxic ammunition in gauges other than 12-gauge will not be available in 1978. Therefore, the ruling of 1977 allowing possession of shells loaded with toxic shot in gauges other than 12-gauge while hunting waterfowl in nontoxic shot zones is extended for an additional year. The nontoxic shot zones to which this ruling relates were published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8144-8149).

EFFECTIVE DATE: September 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: After reviewing the situation with re-

spect to production and distribution of shotshells loaded with steel shot, it is apparent to the Service that supplies of these shells in gauges other than 12-gauge will not be available in 1978. Therefore, the Service will continue in 1978 with the regulations in 50 CFR 20.21(j) as amended on August 2, 1977 (42 FR 39106). The only change in wording being the year of implementation. The waterfowl hunting seasons for which the rule is now applicable are those commencing in 1978 and terminating in 1979.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

This rule was proposed on December 16, 1977. Public comments were received from that date until January 31, 1978. During the comment period six letters were received by the Service. Four letters opposed the proposal and two were in support of the proposal. Those opposed to the proposed regulation expressed two concerns.

1. The regulation is unfair to those who use 12-gauge guns.

2. The regulation reduces the effectiveness of nontoxic shot zones by permitting lead shot to be deposited there by hunters using guns of gauges other than 12-gauge.

In response to these objections the Service believes that a phased implementation of steel shot for waterfowl hunting is the only practical and realistic manner in which lead poisoning among waterfowl can be reduced. As a result, a gradual transition from one shot type to another is necessary. During the period of transition, it was anticipated that some ammunition products would be available and others would not be available. In some situations it was anticipated that adequate distribution of the products would not be possible. The Service agrees that these problems create hardships for both consumers and suppliers of ammunition. Also, the Service agrees that a more rapid transition to a nontoxic shot type would benefit the waterfowl resource by reducing lead poisoning in waterfowl at a more rapid rate. However, the proposed regulation represents a reasonable compromise in this matter.

Accordingly, 50 CFR 20 is revised by deleting the present (j) under § 20.21 and replacing is with the following:

§ 20.21 Hunting methods.

* * * * *

(j) While possessing 12-gauge shotshells loaded with any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: *Provided*, That this restriction applies only to the taking of ducks, geese, and swans (*Anatidae*), and coots (*Fulica americana*) in areas described in § 20.108 as nontoxic shot zones during waterfowl hunting seasons commencing in 1978 and terminating in 1979.

This rule 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, 202-254-3207.

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

Dated: June 23, 1978.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

[FR Doc. 78-18157 Filed 6-28-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

National Wildlife Refuge in Florida

AGENCY: Fish and Wildlife Service.

ACTION: Amendment to special regulations.

SUMMARY: Special Fishing Regulations for Merritt Island National Wildlife Refuge as published in 43 FR 3365-67 (1-25-78) are amended to delete a $5 permit charge and to include an additional boat launching area.

DATES: Effective on June 29, 1978, for duration of calendar year 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen Vehrs, Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Fla. 32780, telephone 305-867-4820.

SUPPLEMENTARY INFORMATION:

GENERAL

Sport fishing on portions of the following refuge shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the refuge which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to the refuge and maps are available at refuge headquarters.

§ 33.5 Special regulations: Sport fishing for individual wildlife refuge areas.

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

The following regulations will supercede those published in the FEDERAL REGISTER, Volume 43, No. 17—Wednesday, January 25, 1978:

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted on designated areas. Sport fishing is permitted during daylight hours, year-round, except when posted as closed. Sport fishing is permitted from boats at night by those persons possessing a refuge special use permit. Refuge boat launching is permitted only at Beacon 42 Fish Camp and Haulover Canal. Air thrust boats are not allowed on refuge waters. Coast Guard approved life preservers shall be worn by persons in small craft less than 20 feet in length while these boats are in motion in the Indian River, Banana River, and Mosquito Lagoon within refuge boundaries.

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

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

Dated: June 20, 1978.

JOHN C. OBERHEU,
Acting Area Manager.

[FR Doc. 78-17997 Filed 6-28-78; 8:45 am]

proposed rules

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-EA-37]

CONTROL ZONE: LAKEHURST, N.J.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Lakehurst, N.J., control zone. This alteration will permit changes in the daily time of control by publication in the Notices to Airmen. This is needed in the interest of more flexible utilization and scheduling of aircraft by the Commanding Officer of the naval facility.

DATES: Comments must be received on or before August 28, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

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

COMMENTS INVITED

Interested parties 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before August 28, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to alter the description of the Lakehurst, N.J., control zone. The change will permit changes to the time of control in the zone by publication in the Notices to Airmen.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation regulations (14 CFR Part 71) as follows:

1. Amend § 71.177 of Part 71 of the Federal Aviation regulations by adding the following to the description of the Lakehurst, N.J., control zone; "or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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 13, 1978.

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

[FR Doc. 78-18050 Filed 6-28-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-EA-41]

CONTROL ZONE AND TRANSITION AREA: READING, PA.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Reading, Pa., control and transition area over Carl A. Spaatz Field, Reading, Pa. This alteration will provide protection to aircraft executing the new instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 28, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

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

COMMENTS INVITED

Interested parties 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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before August 28, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NRRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subparts F and G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to alter the control zone and transition area over Carl A. Spaatz Field, Reading, Pa. The proposed amendments will add one mile to the length of the present northwest control zone extension and will add a northwest extension to the present transition area designation. The proposed addition to the transition area will extend 5 miles each side of course to a distance of 8.5 miles northwest of the Bragg, Pa., waypoint.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend sections 71.171 and 71.181 of Part 71 of the Federal Aviation regulations (14 CFR Part 1) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations so as to amend the description of the Reading, Pa., control zone by deleting "5 miles northwest" and by inserting "6 miles northwest" in lieu thereof.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to amend the description of the Reading, Pa., transition area by adding the following: "within 4.5 miles each side of 301° bearing from a point 40°27'10" N., 76°07'40" W., extending from said point to 8.5 miles northwest of said point.".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.).

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 13, 1978.

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

[FR Doc. 78-18040 Filed 6-28-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-14]

TRANSITION AREA, LARNED, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Larned, Kans., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Larned-Pawnee County Airport, which is based on an existing nondirectional radio beacon (NDB) navigational aid located on the airport.

DATES: Comments must be received on or before September 6, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 6, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available both before and after the closing date for 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 Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subparts G, section 71.181 of the Federal Aviation regulations (14 CFR Part 71.181) by altering the 700-foot transition area at Larned, Kans. To enhance airport usage, a new instrument approach procedure has been developed for the Larned-Pawnee County Airport utilizing an existing NDB installed on the airport as a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Larned, Kans., at and above 700-feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, section 71.181 of the Federal Aviation regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by altering the following transition area:

LARNED, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5 mile

radius of the Larned, Kans., NDB located at latitude 38°12'16" N., longitude 99°05'17" W., and within 3 miles either side of the 276° bearing from the NDB, extending from 5.5 mile radius to 8 miles west of the NDB, and within 3 miles either side of the 001° bearing from the NDB extending from the 5.5-mile radius to 8 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on June 19, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-18041 Filed 6-28-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-17]

TRANSITION AREA, MARYSVILLE, KANS.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Marysville, Kans., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Marysville Municipal Airport which is based on a nondirectional radio beacon (NDB) navigational aid installed on the airport.

DATE: Comments must be received on or before September 6, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

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 duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 6, 1978, will be considered before action is taken on the proposed amendment. 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 Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106, or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Marysville, Kans. To enhance airport usage by providing instrument approach capability to the Marysville Municipal Airport, the city of Marysville, Kans., has installed an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at Marysville, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

MARYSVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of Marysville Municipal Airport, Marysville, Kans., latitude 39°51'12" N., longitude 96°37'49" W., within 3 miles each side of the Marysville NDB 357° bearing extending from the 5.5 mile radius area to 8 miles north of the airport; and within 3 miles each side of the Marysville NDB 147° bearing extending from the 5.5 mile radius area to 8 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61, Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on June 21, 1978.

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

[FR Doc. 78-18051 Filed 6-28-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-15]

TRANSITION AREA, WARRENSBURG, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Warrensburg, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Skyhaven Airport, Warrensburg, Mo., based on a Visual Omni Range (VOR) navigational aid which is being developed.

DATE: Comments must be received on or before September 6, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Air-

space Branch, Air Traffic Division, ACE-537, FAA Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

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 duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 6, 1978, will be considered before action is taken on the proposed amendment. 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 Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106, or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR sec. 71.181) by designating a 700-foot transition area at Warrensburg, Mo. Since a new instrument approach procedure to the Skyhaven Airport, Warrensburg, Mo., is being established based on a VOR, controlled airspace is necessary to provide protection for aircraft executing the new approach procedure. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

WARRENSBURG, MO.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Skyhaven Airport, Warrensburg, Mo. (latitude 38°47' N., longitude 93°48' W.); and within 2.5 miles either side of the Napoleon, Mo. VORTAC 140° radial, extending from the 5.5 mile radius to 7 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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

Issued in Kansas City, Mo., on June 21, 1978.

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

[FR Doc. 78-18039 Filed 6-28-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 732-3249]

NELSON BROTHERS FURNITURE CORP.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Chicago, Ill. retailer of household goods to cease misrepresenting or failing to make relevant, timely disclosures regarding the cost, savings, condition, and availability of advertised merchandise; employing bait and switch tactics, or any other unfair or deceptive sales technique in the advertising and sale of its products. Additionally, the order would provide customers with the right to arbitration for unresolved disputes and require the firm to maintain prescribed business records for a period of 3 years.

DATE: Comments must be received on or before August 28, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul W. Turley, Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, Ill. 60603, 312-353-4423.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The agreement herein, by and between Nelson Brothers Furniture Corp., a corporation, by its duly authorized officer, proposed respondent in a proceeding the Commission intends to initiate, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's rule governing consent order procedure.

1. Proposed respondent Nelson Brothers Furniture Corp. is a corporation organization, existing, and doing business under and by virtue of the laws of the State of Delaware with its principal office and place of business located at 2750 West Grand Avenue, Chicago, Ill.

2. Proposed respondent admits all the jurisdictional facts set forth in said copy of the complaint the Commission intends to issue.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law

has been violated as alleged in the said copy of the complaint the Commission intends to issue.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of section 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent (1) issue its complaint corresponding in form and substance with the draft of complaint heretofore served on proposed respondent and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or to contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

A. It is ordered that respondent, Nelson Brothers Furniture Corp., a corporation, its successors and assigns, directly or through its officers, agents, representatives, sales persons and employees, or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale and distribution of home furnishings, bedding, carpeting, televisions, appliances, or any other merchandise, to the public, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Advertising or offering for sale any merchandise at a special or reduced price, unless such price constitutes a significant reduction from the price at which such merchandise has been sold or openly offered for sale by respondent for a reasonably substantial period of time in the recent, regular course of respondent's business.

2. Advertising or offering for sale any group, set, suite, or similar combination of merchandise at a group "sale" price, or price described by words of similar meaning or import, unless the "sale" price at which the merchandise is offered constitutes a bona fide and reasonably significant reduction from the most recent price at which the group was sold or openly offered for sale for a reasonably substantial period of time in the recent, regular course of respondent's business.

3. Advertising or offering for sale any merchandise which is limited as to quantity or availabilty unless such limitations are clearly and conspicuously disclosed in such advertising or offering in immediate conjunction with or in close proximity to the advertised merchandise so limited and the limitations are actually enforced and adhered to.

4. Failing to sell or to offer for sale advertised merchandise at the terms and conditions and at or below the price disclosed in the advertisement for the said merchandise.

Provided, however, That it shall constitute a defense to a charge under paragraph 3 or 4 of this order if respondent maintains records sufficient to show that: (a) The advertised merchandise was ordered in normally adequate time for delivery, (b) the advertised merchandise was ordered in quantities sufficient to meet reasonably anticipated demands, and (c) the advertised merchandise was not delivered to the customer due to circumstances beyond the respondent's control.

5. Using pictorial representations of two or more items of merchandise in conjunction with a stated price or range of prices when all of the merchandise in the pictorial representations is not being offered at the stated price or range of prices, unless a clear and conspicuous disclosure is made in immediate conjunction with or in close proximity to the stated price or range of prices identifying merchandise which is included or is not included in the stated price or range of prices.

6. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

7. Advertising or offering for sale, orally or in writing, any merchandise or services when the purpose of the advertising or offer is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at higher prices.

8. Discouraging or disparaging the purchase of any merchandise or services which are advertised or offered for sale.

9. Representing that any price is respondent's regular, usual, former, customary or original price, unless such price is the price at which such merchandise or service has been sold or openly offered for sale by respondent for a reasonably substantial period of time in the recent and regular course of respondent's business, and does not exist for the purpose of establishing a fictitious price upon which a deceptive comparison, or "free" or similar offer might be based.

10. Using the words "free" or "gift" or any other word or words of similar import or meaning in connection with the sale, offering for sale or distribution of respondent's merchandise or services in advertisements or other offers to the public, as descriptive of an article of merchandise or service:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" and "gift" article of merchandise or service offered are not clearly and conspicuously disclosed in immediate conjunction with or in close proximity to the "free" and "gift" offer.

(b) When, with respect to any article of merchandise or service required to be purchased in order to obtain the "free" or "gift" article or service, the offeror either (i) increases the ordinary and usual price of such merchandise or service or (ii) reduces the quality or (iii) reduces the quantity or size thereof.

11. Failing to give "free" or "gift" merchandise to all persons who complied with the terms and conditions of the "free" or "gift" offer.

12. Using pictorial representations in advertising, unless such pictorial representations describe or show the advertised merchandise with sufficient clarity so that the advertised merchandise can be readily identifiable by potential customers when visiting respondent's showrooms.

13. Failing to disclose in advertising, in a clear and conspicuous manner, in immediate conjunction with or in close proximity to the advertised merchandise, that such merchandise is used or not new or damaged or defective or is otherwise classified as "distressed" if such is the case.

14. Failing to inform all customers at the time of sale and to provide in writing on the face of all order forms, in close proximity to the description and price of the merchandise being sold that such merchandise is used or not new or damaged or defective or is otherwise classified as "distressed" if such is the case.

15. Failing to inform all customers at the time of sale and to provide in writing on the face of all order forms, in close proximity to the description and price of the merchandise being sold, that such merchandise will be sold "as is", or "as shown" with defects, irregularities or damage if such is the case.

16. Failing to have each customer who has agreed to purchase merchandise on an "as is" or "as shown" basis, sign at the time of sale, the following statement stamped on the face of the order form in close proximity to a description of the merchandise and written in the same language as that used in the sales presentation, with text of not less than ten-point boldface type:

THE ABOVE DESCRIBED MERCHANDISE IS SOLD "AS IS" OR "AS SHOWN" WITH DEFECTS, IRREGULARITIES OR DAMAGE.

_____

Customer Signature

17. Failing to disclose in its advertising and at the time of sale that in addition to the price quoted in respondent's advertising, certain other charges, as applicable, are made for installation, assembly, delivery or for other services performed in connection with the sale or delivery of merchandise.

18. Failing to maintain and produce for inspection and copying for a period of 3 years from the date of service of this order, or the date of the event, whichever is later, adequate records to document:

a. Respondent's total costs for each advertisement run by then during the 3 years; and

b. The volume of sales made of the advertised product or service at the advertised price, and

c. The factual basis for any representations or statements as to special or reduced prices, as to usual or customary retail prices, as to savings afforded purchasers, and as to similar representations of the type described in paragraph A.1. and A.2. of this order; and

d. The number of advertised items in stock as of the first day the advertisement is run, the last day the advertisement is run, and 6 weeks to the day after the termination of the publication of the advertisement; and

e. Copies of all advertisement, including newspapers, radio and television advertisements, direct mail and in-store solicitation literature and any other promotional material distributed to the public; and

f. The names and addresses of all customers who purchased "as is" or "as shown" merchandise.

B. *It is further ordered,* That respondent cease and desist from advertising or offering for sale any merchandise at any stated price, unless during the effective period of an advertised offer:

1. Each advertised item is clearly and conspicuously available for sale to the public at or below the advertised price in each store covered by the advertisement;

2. At each location within each store where an advertised item is displayed there is a sign or other conspicuous marking attached to or in close proximity to the item clearly disclosing that the item is "as advertised" or "on sale" or words of similar import and meaning;

3. Each advertised item is individually and clearly marked with the price which is at or below the advertised price; and

4. Each advertised "room grouping" is clearly and conspicuously marked by a "group" price which is at or below the advertised price; and

5. Each item included in the advertised group is clearly and conspicuously listed and disclosed separately from items not included within the group.

C. *It is further ordered,* That respondent shall deliver a copy of this order to case and desist to each of its operating divisions and to each of its present and future officers, directors, and personnel engaged in any way in the offering for sale, sale or distribution of any product, in any aspect of preparation, creation or placing of any and all advertisements, and in any processing, counselling, consummation or enforcement of any extention of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

D. *It is further ordered,* That respondent shall provide each present and future advertising agency utilized by respondents with a copy of this order to cease and desist.

E. *It is further ordered,* That in addition to other rights given to a customer pursuant to this order, if the respondent and a customer are unable to agree upon a settlement of any controversy which is concerned with or relates to the quality, quantity, condition, repair or replacement of furniture, appliances or other merchandise, or the failure to replace or repair damaged or defective merchandise, or to make cancellations with refunds with respect thereto, than, at the option of the customer, such customer shall have the right to submit the issues to an impartial arbitration procedure entailing no mandatory administrative cost of filing fee to the customer, which shall be conducted in accordance with the arbitration rules and procedures of the Arbitration Program of the Better Business Bureau of Metropolitan Chicago, Inc., 35 East Wacker Drive, Chicago, Ill. 60601. Customers of respondent's Wisconsin stores who elect to seek arbitration pursuant to this paragraph shall be entitled to a proceeding conducted in accordance with the arbitration rules and procedures of the Council of Better Business Bureaus, Inc., 1150 17th Street NW., Washington, D.C. 20036 conducted by the Better Business Bureau of Greater Milwaukee, 174 West Wisconsin Avenue, Milwaukee, Wis. 53203.

F. *It is further ordered,* That respondent comply with and abide by any award or decision rendered pursuant to the arbitration provision hereof.

Furthermore, respondent shall not be entitled to prevent arbitration pursuant to any provision of this order by reason of having obtained a default judgment against any customer in an action for money allegedly due the respondents or their assignees.

G. *It is further ordered,* That respondent shall provide notification to customers of their right to submit such controversy to arbitration by prominently displaying the following notice in all its stores at the location where customers usualy execute consumer credit instruments or other legally binding documents, such notice being written in the same language as that used in the sales presentation with text of not less than 10 point boldface type:

NOTICE TO ALL CUSTOMERS

Any controversy which is concerned with or relates to the quality, quantity, condition, repair or replacement of furniture, appliances or other merchandise, or the failure to replace or repair damaged or defective merchandise, or to make cancellations with refunds with respect thereto shall be settled, at the option of the customer, and at no cost to the customer, by arbitration.

(Illinois stores conclude:)

"Such arbitratioin shall be conducted in accordance with the rules and procedures of the Arbitration Program of the Better Business Bureau of Metropolitan Chicago, Inc. Consumers seeking arbitration should contact the Better Business Bureau of Metropolitan Chicago, Inc., whose offices are located at 35 East Wacker Drive, Chicago, Ill. 60601, telephone 312-346-3313.

"Under Illinois state law, arbitration, if undertaken is legally binding and final!"

(Wisconsin stores conclude:)

"Such arbitration shall be conducted in accordance with the rules and procedures of the Council of Better Business Bureaus, Inc., 1150 17th Street NW., Washington, D.C. 20036 conducted by the Better Business Bureau of Greater Milwaukee. Consumers seeking arbitration should contact the Better Business Bureau of Greater Milwaukee, Wis. 53203, telephone 414-273-4300.

"Under Wisconsin state law, arbitration, if undertaken is legally binding and final!"

Respondent is authorized and directed to change the instructions, contained in the notice set forth above as to how to secure arbitration, if circumstances require.

H. *It is further ordered,* That responsent shall maintain full and complete records and copies of all complaint correspondence received from customers, and any internal memoranda written in connection therewith, and full and complete records of all oral complaints and requests for service or repair, for a period of three (3) years from the date of receipt thereof.

I. *It is further ordered,* That nothing contained in this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondent from complying with agreements, orders or directives of any kind obtained by any other municipal, state or Federal agency, except to the extent that they are inconsistent with the terms and conditions of this order, or act as a defense to actions instituted by municipal, state of Federal agencies.

Nothing in this order shall be construed to imply that any past of future conduct or respondents complies with the rules and regulations of, or the statutes administered by, the Federal Trade Commission.

J. *It is further ordered,* That the respondent notify the Commission at least 30 days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation or corporate structure which may affect compliance obligations arising out of this order.

K. *It is further ordered,* That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Nelson Brothers Furniture Corp. of Chicago, Ill.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Nelson Brothers Furniture Corp. operates seven retail stores in metropolitan Chicago, Ill. and two in metropolitan Milwaukee, Wis. It advertises, offers and sells an extensive line of home furnishings bedding, carpeting, television, appliances and other merchandise to the general public. The complaint alleges that Nelson Brothers, in its advertising and in oral statements made by sales persons to prospective customers, misrepresented that: Its merchandise was offered for sale at special or reduced prices and that savings were afforded to purchasers from regular selling prices; that room groupings offered at a single price were reduced in price and offered savings over the price of the group at times other than during a "sale"; that advertised offers were for a limited time only; that advertised prices were the prices at which the advertised merchandise was sold during the effective duration of the offer, that room groupings pictured in television advertisements were available at the offered prices; that the offers were bona fide offers to sell at the advertised price; that the prices shown were the prices at which the merchandise was actually sold or offered for sale; the purchasers would automatically receive free gifts or bonuses when gifts or bonuses were mentioned in the advertisement; and that the adveritsed prices were the full amount a purchaser would have to pay to have the merchandise delivered and installed in working order in his home.

The complaint further alleges that Nelson Brothers had failed to disclose in advertising and at the time of sale that some of its merchandise was used, or not new or damaged or defective or was otherwise classified as "distressed." In addition Nelson Brothers has delivered merchandise without disclosing that it was used or not new or damaged or defective or was otherwise classified as "distressed."

The complaint also alleges that Nelson Brothers failed to have each advertised item clearly and conspicuously available for sale in each store at which the item was advertised as available; failed to have each advertised item identified as "as advertised" or "on sale"; failed to have each advertised

item marked with a price equal to or less than the advertised price; failed to have advertised "room groupings" marked with a group price equal to or less than the advertised price; and failed to clearly and conspicuously list and disclose separately each item included within a group from those not included in the group and that these failures encouraged respondent's salespersons to engage in bait and switch selling practices and other decetive, false, or misleading sales tactics.

The consent order would prohibit the alleged violations of law and would require a clear and conspicuous disclosure of used or not new, or damaged, or defective or distressed furniture at the time of sale and on all order forms. In addition Nelson Brothers must have each customer who has agreed to purchase on an "as is" or "as shown" basis sign a written acknowledgement in the same language as that used in the sales presentation.

The consent order also provides that customers may arbitrate through the Better Business Bureaus in Chicago and Milwaukee any dispute with regard to quality, quantity, condition, repair or replacement or the failure to repair or replace damaged or defective merchandise or to make refunds for damaged or defective merchandise.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-18042 Filed 6-28-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR 52]

[FRL 919-5]

AIR POLLUTION CONTROL

Revocation of EPA Sulfur Dioxide Regulations for the Navajo Generating Station State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Through this notice EPA proposes to rescind its regulations for the control of sulfur oxide (SO_x) emissions from the Navajo generating station at Page, Ariz. This action is the result of, and is in accordance with, a stipulation of dismissal of petitions for review filed with regard to these regulations.

DATES: Comments on or before August 28, 1978.

ADDRESSES: Send comments to: Regional Administrator, EPA, Region IX, Attn.: Air and Hazardous Materials Division, Air Programs Branch, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the docket, No. 9A-78-1, are available for public inspection during normal business hours at the following locations:

EPA, Region IX, Library, 215 Fremont Street, San Francisco, Calif. 94105.
EPA, Public Information Reference Unit, Room 2922 (Library), 401 M Street SW., Washington, D.C. 20460.
Arizona Department of Health Services, Bureau of Air Quality Control, 1740 West Adams Street, Phoenix, Ariz. 85007.
Arizona Department of Health Services, Bureau of Air Quality Control, Northern Regional Office, 2501 North Fourth Street, Suite 14, Flagstaff, Ariz. 86001.

FOR FURTHER INFORMATION CONTACT:

Morris Goldberg, 415-556-2463.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 31, 1972 (37 FR 10849), the Administrator disapproved the control strategy and regulations portion of the State implementation plan (SIP) applicable to SO_x in the Arizona portion of the Four Corners Interstate Air Quality Control Region.

On July 27, 1972 (37 FR 15081), the Administrator disapproved Regulation 7-1-4.2(c) (SO_x emissions from fuel burning installations) of the Arizona rules and regulations for air pollution control as it applies to the Navajo generating station. Also on the same date (37 FR 15096) the Administrator proposed replacement regulations for control of SO_x emissions from the Navajo generating station.

On March 23, 1973 (38 FR 7556), the Administrator promulgated replacement regulations for the Navajo generating station which required approximately 70 percent control of SO_x emissions. The need for such control was based on the National Oceanic and Atmospheric Administration (NOAA) diffusion model in the southwest energy study.

Petitions for review of the EPA regulations were filed with the U.S. Court of Appeals for the Ninth Circuit by the Arizona Public Service Co. and others. At the request of several petitioners a meeting was held with EPA, NOAA and other concerned companies and environmental groups on August 20, 1973, in San Francisco for the purpose of presenting newly developed data.

On March 21, 1974 (39 FR 10584), the Administrator modified the March 23, 1973, regulations. The changes to the regulations were to the form of the emission limitation and to the compliance dates. Petitions for review of the 1974 regulation were filed with the same court.

On October 29, 1974, the petitions for review (Nos. 73-1728, 73-1731, 73-1536, 74-1705, and 74-1716) of the subject regulations were dismissed pursuant to stipulations among the parties. These stipulations contained the following agreements:

1. That an SO_x ambient air quality monitoring program, agreed to by all parties, be conducted;
2. That the monitoring program be conclusive in establishing the percent SO_x removal required at the Navajo generating station;
3. That EPA propose and promulgate regulations reflecting the percent SO_x removal demonstrated to be required by the monitoring program; and
4. That EPA not approve as a part of the SIP any Arizona regulation unless it reflects a percent SO_x removal equal to or greater than that demonstrated to be required by the results of the monitoring program.

The stipulation also noted that, while EPA agreed to revise the emission limitation for the source to the degree shown necessary by the monitoring program, EPA would not be precluded from thereafter approving or promulgating revisions to the Arizona SIP as would otherwise be required by law.

In September 1975 the results of the monitoring program were published in a report entitled "Navajo Generating Station Sulfur Dioxide Field Monitoring Program," prepared by Rockwell International's air monitoring center. The report concludes that no control of sulfur dioxide emissions is needed at the Navajo generating station when coal of 0.675 percent sulfur content and 12,204 Btu per pound, averaged over a 4-year period, or better is used.

DISCUSSION OF ACTION

Through this notice EPA is proposing to rescind its regulations applicable to the Navajo generating station because they are not reflective of the results of the monitoring program report. This action is consistent with the stipulated agreements of the involved parties.

EPA is cognizant of the potential application of Sections 123 and 169A of the Clean Air Act, as amended in August 1977, concerning the effect of stack height and visibility protection for mandatory Federal class I areas, respectively, on the degree of emission limitation required at the Navajo generating station. As a result of these provisions, and as contemplated by the terms of the stipulation previously noted, it may well become necessary to revise the action being proposed today. However, the Agency believes that it is bound, at this time, under the terms of the stipulations, to take the action proposed in this notice.

PUBLIC COMMENTS

Comments concerning this proposed action may be sent to the EPA, Region IX address provided in this notice. Relevant comments received within 60 days from the date of publication of this notice will be considered. All comments received will be available for inspection as a part of the docket, during normal business hours at the

two EPA locations listed in this notice. The receipt of comments will be acknowledged, but substantive responses to individual comments will be provided only in the preamble to the final rulemaking.

AUTHORITY

Section 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a), respectively).

Dated: May 23, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator.

[FR Doc. 78-18000 Filed 6-28-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 919-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Madera County Air Pollution Control District's Rules and Regulation in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to take action on a revision to the Madera County Air Pollution Control District's (APCD) rules and regulations which was submitted to EPA by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). In addition, EPA is proposing to disapprove certain agricultural burning exemption rules or portions of rules which are previously not acted upon. EPA is also proposing to disapprove rules or portions of rules which are now part of the applicable SIP. The intended effect of this proposal is to update the rules and regulation and to correct deficiencies in the SIP. The EPA invited public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to August 28, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif.

Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following location: Madera County Air Pollution Control District, 135 West Yosemite Avenue, Madera, Calif. 93637; California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Wayne A. Blackard, EPA, Region IX, 415-556-7882.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rule on October 13, 1977:

Rule 412.1 Transfer of Gasoline into Stationary Storage Containers.

In the FEDERAL REGISTER notice dated August 22, 1977 (42 FR 42219), action was deferred on certain agricultural burning rules; namely Rules 416.1 (c)(1), (e)(1), (e)(3) and (e)(4), submitted on January 10, 1975. These rules are now being proposed for disapproval as follows:

Rule 416.1(c)(1), Agricultural Burning allows range improvement burning on "no burn" days and authorizes the Air Pollution Control Officer to prohibit range improvement burning during the permitted period where "such prohibition is required for maintenance of suitable air quality." This rule is proposed to be disapproved because (1) "suitable air quality" is not defined, and (2) no data was submitted which demonstrates that this additional exemption would not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

Rule 416.1(e)(1), Agricultural Burning, Exceptions, is proposed to be disapproved since it allows the Air Pollution Control Officer to authorize agricultural burning on no-burn days if denial of such permission would threaten economic loss. Economic factors are an impermissible basis upon which to condition the granting of variances from the emission limitations absent a showing that all other requirements of Section 110 of the Clean Air Act as well as NAAQS will be met.

Rule 416.1(e)(3), Agricultural Burning, Exceptions, is proposed to be disapproved because it exempts open burning in agricultural operations above 3,000 feet mean sea level and a control strategy demonstration showing that this exemption will not interfere with the attainment and maintenance of the NAAQS was not submitted. Rule 416.1(e)(4), Agricultural Burning, Exceptions, exempts agricultural burning in areas above 6,000 feet mean sea level. Since paragraphs (e)(3) and (e)(4) taken together replace Rule 416.1(c)(2) and they are not separable, they both are proposed to be disapproved. Rule 416.1(c)(2) submitted on June 30, 1972 and previously approved under 40 CFR 52.223 is proposed to be retained.

In addition, we have reevaluated rules concerning agricultural burning and visible emission exemptions and found that portions of Madera County APCD's rules were approved in error. We are now proposing to disapprove Rules 402 (c) and (e), Exceptions and Rule 416.1(c)(1) Agricultural Burning, previously approved under 40 CFR 52.223.

Rules 402 (c) and (e), Exceptions, submitted on January 10, 1975 and previously approved exempt "agricultural operations" and "other equipment used in agricultural operations" from the visible emissions rule. The terms "agricultural operations" and "other equipment" are not defined in the rules and regulations. Rules 402 (c) and (e) are proposed to be disapproved since they are vague and potentially unenforceable.

Rule 416.1(c)(1), Agricultural Burning, Exceptions, submitted on June 30, 1972, and previously approved, allows the Air Pollution Control Officer to authorize burning on no-burn days. Since this authority has the potential of allowing exceedance of the NAAQS, it is not consistent with the Clean Air Act and is therefore proposed to be disapproved.

Under section 110 of the Clean Air Act as amended, and 40 CFR part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth the revision to rule 412.1 as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the region IX Office. Public comments are also invited on the proposed disapprovals of the agricultural burning and visible emission exemption rules. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA region IX Office and the EPA Public Information Reference Unit.

AUTHORITY: Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

Dated: June 2, 1978.

PAUL DE FALCO,
Regional Administrator.

[FR Doc. 78-18058 Filed 6-28-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 919-1]

STATE OF MARYLAND

Proposed Revision of Maryland State Implementation Plan; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule—Extension of public comment period.

SUMMARY: This notice is a followup to previous extension notices which appeared in the FEDERAL REGISTER on April 11, 1978 (43 FR 15167) and May 26, 1978 (43 FR 22748). The purpose of this notice is to further extend the public comment period for the notice of proposed rulemaking issued by EPA Region III on March 6, 1978 (43 FR 9162) pertaining to a proposed revision of the Maryland State Implementation Plan (SIP). The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke Md.

DATE: The public comment period has been extended to July 7, 1978.

ADDRESSES: Copies of the proposed revision, together with supporting documentation and correspondence, are available for public inspection during normal business hours at the offices of:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201. Attn: Mr. George P. Ferreri.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Israel Milner, Manager, Plans Management Group, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, telephone 215-597-8174.

SUPPLEMENTARY INFORMATION: On March 6, 1978 (43 FR 9162), EPA issued a notice of proposed rulemaking pertaining to a proposed revision of the Maryland State Implementation Plan and on April 11, 1978 (43 FR 15167) the public comment period for this notice was extended to May 8, 1978. On May 26, 1978 (43 FR 22748) the public comment period was further extended to June 7, 1978. The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke, Md. The request would except Westvaco from the applicable State and Federal sulfur content-in-fuel regulations and at the same time, limit sulfur dioxide emissions from all fuel-burning equipment located at this facility to 49 tons per day.

This notice is to advise the public that the comment period on this exception request is extended until July 7, 1978. All comments submitted on or before that date will be considered as a basis for the Administrator's final determination with regard to this proposed SIP revision.

(AUTHORITY: 42 U.S.C. 7401).

Dated: June 21, 1978.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 78-18061 Filed 6-28-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 81]

[Gen. Docket No. 78-67]

INTERCONNECTION AND UPGRADING OF PUBLIC COAST FACILITIES PROVIDING RADIOTELEGRAPH SERVICE

Order Extending Time for Filing Responses and Replies

AGENCY: Federal Communications Commission.

ACTION: Extension of time granted for filing responses to initial comments submitted in Docket No. 78-67 (Interconnection and Upgrading of Public Coast Facilities Providing Radiotelegraph Services).

SUMMARY: Commission finds that the Communications Workers of America (CWA) has shown good cause for an extension of time to file responses in Docket No. 78-67.

DATES: Responses to initial comments are due on or before July 17, 1978. Replies to responses are due on or before July 31, 1978.

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

FOR FURTHER INFORMATION CONTACT:

James L. Ball, International Programs Staff, Common Carrier Bureau, 202-632-3214.

ORDER

Adopted: June 22, 1978.

Released: June 23, 1978.

In the matter of interconnection and upgrading of public coast facilities providing radiotelegraph service, Gen. Docket No. 78-67.[1]

1. By notice of proposed rulemaking in the above-referenced matter, released February 27, 1978, FCC 78-115, the Commission instituted a proceeding to prescribe measures for improvement of maritime mobile communications services rendered by public coast radiotelegraph stations, including the interconnection and upgrading of the facilities of such stations. The Notice called for interested persons to submit comments and required the licensees of class IA public coast stations to provide certain information on or before April 17, 1978, for each station operated. It also invited responses to be filed on or before May 8, 1978, and replies to be filed on or before May 18, 1978.

2. The time for filing initial comments was twice extended at the request of public coast station licensees to June 5, 1978. Responses to those comments are now due on or before June 26, 1978, and replies to responses may be filed on or before July 8, 1978.

3. We now have before us for consideration a request from the Communications Workers of America (CWA) for a 30-day extension of time for submitting responses to the comments filed. In support, CWA states that it needs additional time to review the comments and supporting information filed by public coast station licensees. CWA also states that its personnel responsible for analyzing this material have recently been involved in its annual convention for 10 to 12 days, and have been unable to review the information filed.

4. We will substantially grant CWA's request. The information that we have received in this proceeding is extensive. As we previously stated, we desire to develop a record which will permit us to fashion a policy designed to promote rapid, efficient public coast radiotelegraph services with adequate facilities at reasonable charges. We, therefore, not only wish to give public coast station licensees and other interested parties a reasonable opportunity to file comments and provide information, but we also desire to allow a reasonable time for meaningful responses. A 21-day extension of time will permit CWA sufficient time for preparation of meaningful responses to the comments and information already filed.

5. *Accordingly, it is ordered,* pursuant to § 0.303 of the Commission's rules and regulations, 47 CFR 0.303 (1977), that the request of the Communications Workers of America is granted in part and denied in all other respects.

6. *It is further ordered,* That the procedural dates in the proceeding are extended as follows:

Responses, July 17, 1978; replies, July 31, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 78-18146 Filed 6-28-78; 8:45 am]

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[1] See 43 FR 21701, May 19, 1978.

[1505-01]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 27]

[OST Docket No. 56; Notice No. 78-6]

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Correction

In FR Doc. 78-15999, appearing as separate part V at page 25016 in the issue of Thursday, June 8, 1978, the following changes should be made in Table 1 on page 25018:

1. For the Urban Mass Transportation Administration portion of the proposed regulations:

a. With a compliance period of 12 years with 6 percent annual inflation, the extimated Total Capital Cost is "2,817.2" and the estimated Annual Capital Cost in Years 1-3 is "234.8".

b. With a compliance period of 30 years with a 6 percent annual inflation, the analogous numbers are "4,678.3" and "155.9".

2. The TOTAL (12-year compliance period) is "1,797.0".

All numbers are for millions of 1977 dollars.

[4910-60]

Materials Transportation Bureau

[49 CFR Part 173]

[Docket No. HM-162; Notice No. 78-9]

SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Metric Equivalence for Quantity Limitations

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The amendment proposed herein would authorize, for quantity limitations that are now specified by U.S. liquid measure or avoirdupois weight in the Department's Hazardous Materials Regulations, the use of metric measures substituted on the basis of 1 liter per quart and 500 grams per pound. The authorization would extend to quantities of 110 gallons or less and 1,000 pounds or less. This proposed rule is issued as the result of petitions that recommended revision of the Department's Hazardous Materials Regulations to facilitate conversion to metric measurements in the transportation of hazardous materials.

DATE: Comments must be received on or before August 18, 1978.

ADDRESS: Send comments to Dockets Branch, Information Services Division, Office of Program Support, 2100 Second Street SW., Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation, Research and Special Programs Administration, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: By petition dated February 7, 1977, the Manufacturing Chemists Association (MCA) recommended revision of section 173.26(a) of the Department's Hazardous Materials Regulations to facilitate conversion to metric measurements in the transportation of hazardous materials. The MCA stated that this change would permit the conversion of any hazardous materials package to metric measurements and that such a change would provide shippers and packaging manufacturers with the necessary latitude to convert to more practicable capacities measured in metric units, such as are now provided for by the regulations of the International Air Transport Association and the Inter-Governmental Maritime Consultative Organization. The MCA petition is similar to an earlier petition of the International Air Transport Association containing the rationale that the 10-percent increase in the net quantity per package (dry measure) for import and export shipments would have a negligible effect on safety, since the packaging requirements otherwise would be the same.

With the exception of an exclusion pertaining to packagings having large volumes, the Bureau agrees with the petitioners and believes that adoption of the changes proposed herein (1) will have no adverse effect on the safe transportation of hazardous materials; (2) will be of considerable assistance to shippers converting to systems of metric measurement for both domestic and international purposes; and (3) will not impose any additional costs on packaging manufacturers or shippers since use of the provisions of § 173.26 is optional.

The second sentence in the proposed change states "Specification packagings must be marked to indicate the use of metric measurements and must be tested accordingly." An illustration of compliance with this proposed requirement for a DOT-17E drum would be,

"DOT-17E STC ABC 18-220L-78"

and a corresponding change in the quantity of water used in the drop test based on a rated capacity of 220 liters.

The primary drafter of this document is Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration.

In consideration of the foregoing, § 173.26 paragraph (a) of Title 49, Code of Federal Regulations, would be revised to read as follows:

§ 173.26 Quantity limitations.

(a) When quantity limitations are specified in this subchapter by U.S. liquid measure for 110 gallons or less, or by avoirdupois weight for 1,000 pounds or less, quantitites measured in metric units may be substituted on the basis of 1 liter per quart and 500 grams per pound. Specification packagings must be marked to indicate the use of metric measurements and must be tested accordingly. Abbreviations for metric markings are L for liter, ml for milliliter, kg for kilogram, and g for gram.

* * * * *

(16 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(c) and paragraph (n)(4) of appendix A to part 102.)

NOTE.—The Materials Transportation Bureau 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 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on June 26, 1978.

ALAN I. ROBERTS,
Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 78-18235 Filed 6-28-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1124]

[Ex Parte No. 277 (Sub-No. 1)]

REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

Hearing on Proposed Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Hearing announcement.

SUMMARY: The Commission will cochair a hearing that the Department of Transportation has scheduled to receive comments on proposed regulations for insuring adequate service and facilities for handicapped persons traveling as intercity rail passenger. The regulations apply to all carriers providing such services.

DATES: The hearing(s) will be held on July 26, 1978, and on July 27, 1978,

if necessary. Parites wishing to speak must file a request with the Commission and DOT on or before July 9, 1978. A written summary of the oral presentation should be submitted on or before the July 26, 1978 hearing, but in no event later than September 7, 1978. Copies of the summaries presented with respect to the DOT section will be accepted, provided they also refer to the appropriate section of the Commission's proposed regulations.

ADDRESSES: The hearing will be held in room 2230 of the Department of Transportation (Nassif Building), 400 Seventh Street SW., Washington, D.C. 20590. Sessions each day will convene at 9 a.m. and conclude at 4:30 p.m. An original and one copy of the oral presentation request and an original and three copies of the written summaries should be sent to the Interstate Commerce Commission, Office of Proceedings, Section of Finance, Washington, D.C 20423.

FOR FURTHER INFORMATION CONTACT:

Edward Schack, 202-275-7581.

SUPPLEMENTARY INFORMATION: Notice of the reopening of Ex parte No. 277 (Sub-No. 1), Adequacy of Intercity Rail Passenger Service, to establish regulations to insure handicapped persons access to intercity passenger service and facilities, was published in the FEDERAL REGISTER on June 9, 1978, 43 FR 25152-25156. DOT's corresponding proposed regulations were published in the FEDERAL REGISTER on June 8, 1978, 43 FR 25016-25066.

DOT plans to hold an informal oral hearing, on July 26 (and if necessary, July 27), 1978, to augment the written comments concerning the proposed regulations. To avoid duplication of effort, the Commission will hold its hearing in conjunction with the DOT hearing. A Commission representative will jointly preside over the portions of the informal hearing relevant to the Commission's proposed regulations.

The hearing is intended to provide an informal forum for gathering information. Parties will be given up to 10 minutes to present their oral remarks. No cross-examinations or rebuttal time will be provided. A transcript will be made. All interested parties are invited to attend.

The hearings will be held in room 2230 of the Department of Transportation (Nassif Building), 400 Seventh Street SW., Washington, D.C. 20590. Sessions each day will convene at 9 a.m. and conclude at 4:30 p.m., with an hour recess for lunch. The room is accessible to wheelchairs, and interpreters for the deaf will be provided.

If the written comments and oral testimony raise issues which warrant further discussion, the Commission may schedule further hearings at a later date.

The written comments and summaries will be available for public inspection at the offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C., during regular business hours.

Decided: June 22, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp. Commissioner Clapp absent and not participating.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18316 Filed 6-28-78; 8:45 am]

[7035-01]

[49 CFR Part 1056]

[Ex Parte No. MC-19 Sub-No. 23]

PRACTICES OF MOTOR COMMON CARRIER OF HOUSEHOLD GOODS

Investigation into Estimating Practices

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule extension of comment time.

SUMMARY: In its interim report in this proceeding, served April 26, 1978, the Commission proposed to bind household goods carriers to the estimates which they give to individual c.o.d. shippers. Comments on the regulations proposed by the Commission were due June 30, 1978. Published on May 2, 1978, at page 18712.

In light of the substantial and complex issues which the proposed regulations raise and of the Commission's need for complete information on the effect of its proposed rules, the deadline for filing comments in this proceeding has been extended to August 30, 1978. No further extensions are contemplated.

DATE: Comments are now due on or before August 30, 1978.

ADDRESSES: Send comments to Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp. Commissioners Murphy and Stafford would grant the petitions and extend the deadline for filing comments to September 28, 1978.

Dated: June 26, 1978, at Washington, D.C.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18338 Filed 6-28-78; 10:42 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

WATERFOWL HUNTING

Proposed Rule Prohibiting Possession of Shotshells Loaded With Material Other Than Approved Nontoxic Shot While Taking Waterfowl in Nontoxic Shot Zones.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed amendment.

SUMMARY: This proposed amendment would prohibit the possession of shotshells loaded with any material that has not been approved by the Director as nontoxic while taking waterfowl in designated nontoxic shot zones. It is proposed that this amendment take effect in waterfowl hunting seasons commencing in the fall of 1979. The intended effect is to reduce the number of deaths to waterfowl caused by eating spent lead pellets.

DATES: Comments on this proposed rulemaking will be accepted until September 1, 1978.

ADDRESS: Submit comments to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: On July 28, 1976, the Fish and Wildlife Service published a final rule restricting the taking of waterfowl with shotshells loaded with material that has not been approved as nontoxic (41 FR 31388). This rule, codified in 50 CFR 20.21(j), related to the taking of ducks, geese, swans, and coots in areas designated as nontoxic shot zones in 50 CFR 20.108.

On August 2, 1977, in recognition of the fact that approved nontoxic shot was manufactured in 12-gauge shells only, the Service published a ruling which prohibited the possession of toxic shot in 12-gauge shells while waterfowl hunting in nontoxic shot zones (42 FR 39106). This amendment permitted the possession and use of shotshells containing lead or other metals

in guns bored for ammunition other than 12-gauge, and it was for the waterfowl hunting seasons commencing in 1977 and terminating in 1978.

In the rules section of today's FEDERAL REGISTER an amendment of § 20.21(j) was published. This amendment results from the fact that nontoxic shot will not be available in 1978 in gauges other than 12-guage. This amendment permits lead shot in gauges other than 12-guage to be used in designated nontoxic shot zones in waterfowl hunting seasons commencing in 1978 and terminating in 1979.

The current proposal is for waterfowl hunting seasons commencing in 1979 and for all subsequent waterfowl hunting seasons, and it would terminate any exceptions to the nontoxic shot ruling due to gauge of gun. Its purpose is to increase the effectiveness of the nontoxic shot zones as a means of reducing lead poisoning of waterfowl caused by the ingestion of spent lead pellets.

Accordingly, the Service proposes the amend 50 CFR 20 by deleting the present (j) under § 20.21 and replacing it with the following:

§ 20.21 Hunting methods.

* * * * *

(j) While possessing shotshells loaded with any material other than a material approved as nontoxic by the Director pursuant to the procedures set forth in § 20.134: Provided, that this restriction applies only to the taking of ducks, geese, and swans (*Anatidae*), and coots (*Fulica americana*) in areas described in § 20.108 as nontoxic shot zones.

This proposed amendment 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, 202-254-3207.

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

Dated: June 23, 1978.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

[FR Doc. 78-18158 Filed 6-28-78; 8:45 am]

notices

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

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

ARIZONA SNOW BOWL SKI AREA PROPOSAL

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 Arizona Snow Bowl Ski Area Proposal on the Coconino National Forest, USDA-FS-R-3-DES-78-01.

The environmental statement concerns a proposal for a 777 acre permitted ski area on the Flagstaff Ranger District of the Coconino National Forest, Coconino County, Ariz.

This draft environmental statement was transmitted to EPA on June 23, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87102.

Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Ariz. 86001.

Single copies are available upon request to the Forest Supervisor, Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Ariz. 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the EPA guidelines.

Comments are invited from the public, 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 the Forest Supervisor, Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Ariz. 86001. Comments must be received within 60 days from the date the statement was transmitted to EPA in order to be considered in the preparation of the final environmental statement.

GARY E. CARGILL,
Acting Regional Forester, Region 3.

JUNE 23, 1978.

[FR Doc. 78-18089 Filed 6-28-78; 8:45 am]

[4110-12]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SOLICITATION FOR REQUEST FOR PROPOSAL (RFP)

Subject: Plan, arrange, and conduct awareness seminars.

Summary: The Architectural and Transportation Barriers Compliance Board (A&TBCB) has a requirement to plan, arrange, and conduct five seminars to increase awareness, attention, and action aimed at the removal of environmental barriers among decisionmakers throughout the Nation. This objective includes research efforts which result in the development of workshop materials and provide trained personnel to coordinate, facilitate, and conduct the five seminars and the necessary followup action.

Eligible applicants; This requirement is restricted to public and private nonprofit organizations only.

Dates: Issue date on or about July 14, 1978. RFP due date August 14, 1978. All requests for the RFP received during the first 20 days of the solicitation period will be honored. All other requests will be filled on a supply available, first-come-first-served basis.

Address: Department of Health, Education, and Welfare, Office of Human Development, Contracts Branch, Room 319B, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, Attn.: Contracting Officer. Solicitation No. HEW 105-78-7101. Please enclose three self-addressed mailing labels.

Dated: June 26, 1978.

ROBERT JOHNSON,
Executive Director.

[FR Doc. 78-17996 Filed 6-28-78; 8:45 am]

[4110-12]

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the third 1978 meeting of the National Advisory Committee on an Accessible Environment will be held on July 22 and 23, 1978, at 9 a.m. to 5 p.m. The meeting will be held at the Portland Hilton Hotel, 921 Southwest Sixth Avenue, Portland, Oreg.

The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792, et seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first day, the Committee will discuss the status of activities since the previous meeting and new business relating to pending legislation and the future of this Committee. During the afternoon of the first day, the National Advisory Committee will hold subcommittee meetings on specific issues requiring attention.

On Sunday, July 23, 1978, the National Advisory Committee on an Accessible Environment will host its second Public Awareness Session for this year, concerning the activities and enabling legislation of the Architectural and Transportation Barriers Compliance Board and its Advisory Committee. The specific subject areas of the Public Awareness Session concern mobility and communications barriers, transportation accessibility, accessibility standards, and legal rights.

Persons interested in attending the meeting should contact Ms. Laurinda Steele, Coordinator, Architectural and

Transportation Barriers Compliance Board, Room 1010, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, telephone 202-245-1801.

ROBERT JOHNSON,
Executive Director, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 78-18123 Filed 6-28-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1129]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED

JUNE 26, 1978.

Docket or RM No.	Rule No.	Subject	Date received
21230	Pt. 31	Amendment of pt. 31, Uniform System of Accounts for Class A and Class B Telephone Companies.	
		Filed by Edward L. Friedman and Thomas M. Eichenberger, attorneys for American Telephone & Telegraph Co.	June 12, 1978.
		Filed by Peter H. Schiff, Richard A. Solomon, and Dennis Lane, attorneys for The Public Service Commission of the State of New York.	June 16, 1978.
21352		Public Notice of Intent to Sell Broadcast Station.	
		Filed by Erwin E. Krasnow and Melvin L. Reddick, attorneys for National Association of Broadcasters.	June 19, 1978.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before July 19, 1978. Replies to an opposition must be filed on or before July 24, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-18124 Filed 6-28-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 29034; Order 78-6-61]

ALASKA AIRLINES, INC.

Order To Show Cause Regarding Subsidy Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of June 1978.

By this order, the Board is proposing to establish final subsidy rates for Alaska Airlines, Inc. (Alaska), to be effective on and after March 23, 1976.

By order 76-3-147, dated March 23, 1976, the Board instituted an investigation of Alaska Airlines' subsidy mail rate, opened the rate, and directed the carrier to supply specific information.[1]

In instituting the investigation, the Board stated:

> We are confronted with our responsibilities in dispensing the taxpayers' money in the form of air transportation subsidy payments as well as our statutory duty to encourage and foster the development of an air transportation system adapted to the present and future needs of the Alaskan "bush" communities. Thus, until we are able to analyze the results of the forthcoming investigation, we are not prepared to risk disruption nor to impose undue financial constraints on the present level of service. Accordingly, we will not terminate subsidy payments at this time but we will require repayment of any subsidy paid on or after the reopening date specified in this order, or such later date as may be determined in the course of the proceeding, which is found after investigation to be excessive.

Thus, the Board departed from its normal policy of setting temporary subsidy rates at a level sufficient to cover operating losses plus interest expense on long-term debt.[2] Because of the carrier's pipeline-related profits in 1974 and 1975, the Board's usual temporary rate policy would have meant a zero temporary rate for Alaska pending the establishment of a final rate.

Out of a sense of caution, then, the Board made the conservative assumption that Alaska's profitability would drop drastically. As the investigation progressed, however, the carrier's profits did not drop significantly and, as the ratemaking analysis in the appendices to this order show, it was able to earn good profits during the first 2 years of the rate period, even excluding the temporary subsidy it received.

The Board's deviation from normal temporary rate policy coupled with the unexpectedly good experience of the carrier since its subsidy rate was opened has created several unique practical problems in this case. Based on traditional analysis, the carrier had no systemwide need for subsidy during the period March 23, 1976, through March 31, 1978; as explained below, however, it will require subsidy support in the future.[3] Ordinarily, the Board would simpply require a payback of the temporary subsidy the carrier had received and set a future rate based on an analysis of the future requirements. In this case, however, we are persuaded that this course of action would not be in the public interest because it would so impair the carrier's financial position as to significantly undermine its ability to maintain air transportation services throughout its system, including services adapted to the present and future needs of small communities in Alaska.

Because of the unique circumstances of this case, we are proposing instead that a 5-year rate be set encompassing the first 2 years of the open rate period and 3 future years.[4] This 5-year rate will cover a period of continued pipeline-related prosperity and a period of reduced profitability which we foresee for the next few years, at least until the resurgence of economic activity related to the planned gas pipeline can be felt. Thus, dramatic changes in profitability relating to the unique pipeline construction period will be considered together with the more normal experience which can be anticipated in the years immediately ahead.

The Board has in the past considered financial need over a period of several years in determining whether a carrier is self-sufficient. In this case, self-sufficiency is clearly not the issue. Alaska continues to be a small company and its recent prosperity is tied closely to the unique pipeline construction period. This is not a case where a carrier has grown and matured to the point of financial independence. Nevertheless, we find that a 5-year rate period in this case, coupled with a carefully tailored distribution of payments, offers a practical solution to a difficult problem: namely, how to meet our responsibility to the taxpayers to insure that subsidy pay-

[1] This order also applied to Wien Air Alaska, Inc., under a separate docket. A final rate was established for Wien in orders 77-5-28 and 77-5-103. Order 76-4-181 modified the directions for supplying information.

[2] See § 399.30 of the Board's policy statements.

[3] See appendices I and II.

[4] The exact period of the rate will be March 23, 1976, through March 31, 1981.

ments are not excessive while at the same time insuring the continuation of needed services in the State of Alaska.

As part of this practical solution, we propose to require a $1 million payback of the subsidy received under the temporary rate. A payback of this amount will not unduly impair Alaska's financial condition and will allow subsidy payments during the latter part of the rate period to be high enough to insure the continuation of adequate services at small communities. While the carrier will receive an amount equal to its need over the 5-year rate period, we are tailoring a payment formula to distribute more subsidy to the early part of the period and less to the latter part. In this way, the carrier will not be required to refund a substantial portion of the temporary subsidy it has received. However, it will be required to maintain operations in the future on a reduced subsidy level.

During the first 2 years of the open rate period, Alaska received approximately $4.3 milion in temporary subsidy. Our analysis shows that its system was profitable enough during that time to operate without subsidy (see appendix I [5]). The carrier has demonstrated to our satisfaction, however, that if it were required to refund the full amount of temporary subsidy pay it received, the impact on its financial position would place it in violation of covenants contained in its three principal loan agreements,[5a] and the continuation of Alaska's existing line of credit with its principal lender (the first line of credit Alaska has been able to obtain in more than a decade) would be placed in serious jeopardy. Furthermore, a full payback would constitute a material adverse occurrence under a note purchase agreement for a new B727-200 aircraft which could result in a withdrawal of financing for that aircraft and a second aircraft which is on order. It is particularly important to Alaska's overall financial prospects that larger, more efficient aircraft be acquired for use in competitive mainland-Alaska markets.[6] Finally, incurring a liability of $4.3 million would represent a reduction in net worth of some 20 percent with an attendant deterioration in the debt equity ratio (to approximately 70 : 30) which, coupled with an extremely poor current ratio, would probably eliminate the possiblity of raising equity capital.

Although Alaska has had several years of good earnings because of the pipeline-related boom, it is still financially weak. Its "current ratio" has been consistently poor over the years and stood at 0.52 to 1 on March 31, 1978, nearly the worst current ratio in the scheduled certificated industry,[7] and it still has a retained earnings deficit. Given the carrier's overall financial condition and the uncertainties in the State of Alaska's boom/bust economy, there is a very real possibility that a technical default involving one or more of its financial agreements could have a disproportionately large impact on Alaska's ability to maintain the financing necessary to conduct its operations.

Our intention in maintaining a high temporary subsidy rate was to insure that needed services in the State of Alaska would not be jeopardized. Although, in retrospect, the temporary rate proved to be too high, it would make little sense to try to correct that miscalculation now by requiring a refund of temporary subsidy pay when doing so could seriously jeopardize the continuation of those services.

The factual questions of this case have been resolved in an informal rate conference which was convened on September 15, 1977, pursuant to rules 311-321 of the Board's rules of practice. There is no dispute between the carrier and the Board's staff over the calculation of subsidy need during the first 2 years of the open rate period.

During the course of the informal rate conference, the carrier supplied detailed forecasts of its future operations, but the passage of time rendered those forecasts obsolete. The great uncertainty surrounding economic activity in Alaska in the period after the end of the oil pipeline construction, the effects of strikes against Alaska Airlines itself and against other carriers, [8] and the unrepresentative nature of the airline operating results flowing from the unique pipeline construction period, all render forecasting very difficult. In the interest of resolving the issues in this case and placing the carrier on a final rate, a projection of Alaska's future need based on the most recent operating experience and trends in load factors has been used.

While Alaska's system operations have achieved good earnings in recent years, there is substantial evidence that adequate systemwide earnings cannot be sustained in the post-pipeline-construction period without the aid of subsidy. [9] Because of the distorting effects of a strike against Alaska Airlines, the clearest indication of economic impact of the end of the oil pipeline construction is the trend in total mainland-Alaska traffic.[10] Compared to traffic levels in 1976, mainland-Alaska traffic in 1977 (the last year of construction) was down 4.3 percent. In the first quarter of 1978, total mainland-Alaska traffic was down 12.8 percent compared to the first quarter of 1977. Figures for Alaska Airlines alone show growth for the first quarter of 1978, but only because the carrier was recovering from a strike 1 year earlier. Mainland-Alaska traffic for the carrier was down 9.1 percent in the first quarter of 1977 [11] and its total traffic was off 7.8 percent. Passenger traffic for the first quarter of 1978 remained 1.8 percent below that attained in the first quarter of 1976 for the carrier's mainland-Alaska markets and the carrier's system. Total mainland-Alaska traffic for the first quarter of 1978 was 11.6 percent below the level reached in the first quarter of 1976.[12]

It is apparent that the reduced system need for subsidy that occasioned this investigation was, in large measure, the result of achievement by Alaska of abnormally high load factors resulting from the pipeline construction and related economic boom. In the absence of these load factors, Alaska would have continued to require subsidy support, and given the traffic declines mentioned above, it is very unlikely that the high load fac-

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[5] Appendices I and II filed as part of the original document.

[5a] A full payback could force the carrier to violate minimum working capital covenants and/or covenants prohibiting new debt in excess of $1 million. The carrier supplied the Board's staff with copies of the relevant loan balance sheet accounts. Given the carrier's overall financial position, a chapter X bankruptcy proceeding could technically be set in motion by these violations.

[6] Evidence adduced in the *Alaska Fares Investigation* (Docket 29198) shows that Alaska's aging B727-100 fleet is extremely costly to operate on a unit basis when compared to the costs experienced by its competitors who operate wide-bodied and stretched equipment. (See appendix C of the initial decision of ALJ Stephen Gross, served May 25, 1978.) The financing for the first B727-200 is covered by a federal loan guarantee under Pub. L. 85-307.

[7] Only Kodiak-Western, also a subsidized carrier, had a worse current ratio. Typically, the current ration in the certificated industry is somewhat above 1 to 1.

[8] When Air Alaska operated at a greatly reduced level for approximately 2 months of the second quarter of 1977 and Northwest Airlines' pilots have been on strike since the end of April 1978.

[9] In the course of the informal rate conference, it was established that Alaska's system need was substantially less than its need in subsidy eligible operations alone. Under Board policy, the lower of system need or eligible need is considered in establishing subsidy rates. Therefore, a system rate is applicable.

[10] Mainland-Alaska traffic accounts for 65 percent of the operating revenues of Alaska Airlines.

[11] Alaska was the only mainland-Alaska carrier with a traffic decline in the first quarter of 1977.

[12] Freight, an important element in mainland-Alaska operations, has also dropped substantially from pipeline-construction period levels. For the year ended March 31, 1978, Alaska's freight revenue ton-miles were one-third lower than the level of the year ended March 31, 1976.

tors of the pipeline-construction period can be sustained. In 1976, the peak year of pipeline construction, Alaska's passenger load factor was 63.8 percent. For 1977, the load factor dropped to 59.9 percent. By the year ended March 31, 1978, it had dropped to 59.5 percent, down by 3.7 points when compared to the year ended March 31, 1977. Part of this load factor decline was due to the reconfiguration of aircraft during the period. However, even accounting for the change in seating density, the carrier experienced a load factor decline of 1.9 points for the year ended March 31, 1978.[13]

In view of the recent trends in traffic, particularly mainland-Alaska traffic which represents the bulk of the traffic for Alaska Airlines, it would be unrealistic to assume that the carrier will be able to reduce its available capacity in direct proportion to traffic declines, thereby maintaining its most recent yearend load factor. Indeed, a unilateral reduction in frequency could be self-defeating in Alaska's case. Alaska effectively competes for mainland-Alaska traffic with greater frequency, using relatively small (in relation to its competitors) B727-100 equipment. For example, in the Seattle-Anchorage market, which accounted for 27 percent of Alaska's scheduled revenue passenger-miles in March of this year, Alaska captured 31.3 percent of the traffic, with 24.2 percent of the capacity.

While we believe a projected load factor decline is realistic for the post-pipeline-construction period, we are not prepared to recognize worsening capacity/traffic imbalances over the long term. Therefore, we have incorporated into our projection of future subsidy requirements a 1-year decline of 2 points, approximating the latest available annual decline (after adjusting for seating density changes).[14] Based on the carrier's most recent reported results (for the year ended March 31, 1978), the addition of a full year's tax allowance, and the ratemaking and load factor adjustments set out in appendix II, we are projecting a system subsidy need for Alaska of approximately $2.1 million. The carrier's need calculations for the first 2 years of the rate period are set out in appendix I.

As shown in the following table, the carrier's need over the total 5-year rate period amounts to approximately $6 million.

Rate period year	Service period covered	System need*
1	Mar. 23, 1976, through Mar. 31, 1977	[15]$(240)
2	Apr. 1, 1977, through Mar. 31, 1978	(110)
3	Apr. 1, 1978, through Mar. 31, 1979	2,131
4	Apr. 1, 1979, through Mar. 31, 1980	2,131
5	Apr. 1, 1980, through Mar. 31, 1981	2,131
Total	Mar. 23, 1976, through Mar. 31, 1981	6,043

*In thousands of dollars.

[15]Per appendix I, adjusted for an additional 9 days to cover the March 23, 1976, to Mar. 31, 1976 period.

The carrier has already been paid $4.26 million in subsidy for the first 2 years of the rate period. This would leave $1.78 million in payments to be provided in the last 3 years of the rate or $594,333 per year. We are concerned that the financial incentive to provide adequate service to small communities during the next 3 years be sufficiently high to insure service; annual subsidy support of $594,333 may be too low in this regard.[16] A refund of $1 million will allow the rate for the remaining 3 years to rise to a level of $927,667. This $1 million payback will not impair the carrier's ability to maintain the financing necessary to assure service adapted to the needs of the State of Alaska. Therefore, we believe that a $1 million payback is necessary to allow a better distribution of subsidy over the rate period.

We recognize that an annual subsidy level of less than $1 million will not cover the fully allocated cost of Alaska's small community service. We believe, however, that any operating expense savings which would result from a discontinuation of small community service (which we estimate to be $2.1 million) would be partially offset by a loss of the local portion of long-haul passenger revenues. Thus, on a marginal basis, the costs of providing service at Alaska's small communities may well be below $1 million.[17] The subsidy provided during the remainder of the 5-year rate period should, therefore, provide adequate incentive to maintain small community service. The carrier has given the Board written assurance that under the subsidy rates we have outlined above, it will conduct services of at least the same quality as were performed during the first 2 years of the open rate period. This assurance, together with the evidence that a full payback of temporary subsidy would cause substantial harm to the carrier's ability to maintain needed services in the State of Alaska, has led us to our tentative finding that a 5-year rate is appropriate in this case.

Our analysis of Alaska's need over the next 3-year period is not to be construed as a forecast of its need into the indefinite future. It is an estimate of Alaska's need, given trends as we interpret them today. Of course, major changes, in the companies situation, such as a merger, would require us to reexamine the need. Furthermore, by the end of 1980, the impact of the planned gas pipeline should be felt; therefore, we will reexamine Alaska's rate at that time.

The ratemaking adjustments used in assessing Alaska's subsidy need for the first two annual periods since the rate was opened, and for future annual periods, included:

1. The elimination of legal fees and officers' salaries in excess of the prescribed limits;[18]

2. A nonoperating income offset based on reported data; and,

3. A miscellaneous ratemaking adjustment (to eliminate items such as contributions, liquor, entertainment, etc., from the carrier's reported expenses) based on an audit of the carrier's records for calendar year 1977.

Investment was adjusted to transfer current notes payable due beyond 90

[13]The carrier's average seats per aircraft-mile for the year ended March 31, 1977, was 101.5. For the year ended March 31, 1978, the average seats per aircraft mile was 104.7. Actual aircraft miles for the year ended March 31, 1978, multiplied by the average seats per aircraft for the year ended March 31, 1977, yields the normalized available seat-miles for the year ended March 31, 1978. Actual year ended March 31, 1978, revenue passenger-miles over normalized available seat-miles produces a load factor of 61.3, a 1.9 point drop from the year ended March 31, 1977.

[14]Thus, the projected system subsidy need for Alaska is based on a scheduled service load factor of 57.5 percent. While this projection is low compared to the carrier's pipeline related experience since 1975, it is 2 percentage points higher than the highest of the previous 7 years. The projection is based on the carrier's experience with its existing fleet and does not account for the impact on the load factor of the acquisition of larger, more efficient B727-200 equipment.

[16]We are tying the payment of subsidy in the future directly to service to and from the small communities served by Alaska. In particular, the base mileage for billing purposes will consit of nonstop mileage to and from Cordova, Yakutat, Petersburg, Wrangell, and Gustavus. Scheduled mileage from February and July of 1977 was used as representative of peak and off-peak levels. A performance factor of 85 percent was used to allow for flight cancellations due to weather, mechanical problems, etc.

[17]This does not include support for the subcontracted "bush" operations which in 1977 resulted in a net loss to Alaska of $235,623.

[18]For the year ended March 31, 1977, the limits were $50,000 for the chief executive officer, $35,000 for other officers and $70,000 for legal fees. For the year ended March 31, 1978 (and future years), the limits were raised to $75,000 for the chief executive officer, $50,000 for each other officer and $100,000 for legal fees. The increases in the limits are identical to the increases used in the recent order instituting an investigation of the local service class subsidy rate, which similarly applies to the year ended March 31, 1978, (see order 78-4-126).

days to long-term debt, and to eliminate unamortized discount and expense on debt; also, a direct adjustment to equity to eliminate unamortized capital stock expense was made. Additional adjustments to investment include the elimination of: Investments in subsidiary companies; advances to nontransport divisions; special funds—other; nonoperating property and equipment—net; property acquisition adjustment; and, other intangibles.

The tax provisions in the subsidy need calculation is based on the statutory tax rate of 48 percent. A full allowance was recognized for future annual periods. However, Alaska did not enter a tax position until July 1977; thus only 75 percent of an annual tax allowance was recognized for the year ended March 31, 1978. Under the Board's actual tax policy, only effective tax rates are recognized in subsidy cases.[19] The carrier stated it will not use accelerated depreciation for income tax purposes during the effective life of the rates proposed herein. Should Alaska use accelerated depreciation during the life of the rate, the tax allowance provided in this rate will be recalculated to reflect the effective tax rate (exclusive of investment tax credit effects), and a refund of the excessive tax allowance paid and a reduced future rate will be ordered.

The petition to intervene filed by Saturn Airways, Inc. (Saturn has been merged with Trans International Airlines, Inc.), will be dismissed for the same reasons given in order 77-5-28, which dismissed a similar petition with regard to Wien Air Alaska.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That: 1. Alaska Airlines, Inc., is directed to show cause why the Board should not fix, determine, and publish as the fair and reasonable final rates of compensation to be paid Alaska for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points between which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity, the sum of: (a) the carrier's service mail pay as established in other orders of the Board,[20] and (b) subsidy as follows:

a. For the period March 23, 1976, through March 31, 1978, inclusive, the sum of $3,260,148; [21]

b. For each calendar month during the period April 1, 1978, through March 31, 1981, inclusive, in which miles designated by the Postmaster General for the transportation of mail are flown, an amount determined by multiplying the appropriate rate stated below by the scheduled miles flown during the month in nonstop service to and from the points Cordova, Yakutat, Petersburg, Wrangell, and Gustavus, or the appropriate base mileage times the number of days in the month, whichever is lower: [22]

Period of operation	Rate per mile	Daily base mileage
Apr. 1, 1978, through Apr. 30, 1978	$2.2463	1,369
May 1, 1978, through Oct. 31, 1978, and the like 6-mo period in each succeeding year	1.3956	1,445
Nov. 1, 1978, through Apr. 30, 1979, and the like 6-mo period in each succeeding year	2.2463	1,369

Provided, however, That the compensation determined here is subject to such adjustment as may be required in the event that Alaska Airlines elects to use accelerated depreciation to defer Federal income taxes which would otherwise be payable for the calendar 1977 tax year and subsequent tax years.

Provided, further, That the rates set forth above shall be reduced by any adjusted annual capital gain in accordance with the provisions set forth in appendix B to the *Capital Gains Proceeding*, 29 CAB 384 (1959) as such appendix may be amended from time to time, and said appendix B is incorporated by reference.

The scheduled revenue plane miles flown shall be computed on the direct airport-to-airport mileage between the points actually served on each revenue trip operated over Alaska's authorized routes pursuant to its flight schedules filed with the Board including all revenue trips operated as extra sections thereto.

The compensation proposed here shall be in lieu of, and not in addition to, the mail compensation previously received by Alaska for mail transported on and after March 23, 1976.

2. All further procedures here shall be in accordance with the rules of practice, particularly rule 302, et seq., and if there is any objection to the rates specified in this order, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the final subsidy rate specified here;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates shall be limited to those specifically raised by such answers, except as otherwise provided in 14 CFR 302.307;

5. The June 7, 1976, motion of Trans International Airlines, Inc., as successor to Saturn Airways, Inc., for leave to file an unauthorized document be and it is hereby granted;

6. The petition of Trans International Airlines, Inc., as successor to Saturn Airways, Inc., for leave to intervene in docket 29034 be and it is hereby dismissed and,

7. This order shall be served on Alaska Airlines, Inc., Trans International Airlines, Inc., and the Postmaster General of the United States.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-18114 Filed 6-28-78; 8:45 am]

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[19] Exclusive of the effects of investment tax credits which, by tax statute, we must ignore in setting rates.

[20] This order is not intended to affect Alaska's service mail rates as established in other applicable orders of the Board.

[21] This amount is $1 million less than the temporary subsidy mail pay received by Alaska for March 23, 1976, to March 31, 1978, service; therefore, a refund of $1 million will be required. The details of the method of reimbursement will be formulated by the CAB Comptroller.

[22] In accordance with normal practice with regard to Alaskan carriers, the rate is designed to provide Alaska with 60 percent of the annual payment of services during the low revenue, higher subsidy need months of November through April.

[6320-01]

[Docket No. 30699]

OAKLAND SERVICE CASE

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on July 10 and 11, 1978, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

Each party which wishes to participate in the oral argument shall so advise the Secretary, in writing, on or before June 30, 1978, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., June 23, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-18113 Filed 6-28-78; 8:45 am]

[6335-01]

CIVIL RIGHTS COMMISSION

NEW YORK ADVISORY COMMITTEE

Rescheduled Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission originally scheduled for July 12, 1978 (FR Doc. 78-16979), on page 26470 has been changed to July 13, 1978.

The time and place of the meeting will remain the same.

Dated at Washington, D.C. June 26, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-17994 Filed 6-28-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

COLUMBIA UNIVERSITY

Decision on Application For Duty-Free Entry of Scientific Article

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

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

Docket No. 78-00132. Applicant: Columbia University, Henry Krumb School of Mines, 520 West 120th Street, New York, N.Y. 10027. Article: Accessories for JEM 100C Electron Microscope consisting of High Resolution Scanning Diffraction Instrument, Solid Pair Backscattered Electron Detector, Video Control Amplifier, Gamma Control Device, Y-Modulation Device and Image Selector Switch. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to an existing electron microscope which will provide distinctly new analytical functions in the following projects:

i. Simulation of deuterium plasma damage on proposal fusion reactor materials.
ii. Creep of structural ceramics.
iii. Recrystallization and grain growth in microalloyed austenite.
iv. Static recovery in copper after hot-working.
v. Mechanisms of creep in oxide dispersion strengthened superalloys.
vi. Copper segregation on carbon particles.
vii. Kinetic of reduction of sphalerite.
viii. Effect of impurities on zinc electrodeposition.
ix. Coarsening of supported catalysts.

In addition, the articles will be used in the course Electron Microscopy, Met. M.S. E415y: Techniques and theory of electron microscopy including operation of electron microscope and the preparation of specimens for electron microscopy by replication and transmission.

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

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

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 8, 1978 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

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

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

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

[FR Doc. 78-18090 Filed 6-28-78; 8:45 am]

[3510-25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Withdrawal of Application for Duty Free Entry of Scientific Article

The Massachusetts Institute of Technology has withdrawn Docket No. 78-00255 an application for duty-free entry of an Ion Microprobe.

Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

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

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

[FR Doc. 78-18096 Filed 6-28-78; 8:45 am]

[3510-25]

NATIONAL BUREAU OF STANDARDS ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

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

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11. [Emphasis added]

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates *within the 20-day* period, or fails to resubmit a new application within the

90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the *Federal Register* for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 77-00335. Applicant: National Bureau of Standards, Route 270 and Quince Orchard Road, Gaithersburg, Md. 20760. Article: Complete gas-fired, 1-cubic meter furnace, and accessories. Date of denial without prejudice to resubmission: February 13, 1978.

Docket No. 77-00376. Applicant: Sandia Laboratories, Kirtland A.F.B. East Albuquerque, N. Mex. 87115. Article: Video Ram Controllers. Date of denial without prejudice to resubmission: February 13, 1978.

Docket No. 77-00382. Applicant: University of California, San Diego, Scripps Institution of Oceanography, Marine Life Research Group, A-022, La Jolla, Calif. 92093. Article: Deep Ocean Acoustic Command Release System. Date of denial without prejudice to resubmission: February 13, 1978.

Docket No. 77-000397. Applicant: U.S. Environmental Protection Agency, Highway 54 and Alexander Drive, Research Triangle Park, N.C. 27711. Article: Sulfur Dioxide (SO_2) Mass Emission Rate Monitor. Date of denial without prejudice to resubmission: February 1, 1978.

Docket No. 78-00006. Applicant: University of Southern California, Electrical Engineering Dept., University Park, Los Angeles, Calif. 90007. Article: One (1) Lumonics Model TEA-103-2 laser less control unit and high voltage power supply. Date of denial without prejudice to resubmission: February 16, 1978.

Docket No. 78-00012. Applicant: University of Wisconsin-Madison, Speech Motor Control Laboratories, Room 521, Waisman Center, 1500 Highland Avenue, Madison, Wis. 53706. Article: Optical Detector, Model 2L24 and Accessories. Date of denial without prejudice to resubmission: February 16, 1978.

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

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

[FR Doc. 78-18053 Filed 6-28-78; 8:45 am]

[3510-25]

NORTH CAROLINA STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No. 78-00035. Applicant: North Carolina State University, Raleigh, N.C. 27607. Article: LPB-7 Time Domain Induced Polarization Receiver and an IPG-7/25W Transmitter and Accessory Kit. Manufacturer: Scintrex, Canada. Intended use of article: The article is intended to be used for educational purposes in the courses: GY 570 Exploration and Engineering Geophysics to teach theoretical backgrounds of various geophysical exploration methods and GY 571 Geophysical Field Course to provide practical field work to acquaint students with state-of-the-art geophysical techniques.

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

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

Reasons: This application is a resubmission of Docket No. 77-00119 which was denied without prejudice to resubmission October 14, 1977, for informational deficiencies. The foreign article provides the capability of measuring both chargeability (M factor) and curve factor (L). The National Bureau of Standards advises in its memorandum dated June 12, 1978, that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-18091 Filed 6-28-78; 8:45 am]

[3510-25]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No. 78-00158. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE., Albuquerque, N. Mex. 87115. Article: Image Converter Camera, Model IMACON 675 and Accessories. Manufacturer: John Hadland, United Kingdom. Intended use of article: The article is intended to be used to resolve 15 1-nanosecond frames in 25 nanoseconds in order to study the following events: (1) Electron emission from the cathode by viewing the cathode plasma; (2) electron deposition in the anode or fusion target by viewing the anode plasma; (3) determining the number of electrons incident on the target from the resulting X-ray emission; and (4) to measure the temperature and density of fusionable target by utilizing the camera as a detector behind a high-resolution spectrometer.

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

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

Reasons: This application is a resubmission of Docket No. 77-00250 which was denied without prejudice to resubmission on November 25, 1977, for in-

formational deficiencies. The foreign article has the capability of resolving 12 1-nanosecond frames in 25 nanoseconds within a time frame less than or equal to 5×10^{-8} seconds. The National Bureau of Standards advises in its memorandum dated June 5, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended uses.

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

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

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

[FR Doc. 78-18092 Filed 6-28-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Decision on Application for Duty-Free Entry of Scientific Article

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

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00162. Applicant: University of California, Los Angeles, School of Engineering and Applied Science, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Amplifier, Model TEA 601A and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article will be used as a final unit in a chain of CO, laser amplifiers generating a 1-2 nanosecond pulse of power greater than one gigawatt. This pulse is to be focused into gas discharge plasma sources to simulate the environment in the outer regions of laser-fusion fuel pellets. Instabilities which will inhibit coupling of laser radiation into the fuel are to be studied under experimental conditions, where relative case of diagnostics enables one to understand the basic physics of the interaction much more readily than in actual pellet compression experiments. This line of research is one of a number being pursued in an attempt to find an alternative to oil and other fossil fuels as a source of electrical power. In addition, Ph. D. students will use this equipment in their research for the purpose of obtaining their degree.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 23, 1976).

Reasons: This application is a resubmission of Docket No. 77-00184 which was denied without prejudice to resubmission on December 8, 1977 for informational deficiencies. The foreign article is a laser amplifier which provides a natural gain switched pulse of 50-80 nanosecond FWHM (full width half maximum). The National Bureau of Standards advises in its memorandum dated June 6, 1978 that (1) the specification of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-18083 Filed 6-28-78; 8:45 am]

[3510-25]

UNIVERSITY OF KANSAS MEDICAL CENTER

Application for Duty Free Entry of Scientific Article

The University of Kansas Medical Center has withdrawn Docket No. 78-00254, an application for duty-free entry of an electron microscope.

Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

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

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

[FR Doc. 78-18097 Filed 6-28-78; 8:45 am]

[3510-25]

UNIVERSITY OF SOUTHERN CALIFORNIA

Decision on Application for Duty-free Entry of Scientific Article

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

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

Docket No. 78-00173. Applicant: University of Southern California, Department of Chemistry—University Park, Los Angeles, Calif. 90007. Article: TEA CO_2 Laser Model DD-250 and Accessories. Manufacturer: Gen Tec Inc., Canada. Intended use of article: The article is intended to be used for the study of excitation, and dissociation of infrared active gas molecules (e.g., SF_6, SF_5, Cl, C_2H_3Cl) by intense infrared laser radiation. It is intended to determine the extent and mechanisms of energy deposition in various molecules and in the dissociation fragment. Specifically, the article will be used for making appearance potential measurements which will be used to determine the energy of either the fragments or molecules. In addition, the article will be used in the courses Chemistry 490L (undergraduate research) and Chemistry 790L (graduate research) and post-doctoral research as well as for the training of chemistry post-doctorates in advanced research techniques.

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

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

Reasons: This application is a resubmission of Docket No. 77-00334 which was denied without prejudice to resubmission on December 8, 1977 for information deficiencies. The foreign article provides an adjustable pulse repetition rate from 0.1 to 250 pulses per second. The National Bureau of Standards advises in its memorandum dated June 6, 1978 that (1) the specifi-

cation of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-18094 Filed 6-28-78; 8:45 am]

[3510-25]

VIRGINIA COMMONWEALTH UNIVERSITY-MEDICAL COLLEGE OF VIRGINIA, ET AL.

For Duty-Free Entry of Electron Microscopes

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

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 78-00209. Applicant: Virginia Commonwealth University-Medical College of Virginia, Box 17, MCV Station, Richmond, Va. 23298. Article: Electron Microscope, Model EM 400 with Goniometer Stage and accessories. Manufacturer: Philips Electronics Instrument NVD, The Netherlands. The article is intended to be used to examine the ultrastructural pathology of a wide variety of animals and human tissues. Animal experiments will be conducted in the areas of infection, immunology, cancer, and vascular disease, etc. and the diseased tissues will be studied with the electron microscope. Analysis of diseased human tissues obtained by biopsy or autopsy will also be carried out using the article. Article ordered: March 27, 1978.

Docket No. 78-00211. Applicant: Dartmouth College, Gilman Hall, Hanover, N.H. 03755. Article: Electron Microscope, Model JEM-100CX with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following research projects in the general areas of cellular, molecular and developmental biology:

(1) Exploring the mechanisms of a number of motile systems including amoeboid movement, cytoplasmic streaming in plant and animal cells and in slime molds, axoplasmic transport, reticular bidirectional streaming in foraminifera and mitotic movements;

(2) The study of plant mitosis;

(3) The study of rotational cytoplasmic streaming in *Nitella;*

(4) Study of the fine structure of the rotifer resting egg which is part of his overall program of research dealing with the life cycles of rotifers and other invertebrates;

(5) Investigation of cell movement mechanisms and in particular is interested in the mechanisms for the growth and development of microvilli;

(6) Investigation of the membrane ultrastructure of the synapse, photosynthetic bacteria, reconstituted membranes and the study of the interaction between DNA and certain binding proteins; and

(7) Study of microtubule formation in cells and in vitro.

The article will also be used in the course Biology 67. Techniques in Electron Microscopy to familiarize students with the various techniques of high resolution transmission and scanning electron microscopy. Article ordered: March 1, 1978.

Docket No. 78-00214. Applicant: University of Illinois at the Medical Center, Research Center, 933 Building, P.O. Box 6998, Chicago, Ill. 60680. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for varied research projects which include the following: Synaptogenesis in the trigeminal mesencephalic nucleus (oral anatomy).

Separation of neurons and glia by density gradient centrifugation (biological chemistry).

Study of the fine structure of pigment cells during development of the chick retina, with emphasis of differences between nuclear and peripheral retinal areas (anatomy).

Nucleolus and nuclear differentiation in the oral epithelium of zink deficient rats (oral pathology).

The ultrastructure of normal primate lung and lung in shock (surgery).

Neonatal and other incremental lines in human enamel (oral histology).

Study of the fine structure of developing neuromuscular junctions in the chick (anatomy).

Fixation of tissues by metallizable chloros-trozines (oral pathology).

Localization of salivary gland virus particles in SGV-sensitive cell lines (oral pathology).

Search of virus particles from spontaneously transformed normal calvarium derived tissue culture cells to transplantable neoplasms in mice (oral pathology).

Chemical and physical properties of feline leukemia and sarcoma virus (pathology).

Fine structural aspects of ganglion cell differentiation of chick retina anatomy.

Electron transport characteristics of isolated sarcoplasmic reticulum (medical pharmacology).

The article will also be used for training for faculty, students, and technical personnel who require capability for research. Article ordered: March 20, 1978.

Docket No. 78-00220. Applicant: Oklahoma College of Osteopathic Medicine and Surgery, P.O. Box 2280, Tulsa, Okla. 74101. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for the investigation of the ultrastructural changes in kidney following mycotoxin exposure granulomatous response to microbial lipids and the pathology of myocradial ischemia. In addition, the article will be used in the following courses:

(1) Pathology (Clinical Sciences 1413) A course covering the basic mechanisms of the disease processes.

(2) System Biology I (Neuromusculo-skeletal). To provide to students the exposure necessary to gain a fundamental knowledge of the neuromusculoskeletal systems as a background for their clinical learning.

(3) Systems Biology II (Respiratory, cardiovascular and hematology). A continuation of the systems approach in the study of medicine consisting of lectures, demonstrations and/or laboratories involving the respiratory, cardiovascular and hematology systems.

(4) Systems Biology III (Obstetrics-gynecology, pediatrics and the genito-urinary tract system). A continuation of the systems approach in the study of osteopathic medicine.

Application Received by Commissioner of Customs: April 27, 1978.

Docket No. 78-00222. Applicant: Cell Research Institute, the University of Texas, Austin, Tex. 78712. Article: Electron Microscope, Model JEM-100CX with eucentric side-entry goniometer stage and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues and macromolecular structures of biological origin using standard transmission electron microscopy techniques, dark field and scanning electron microscopy techniques and high resolution scanning electron microscopy of small samples. In addition, the article will be used in the course Botany 380 to introduce students to modern electron microscopical principles and techniques in order that they may apply these methods to their research projects. Article Ordered: March 8, 1978.

Docket No. 78-00223. Applicant: University of Connecticut Health Center, Farmington Avenue, Farmington, Conn. 06032. Article: Electron Microscope, Model JEM-100CX/SEG and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The ar-

ticle is intended to be used in conducting the following varied research: (1) Studies of the ultrastructure of the insulin secretory process in toadfish pancreatic islets, including morphological and X-ray spectral emission properties of intact islets and subcellular fractions, (2) ultrastructural studies of peripheral blood and bone marrow in sickle cell anemia; (3) ultrastructural and X-ray spectral emission studies of erythropoietic cells in human sideroblastic anemias; (4) ultrastructural studies of iron transport in developing red blood cells, (5) ultrastructural analysis amphibian spermatogensis, and (6) ultrastructural observations of membrane junctions and membrane associations in the nervous system. Article ordered: February 15, 1978.

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

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

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other intrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

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

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

[FR Doc. 78-18095 Filed 6-28-78; 8:45 am]

[3510-17]

Office of the Secretary

ACTIVITIES OF ADVISORY COMMITTEES

Public Availability of Report on Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. (1976) and Office of Management and Budget Circular No. A-63 of March 27, 1974, those advisory committees of the Department which held meetings in 1977 that were closed to the public have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Current and Periodical Reading Room, Room 1026, Thomas Jefferson Building, 2nd and Independence Avenue SE., Washington, D.C. 20540.

Department of Commerce, Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The reports cover the closed and partially closed meetings of 42 committees and 6 subcommittees, the names of which are listed below.

COMMITTEE (SUBCOMMITTEE)

Advisory Committee on East-West Trade
Committee of Industry Sector Advisory Committee Chairmen for Multilateral Trade Negotiations
Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee
—Input/Output Equipment Subcommittee
—Memory Equipment Subcommittee
Computer Systems Technical Advisory Committee
—Hardware Subcommittee
—Technology Transfer Subcommittee
Electronics Instrumentation Technical Advisory Committee
—Microprocessor Instrumentation Subcommittee
Gulf of Mexico Fishery Management Council
Industry Policy Advisory Committee for Multilateral Trade Negotiations (MTN)
Industry Sector Advisory Committee (ISAC) on Aerospace Equipment for MTN
ISAC on Automotive Equipment for MTN
ISAC on Communication Equipment and Non-Consumer Electronic Equipment for MTN
ISAC on Construction, Mining, Agriculture, and Oil Field Machinery and Equipment for MTN
ISAC on Consumer Electronic Products and Household Appliances for MTN
ISAC on Drugs, Soaps, Cleaners, and Toilet Preparations for MTN
ISAC on Electrical Machinery, Power Boilers, Nuclear Reactors, and Engines and Turbines for MTN
ISAC on Ferrous Metals and Products for MTN
ISAC on Food and Kindred Products for MTN
ISAC on Hand Tools, Cutlery, and Tableware for MTN
ISAC on Industrial Chemicals and Fertilizers for MTN
ISAC on Leather and Products for MTN
ISAC on Lumber and Wood Products for MTN
ISAC on Machine Tools—Other Metalworking Equipment, and Other Nonelectrical Machinery for MTN
ISAC on Miscellaneous Manufactures, Toys, Musical Instruments, Furniture, etc., for MTN
ISAC on Nonferrous Metals and Products for MTN
ISAC on Office and Computing Equipment for MTN
ISAC on Other Fabricated Metal Products for MTN
ISAC on Paint, Gum and Wood Chemicals, and Miscellaneous Chemical Products for MTN
ISAC on Paper and Products for MTN
ISAC on Photographic Equipment and Supplies for MTN
ISAC on Railroad Equipment and Miscellaneous Transportation Equipment for MTN
ISAC on Retailing for MTN
ISAC on Rubber and Plastics Materials for MTN
ISAC on Scientific and Controlling Instruments for MTN
ISAC on Stone, Clay, and Glass Products for MTN
ISAC on Textiles and Apparel for MTN
National Advisory Committee on Oceans and Atmosphere
North Pacific Fishery Management Council
Numerically Controlled Machine Tool Technical Advisory Committee
Pacific Fishery Management Council
President's Export Council Subcommittee on Export Administration
Sea Grant Review Panel
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee
Semiconductor Technical Advisory Committee
Telecommunication Equipment Technical Advisory Committee

Dated: June 14, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-17987 Filed 6-28-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of Conservation and Solar Application

INSULATION MATERIALS AND PROPERTIES

Public Meeting

The Department of Energy will hold a public meeting from 8:45 a.m. to 4:30 p.m. on July 28, 1978, to present the findings of "An Assessment of Thermal Insulation Materials and Systems for Building Applications" and the "Minnesota Retrofit Insulation in Situ Test Program."

The Assessment concerns the state-of-the-art of common residential insulating materials, the insulation industry, thermal properties of specific materials and the properties of various insulation assemblies. The Assessment will be useful for identifying areas where new test methods and standards are needed and for establishing new programs to improve the thermal performance of buildings.

The Minnesota Retrofit study reports on the findings of a project to study the "in situ" properties of various thermal insulation materials. Results from samples of 22 residential

walls and 48 residential ceilings will be discussed.

Interested persons may inspect these reports during business hours at the Department of Energy Library at 20 Massachusetts Avenue NW., Washington, D.C. 20545. A limited number of copies will also be available at the meeting.

The meeting will be held at the Capitol Hill Quality Inn, 415 New Jersey Avenue NW., Washington, D.C. 20001.

For further information contact Dr. Ervin Bales or Dr. George Courville, Office of Consumer Products and Technology, Department of Energy, Washington, D.C. 20545, telephone: 202-376-1886.

Issued in Washington, D.C. June 26, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration

[FR Doc. 78-18132 Filed 6-28-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Notice of Negative Determination of Environmental Impact if Prohibition Orders Issued to Certain Powerplants Were Made Effective

AGENCY: Department of Energy.

ACTION: Notice of Negative Determination of Environmental Impact and Availability of Environmental Assessments.

SUMMARY: Pursuant to 10 CFR 208.4(c) and 305.9(c), the Department of Energy (DOE) hereby gives notice that, in accordance with 10 CFR 305.9(c) and 208.3(a)(4), it has performed an analysis of the environmental impact of the proposed issuance of Notices of Effectiveness (NOE's) to the following powerplants:

Docket No.	Owner	Powerplant No.	Generating Station	Location
OFU-007	Iowa Public Service Co	1	George Neal	Salix, Iowa
OFU-034	Virginia Electric Power Co	1	Portsmouth	Portsmouth, Va.
OFU-035	do	2	do	Do.
OFU-036	do	3	do	Do.
OFU-037	do	4	do	Do.

DOE has determined that making the Prohibition Orders effective will not have a significant impact on the quality of the human environment. Accordingly, environmental impact statements need not be prepared.

DATE: Comments by July 23, 1978.

ADDRESS: Written comments to: Office of Public Hearing Management, Department of Energy, Box UM, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Division of Coal Utilization, Room 7202, 2000 M Street NW., Washington, D.C. 20461, 202-254-6246.

Robert J. Stern, Office of NEPA Affairs, Room 7119, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760.

Ralph E. Sharpe, Office of the General Counsel, Room 6144, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9653.

SUPPLEMENTARY INFORMATION: Prohibition orders, which if made effective, would prohibit the above-named powerplants from burning natural gas or petroleum products as their primary energy source, were issued on June 30, 1975 (40 FR 28430, July 3, 1975) under authority of sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 791 et seq., as amended by Pub. L. 94-163, and as further amended by Pub. L. 95-70. The Prohibition Orders povided, however, that in accordance with the requirements of 10 CFR 303.10(b) and 305.7, the orders would not become effective until DOE had considered the environmental impact of making the orders effective pursuant to 10 CFR 305.9 and until DOE had served the affected utilities with NOE's.

The Economic Regulatory Administration (ERA), Department of Energy has analyzed the potential environmental impacts that would result from the proposed NOE issuance for these powerplants. DOE has determined that the proposed issuance of NOE's for the Prohibition Orders issued to the above-named powerplants will not constitute "major Federal action(s) significantly affecting the quality of the human environment "within the meaning of the National Environmental Policy Act, 42 U.S.C. 4321 et seq. Therefore, pursuant to 10 CFR 208.4(c), DOE has concluded that environmental impact statements are not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessments upon which it is based are available upon request from Mr. W. H. Pennington, Office of NEPA Affairs, Office of the Assistant Secretary for Environment, Department of Energy, Mail Station E-201, Washington, D.C. 20545. Copies of the documents are also available for public review in the DOE Freedom of Information Reading Room, Room 2107, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461.

COMMENT PROCEDURE: Interested parties are invited to submit written comments with respect to this negative determination to the Office of Public Hearing Management, Box UM, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Ten copies should be submitted. All comments should be received by DOE no later than July 23, 1978 in order to insure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in accordance with the procedures set forth at 10 CFR 205.9(f). Any material not filed in accordance with such section will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 23, 1978.

BARTON R. HOUSE,
Assistant Administrator for Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-18131 Filed 6-29-78; 8:45 am]

[3128-01]

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for April 1978

In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for April 1978, submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, elegible product imports,and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the east coast

market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier crude oil and for imported and Alaska North Slope crude oil included in the crude oil receipts of California refineries provided in § 211.67(a)(4); May 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for April 1978 is calculated to be 0.218411.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of April 1978, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to 0.206753 of a barrel of deemed old oil.

The issuance of entitlements for the month of April 1978 to refiners and other firms is set forth in the appendix to this notice. The appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of April 1978 is hereby fixed at $8.35, which is the exact differential as reported for the month of April between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of April 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of April 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of April 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through March 1978 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the April 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its April 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the U.S. Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 1,898,519 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the east coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 7,116,867 barrels for April 1978. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 37,096,273 barrels.

In accordance with § 211.67(a)(4), the number of entitlements issued to each refiner with respect to its refineries located in the State of California has been increased by a number of entitlements equal to the number of barrels of California lower tier crude oil included in its adjusted crude receipts multiplied by 0.208383 (the result of dividing $1.74 by the entitlement price for April 1978). The number of entitlements issued to each refiner with respect to its refineries located in the State of California has been decreased by a number of entitlements equal to the number of barrels of imported crude oil and Alaska North Slope crude oil that are included in its adjusted crude oil receipts for the month of April 1978 multiplied by 0.060108 (the aggregate increase in entitlement issuances for California lower tier crude oil divided by the total number of barrels of imported crude oil and Alaska North Slope crude oil included in the adjusted crude oil receipts for April 1978 for all refiners with respect to refineries located in the State of California). Pursuant to § 211.67(a)(4), the number of barrels of California lower tier crude oil, imported crude oil, and Alaska North Slope crude oil reported by refiners as to their adjusted crude oil receipts with respect to refineries located in the State of California were as follows:

California lower tier crude oil	6,954,378
Alaska North Slope crude oil	11,293,423
Imported crude oil	12,816,085

The total number of entitlements required to be purchased and sold under this notice is 21,384,805.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for April 1978, the pricing composition and weighted average costs thereof are as follows:

CATEGORY	VOLUMES	WEIGHTED AVERAGE COST	% OF TOTAL VOLUMES*
Lower Tier	94,569,481	$ 5.79	21.4%
Upper Tier	87,912,970	12.41	19.9
Exempt Domestic:			
Alaskan	27,694,041	13.14	6.3
Stripper	34,905,373	14.53	7.9
Naval Petroleum Reserve	3,239,661	13.04	.7
Total Domestic	248,321,526	$10.27	56.2%
Imported	193,645,002	14.51	43.8
Total Reported Crude Oil Receipts	441,966,528	$12.13	100.0%

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for April 1978 must be made by June 30, 1978.

On or prior to July 10, 1978, each firm which is required to purchase or sell entitlements for the month of April 1978 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of April. The monthly transaction report forms for the month of April have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by June 30, 1978, are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to June 30, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before July 31, 1978.

Issued in Washington, D.C., on June 23, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

[FR Doc. 78-18317 Filed 6-28-78; 8:45 am]

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL
APRIL 1978

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
=CONSOL'D=SALES	=151,052	0	0	0	0	0	151,052*
A=JOHNSON	0	136,302	0	9,224	0	0	136,302
ALLIED	-94,589	82,811	0	0	0	11,778	0
AMER=PETROFINA	250,793	932,632	0	0	0	0	681,839
AMERADA=HESS	1,947,125	2,078,021	0	150,619	0	0	130,896
AMOCO	9,717,222	6,695,853	0	4,171	0	3,021,369	0
ANCHOR	1,174	47,553	0	0	0	0	46,379
APCO	78,064	60,022	7,961	0	0	10,042	0
ARCO	4,973,928	4,686,908	0	0	0	287,020	0
ARIZONA	253,942	102,890	7,794	0	0	151,052	0
ASAMERA	134,880	165,314	0	0	0	0	30,434
ASHLAND	1,366,650	2,357,516	2,060	0	0	0	990,866
ASIATIC	0	276,643	0	276,643	0	0	276,643
BASIN	236,662	177,921	0	0	0	58,741	0
BAYOU	36,412	52,402	0	0	0	0	15,990
BEACON	216,477	204,791	73,506	0	0	11,686	0
BELCHER	0	30,465	0	30,465	0	0	30,465
BI=PETRO	8,655	120,531	0	0	0	0	112,476
BRUIN	12,179	133,828	0	0	0	0	121,649
C&H	225	545	0	0	0	0	320
CALCASIEU	12,528	70,173	0	0	0	0	57,645
CALUMET	23,091	28,759	0	0	0	0	5,668
CANAL	75,306	76,019	0	0	0	0	713
CARIBOU	90,809	84,774	0	0	0	6,035	0
CASTLE	0	67,252	0	67,252	0	0	67,252
CENTRAL	0	6,488	0	6,488	0	0	6,488
CHAMPLIN	1,599,778	1,338,331	0	0	0	261,447	0
CHARTER	770,537	945,088	446,253	0	0	0	174,551
CHEVRON	5,930,463	6,242,738	0	26,853	0	0	306,275
CIRILLO	0	29,791	8,406	21,385	0	0	29,791
CITGO	2,419,226	1,712,343	0	0	0	706,883	0
CLAIBORNE	66,214	43,740	0	0	0	22,474	0
CLARK	275,992	605,538	0	0	0	0	329,546
COASTAL	309,720	1,355,942	0	32,262	0	0	1,046,222
COLONIAL	0	33,470	2	33,468	0	0	33,470
CONOCO	2,816,572	2,154,600	0	28,008	0	661,972	0
CORCO	0	1,112,872	176,453***	259,237	0	0	1,112,872
CRA=FARMLAND	315,902	483,286	0	0	0	0	167,384
CROSS	52,695	100,621	0	0	0	0	47,926
CROWN	283,550	646,781	0	0	0	0	363,231
CRYSTAL=OIL	167,714	174,432	0	0	0	0	6,718
CRYSTAL=REF	513	36,773	0	0	0	0	36,260
DELTA	178,487	445,884	0	0	0	0	267,397
DEMENNO	5,431	47,005	0	0	0	0	41,574
DERBY	0	159,913**	0	0	0	0	159,913
DIAMOND	440,074	337,827	0	0	0	102,247	0
DILLMAN	0	2,003	0	0	0	0	2,003
DORCHESTER	158,485	107,325	0	0	0	51,160	0
DOW	48,074	143,856	0	0	0	0	95,782
E=SEABOARD	0	21,903	0	21,903	0	0	21,903
ECU	87,814	79,676	0	0	0	8,138	0
EDDY	38,055	46,055	0	0	0	0	8,000
ENERGY=COOP	1,083	728,544	0	0	0	0	727,461
ERICKSON	34,299	264,012	0	0	0	0	229,713
EVANGELINE	36,877	41,907	0	0	0	0	5,030
EXXON	9,928,784	8,867,065	0	512,502	0	1,061,719	0
EZ=SERVE	5,525	30,758	0	0	0	0	25,233
FARMERS=UN	148,359	303,385	0	0	0	0	155,026
FLETCHER	=112,783	101,781	0	0	0	0	214,564
FLINT	7,862	9,878	1,025	0	0	0	2,016
GARY	70,161	123,882	0	0	0	0	53,721
GETTY	818,628	1,402,060	0	0	0	0	583,432
GIANT	40,095	63,874	0	0	0	0	23,779
GLACIER=PARK	99,016	50,767	0	0	0	48,249	0
GLADIEUX	76,010	124,508	0	0	0	0	48,498
GLENROCK	950	1,118	0	0	0	0	168
GOLDEN=EAGLE	0	165,816	0	0	0	0	165,816
GOLDKING	103,547	134,170	0	0	0	0	30,623

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
GOOD-HOPE	47,110	294,280	7,899	0	0	0	247,170
GUAM	0	306,846	1,923	0	0	0	306,846
GULF	7,119,108	5,021,826	0	55,717	0	2,097,282	0
GULF-STS	37,401	133,937	48	0	0	0	96,536
HIRI	0	373,861	11,040	0	0	0	373,861
HOWARD	0	51,234	0	51,234	0	0	51,234
HOWELL	288,178	292,829	0	0	0	0	4,651
HUDSON-OIL	13,821	199,817	0	0	0	0	185,996
HUNT	336,136	297,226	0	0	0	38,910	0
HUSKY	554,624	554,624	262,080	0	0	0	****0
INDEPENDENT-REF	96,831	138,242	3,460	0	0	0	41,411
INDIANA-FARM	41,022	215,475	0	0	0	0	174,453
IRVING	0	26,667	10,197	16,470	0	0	26,667
J&W	66,860	56,732	0	0	0	10,128	0
KENCO	24,940	41,161	0	0	0	0	16,221
KENTUCKY	17,135	19,480	3,307	0	0	0	2,345
KERN	243,032	373,114	164,415	0	0	0	130,082
KERR-MCGEE	924,843	979,960	0	0	0	0	55,117
KOCH	293,016	725,695	0	8,545	0	0	432,679
LAGLORIA	422,642	274,400	0	0	0	148,242	0
LAKESIDE	4,959	39,771	0	0	0	0	34,812
LAKETON	127,512	124,443	17,657	0	0	3,069	0
LITTLE-AMER	1,204,626	1,096,693	559,165	0	0	107,933	0
LOUISIANA-LAND	213,108	310,971	0	0	0	0	97,863
MACMILLAN	-6,191	131,740	0	0	0	0	137,931
MARATHON	3,433,245	2,604,009	0	0	0	829,236	0
MARION	88,386	214,584	0	0	0	0	126,198
METROPOLITAN	0	76,289	0	76,289	0	0	76,289
MID-AMER	1,047	33,494	0	0	0	0	32,447
MID-TEX	2,237	28,084	0	0	0	0	25,847
MIDLAND	0	39,820	39,820	0	0	0	39,820
MOBIL	6,156,109	4,669,793	0	25,173	0	1,486,316	0
MOBILE-BAY	0	153,559	0	0	0	0	153,559
MOHAWK	374,138	431,277	155,528	0	0	0	57,139
MONOCO	0	16,505	0	16,505	0	0	16,505
MONSANTO	408,718	294,783	0	0	0	113,935	0
MORRISON	21,648	14,369	25	0	0	7,479	0
MOUNTAINEER	7,765	8,492	194	0	0	0	727
MT-AIRY	9,057	129,725	0	0	0	0	120,668
MURPHY	827,255	562,706	0	0	0	264,549	0
N-AMER-PETRO	72,148	155,406	4,132	0	0	0	83,258
NATL-COOP	289,635	412,538	0	0	0	0	122,903
NAVAJO	340,000	294,466	62,023	0	0	45,534	0
NEVADA	10,441	20,977	0	0	0	0	10,536
NEW-EDGINGTON	489,980	549,470	273,986	0	0	0	59,490
NEW-ENGL-PETRO	0	394,516	14,009	380,507	0	0	394,516
NEWHALL	194,732	260,853	70,233	0	0	0	66,121
NORTHEAST-PETRO	0	47,588	0	47,588	0	0	47,588
NORTHLAND	21,079	21,079	7,271	0	0	0	0
NORTHVILLE	0	62,313	9,292	53,021	0	0	62,313
OKC	253,017	233,669	0	0	0	19,348	0
OXNARD	22,057	22,851	8,777	0	0	0	20,794
PENNZOIL	529,610	349,363	0	0	0	180,247	0
PESTER	104,751	228,469	6,164	0	0	0	123,718
PETRO-HEAT-PA	0	15,003	15,003	0	0	0	15,003
PHILLIPS	2,081,962	1,925,202	0	0	0	156,760	0
PHILLIPS-PR	0	283,874	0	283,874	0	0	283,874
PIONEER	38,261	43,598	0	0	0	0	5,337
PLACID	210,335	244,789	0	0	0	0	34,454
PLATEAU	157,330	125,910	0	0	0	31,420	0
POWERINE	89,158	390,480	0	0	0	0	301,322
PR-OLEFINS	0	36,616	0	36,616	0	0	36,616
PRIDE	93,529	146,954	0	0	0	0	53,425
PRINCETON	13,807	55,838	0	0	0	0	42,031
QUAKER-ST	37,721	210,560	0	0	0	0	172,839
RANCHO-REF	0	12,547	0	0	0	0	12,547
RAYMAL	703	15,164	0	0	0	0	14,461
RICHARDS	318	39,456	0	0	0	0	39,138

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
RICO	0	11,553	11,553	0	0	0	11,553
ROAD-OIL	0	15,166	14,602	0	0	0	15,166
ROCK-ISLAND	219,453	313,704	17,329	0	0	0	94,251
SABER-TEX	20,518	214,212	0	0	0	0	193,694
SABRE-CAL	1,948	58,322	17,157	0	0	0	56,374
SAGE-CREEK	2,185	3,465	0	0	0	0	1,280
SAN-JOAQUIN	288,710	228,352	9,086	0	0	60,358	0
SCANOIL	0	16,708	0	16,708	0	0	16,708
SEMINOLE	12,092	64,341	0	0	0	0	52,249
SENTRY	32,276	97,656	0	0	0	0	65,380
SHELL	9,933,658	6,251,158	0	0	0	3,682,500	0
SHEPHERD	81,752	77,243	0	0	0	4,509	0
SIGMOR	20,575	140,681	0	0	0	0	120,106
SO-HAMPTON	27,087	134,381	0	0	0	0	107,294
SOHIO	1,453,488	2,698,470	5,977	0	0	0	1,244,982
SOMERSET	16,299	54,913	3,684	0	0	0	38,614
SOUND	32,153	109,306	0	0	0	0	77,153
SOUTHERN-UNION	173,813	255,266	0	0	0	0	81,453
SOUTHLAND	328,088	282,639	117,607	0	0	45,449	0
SOUTHWESTERN	5,915	5,915	938	0	0	0	0
SPRAGUE	0	68,678	0	68,678	0	0	68,678
STEUART	0	28,752	11,182	17,570	0	0	28,752
SUNLAND	3,308	133,404	0	0	0	0	130,096
SUNOCO	4,449,691	3,444,671	0	0	0	1,005,020	0
SWANN	0	34,516	24,049	10,467	0	0	34,516
TARHICONE	0	4,909	4,909	0	0	0	4,909
TAUBER	0	13,674	0	13,674	0	0	13,674
TENNECO	1,075,506	735,237	0	11,429	0	340,269	0
TESORO	316,029	532,569	0	0	0	0	216,540
TEXACO	9,172,364	7,116,682	0	276,900	0	2,055,682	0
TEXAS-AMERICAN	27,905	99,907	0	0	0	0	72,002
TEXAS-ASPH	8,321	35,842	0	0	0	0	****27,521*
TEXAS-CITY	501,714	501,714	209,569	0	0	0	0
THAGARD	228,220	191,120	27,521	0	0	37,100	0
THRIFTWAY	36,453	50,890	0	0	0	0	14,437
THUNDERBIRD	95,213	125,326	0	0	0	0	30,113
TIPPERARY	122,315	69,823	0	0	0	52,492	0
TONKAWA	33,370	69,459	0	0	0	0	36,089
TOSCO	1,431,355	1,896,042	733,530	0	0	0	464,687
TOTAL-PETROLEUM	326,839	453,591	0	0	0	0	126,752
UCC-CARIBE	0	230,422	0	230,422	0	0	230,422
UNION-OIL	3,320,511	2,708,612	0	6,552	0	611,699	0
UNION-PETRO	0	40,298	0	40,298	0	0	40,298
UNTD-IND	8,508	2,336	0	0	0	6,172	0
UNTD-REF	158,787	362,768	0	0	0	0	203,981
US&SU-AMER	0	254,745**	0	0	0	0	254,745
US-OIL	18,166	181,801	0	0	0	0	163,635
USA-PETROCHEM	47,029	214,869	0	0	0	0	167,840
VICKERS	176,923	450,247	0	0	0	0	273,324
VULCAN	7,629	156,924	0	0	0	0	149,295
WALLACE	0	7,530	7,530	0	0	0	7,530
WARRIOR	38,792	46,941	17,644	0	0	0	8,149
WEST-COAST	19,525	138,999	9,451	0	0	0	119,474
WESTERN	69,302	126,184	6,789	0	0	0	56,882
WINSTON	95,901	174,801	0	0	0	0	78,900
WIREBACK	0	755	0	0	0	0	755
WITCO	26,358	178,137	0	0	0	0	151,779
WYATT	0	16,105	0	16,105	0	0	16,105
WYOMING	27,656	147,992	0	0	0	0	120,336
YETTER	0	823	0	0	0	0	823
YOUNG	55,350	51,571	16,473	0	0	3,779	0
TOTAL	109,588,910	109,588,910	3,698,588	3,240,822	0	21,384,805	21,384,805

* Equals March 1978 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

**** This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v. DOE, et al., Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978).

***** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RP78-5]

CITY OF DES ARC, ARKANSAS, COMPLAINANT v. MISSISSIPPI RIVER TRANSMISSION CORPORATION, RESPONDENT

Order Dismissing Complaint, Providing for Hearing, and Establishing Procedures

JUNE 21, 1978.

On October 7, 1977, the city of Des Arc, Ark. (Des Arc), filed pursuant to order No. 467-C an application requesting that the Commission direct the respondent, Mississippi River Transmission Corp. (MRT), to increase Des Arc's daily contract demand allocation by an additional 300 Mcf per day and a complaint requesting relief from the responsibility of paying certain overrun penalties imposed by MRT.

In support of its application and complaint, Des Arc states that its present agreement with MRT provides for a 725 Mcf daily contract demand, a 100 Mcf per day "priority interruptible" allocation, and requires the payment of a $10 per Mcf overrun penalty on volumes taken in excess of these amounts. Despite its efforts to limit the usage of natural gas to human needs only, Des Arc contends that the city's needs have grown to the extent that it is no longer able to limit the consumption of natural gas to the levels permitted under the existing agreement with MRT. Due to the city's increased human needs requirements, Des Arc claims that it incurred overrun penalties of up to $1,900 per day during the winter of 1976-77, even though it voluntarily curtailed all manufacturing plant and industrial uses of natural gas, closed the local school system, and curtailed most businesses on the days that overtakes were required.

Des Arc further alleges that the overrun penalty imposed by MRT is more than it can afford to pay and requests that it be relieved of the responsibility for paying those charges. Des Arc additionally requests that the Commission alleviate the city's supply shortage by increasing its allotment for human needs natural gas an additional 300 Mcf per day, and in support of its requests, sets forth certain information it believes to be required by order No. 467-C [1] which pertains to requests for relief from curtailment.

In its December 7, 1977, response to Des Arc's application and complaint, MRT requests that the pleading be dismissed on the grounds that it is patently deficient and improperly filed as both a complaint and a request for relief from curtailment pursuant to the requirements of order No. 467-C. In support of its motion to dismiss, MRT argues that the application cannot be considered under the provisions of order No. 467-C because MRT, Des Arc's sole supplier, has not curtailed deliveries to the city, and, in addition, points out certain deficiencies in the information submitted by Des Arc in support of its order No. 647-C filing. MRT further contends that the pleading should be dismissed as a complaint because it contains no allegation that MRT has violated or contravened any act, rule, regulation, or order issued by the Commission, as required by section 1.6 of the Commission's rules of practice and procedure.

With respect to Des Arc's request for relief from the payment of overrun penalties, MRT states that the 100 Mcf "priority interruptible" allocation alleged by Des Arc to be part of its daily contract entitlement is in fact an unauthorized overrun tolerance which is billed at the interruptible service rate for smaller volume overtakes. The tolerance for overruns of 100 Mcf per day or less is allegedly designed to avoid heavily penalizing customers for overtakes which ordinarily would not jeopardize MRT's ability to maintain adequate service to its existing customers. For overtakes exceeding 100 Mcf per day, a $10 penalty is imposed under MRT's applicable FERC gas tariff. MRT points out that the $10 per Mcf overrun penalty was established by compromise among the Commission staff, MRT, and other active parties in Mississippi River Transmission Corp., docket No. RP75-20, and was approved by order of the Federal Power Commission issued February 13, 1976.[2]

MRT contends that the overrun penalties from which Des Arc requests relief were properly imposed in accordance with MRT's FERC gas tariff and that any waiver of those penalties might encourage Des Arc to ignore the volumetric limitations contained in its contract with MRT. MRT additionally asserts that Des Arc has already paid the overrun charges imposed for the 1976-77 winter heating season and avers that any attempt to compel refund of those charges at this time would constitute unlawful retroactive ratemaking. For these reasons, MRT requests that the Commission deny Des Arc's request for relief from the payment of overrun penalties.

As for Des Arc's request that the Commission increase its daily allotment an additional 300 Mcf per day, MRT acknowledges that it has been able to avoid high-priority curtailments in the past, but states that it has not been able to meet any of the numerous customer requests for contract increases since 1970. In addition, MRT states that it does not have sufficient supplies of natural gas to enable it to undertake increased deliveries to any customer without impairing its ability to serve other customers. Therefore, MRT requests that the Commission deny Des Arc's application for an increase in its daily allotment of natural gas.

We agree that Des Arc's request for an increase in its daily contract demand allocation cannot be considered under the curtailment relief procedures outlined in order No. 467-C because deliveries to the city are not being curtailed by MRT. However, the request could appropriately be considered as a section 7(a)[3] application for increased natural gas service and will be construed as such by the Commission, provided Des Arc submits the information required under part 156 and section 250.6 of the Commission's regulations under the Natural Gas Act.

Although MRT claims that it lacks sufficient supplies to increase deliveries to the city of Des Arc without impairing its ability to serve other customers, recent form 16 reports show that MRT did not project any curtailment of firm requirements during the 1977-78 winter heating season. For the past several years, MRT's interruptible customers have been curtailed on a regular basis during the winter months, but they have adequate alternate fuel capability and have received substantial volumes of natural gas from MRT during the summer periods. Nevertheless, we recognize that in this time of nationwide natural gas shortages, each request for increased service must be carefully scrutinized to determine whether one customer's growth is endangering the supplying

[1] "Order Defining Procedures for Filing Requests for Curtailment," docket No. R-469, 51 FPC 1199 (1974).

[2] Des Arc did not intervene in docket No. RP75-20.

[3] 15 U.S.C. § 717f(a). Section 7(a) of the Natural Gas Act provides as follows: Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may by order direct a natural-gas company to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural-gas company, if the Commission finds that no undue burden will be placed upon such natural-gas company thereby: *Provided*, That the Commission shall have no authority to compel the enlargement of transportation facilities for such purposes, or to compel such natural-gas company to establish physical connection or sell natural gas when to do so would impair its ability to render adequate service to its customers.

pipeline's ability to render adequate service to other existing customers.

In light of the potential impact which Des Arc's application for increased natural gas service could have upon other customers of MRT, we find that a full evidentiary hearing should be held in this proceeeding. The hearing should develop a record concerning the information required under part 156 and section 250.6 of the Commission's regulations, and Des Arc should additionally: (1) Document all efforts to obtain alternate sources of gas from intrastate suppliers or increased volumes of LPG; (2) present all communications between Des Arc and the Arkansas Public Service Commission with respect to gas supply; (3) detail data from the books and records of Des Arc supporting the estimated present and projected peak-day annual requirements, together with such specific information relating to number of meters and classes of customers served and to be served; (5) provide the history of Des Arc's gas supply, including rate, volumes, and source of gas received, and the measures taken to insure a continuing supply; (6) explain what Des Arc plans to do to insure a continuing gas supply should the subject application be denied; and (7) furnish estimates and backup data concerning the percentage by volumes of attachments over former service in each curtailment priority. Des Arc must also carry its burden to show that the requested increase in natural gas service is necessary or desirable in the public interest.

It shall be incumbent upon MRT to furnish testimony relating the gas supply available for the service in question and the effect that this service will have on its system from an operational standpoint if the request for service is granted. MRT shall also furnish facts and testimony as to its history of curtailments, with particular regard to the order No. 467-B categories of priority, as well as specific information related to its distributor customers' load additions and/or scope of postponement of such load additions by class of retail customer during the last several years of gas supply shortage.

As to Des Arc's request for relief from the responsibility of paying overrun penalties, we must first note that MRT's tariff does not contain a provision permitting either MRT or this Commission to waive overrun penalty charges and must also note that the settlement approved in docket No. RP75-20 specifically provides that MRT shall have no refund obligation with respect to overrun penalties charged.[4] In addition, Des Arc has neither alleged nor shown that the overrun penalty was improperly assessed in a manner violative of Commission regulations or applicable MRT tariff provisions. For these reasons, we find that the Commission lacks authority to grant Des Arc relief from or refund of the overrun penalties which it paid to MRT. Accordingly, Des Arc's complaint requesting relief from the payment of overrun penalties will be dismissed.

In view of the foregoing findings with respect to the appropriate disposition of Des Arc's application and complaint, the motion of MRT for dismissal of Des Arc's pleading will also be denied.

Notice of Des Arc's application and complaint was published in the FEDERAL REGISTER on November 16, 1977 (42 FR 59320). No petition to intervene, notice of intervention, or protest to the granting of the application, other than the response of MRT, has been filed in response to that notice.

The Commission orders: (A) On or before August 7, 1978, the city of Des Arc shall file with the Secretary of this Commission and serve upon all parties to this proceeding, including the Commission staff, its direct case pursuant to section 7(a) of the Natural Gas Act in support of its application together with the information required under part 156 and section 250.6 of the Commission's regulations under the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a prehearing conference will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m. on August 22, 1978, to discuss procedural matters and the clarification of substantive issues.

(C) An administrative law judge to be designated by the chief administrative law judge for that purpose (see delegation of authority, 18 CFR, § 3.5(d)), shall preside at a hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure.

(D) The complaint filed by the city of Des Arc requesting relief from the payment of certain overrun penalties imposed by MRT is hereby denied.

(E) MRT's motion to dismiss the complaint and application of the city of Des Arc is hereby denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18070 Filed 6-28-78; 8:45 am]

[4] Stipulation and agreement, article VI, primary interruptible rate and charges for unauthorized overtake volumes, p. 18.

[6740-02]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Order Amending Order Issuing Certificate of Public Convenience and Necessity

JUNE 21, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August, 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

On April 5, 1978, Cities Service Gas Co. (Cities) and Natural Gas Pipeline Co. of America (Natural) (petitioners) filed in docket No. CP64-89 a petition to amend further the order of January 2, 1964, as amended, in the instant docket (31 FPC 3) issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act so as to authorize an additional exchange point at an existing point of interconnection between the systems of petitioners in Ford County, Kans., (Ford County exchange point), and to authorize petitioners to continue to exchange gas pursuant to an exchange agreement dated September 30, 1963, as amended, beyond May 1, 1980, all as more fully set forth in the petition to amend.

The January 2, 1964, order, as amended, authorizes petitioners, among other things, to construct and operate certain facilities, to abandon and replace certain other facilities, and to exchange up to 60,000 Mcf per day of natural gas at various exchange points in Oklahoma for a term ending May 1, 1980.

On February 3, 1978, petitioners amended further their exchange agreement dated September 30, 1963, to provide for the Ford County, Kans., exchange point whereby either petitioner may deliver to the other, at times and daily rates mutually agreeable, volumes of exchange gas, and to provide for the continued exchange of gas beyond May 1, 1980. The utilization of the existing Ford County interconnection as an exchange point provides petitioners a balancing point whereby imbalances in deliveries is alleviated and provides additional flexibility for the exchange arrangement.

After due notice by publication in the FEDERAL REGISTER on April 27,

1978 (43 FR 18009), no petition to intervene, notices of intervention, or protests to the granting of the petition to amend have been filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order in docket No. CP64-89, issued January 2, 1964, as amended, be amended further as hereinafter ordered.

The Commission orders: The order issued January 2, 1964, as amended, is amended so as to authorized and additional exchange point in Ford County, Kans., and to authorize the continued exchange of gas beyond May 1, 1980. In all other respects, said order, as amended, shall remain in full force and effect.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18071 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Informal Conference

JUNE 22, 1978.

Take notice that on June 12, 1978, the Public Service Commission of the State of New York (New York) requested the convening of an informal conference on June 27, 1978, of all the parties to the above-styled proceeding to discuss various problems which have arisen in the implementation of Columbia Gas Transmission Corp.'s (Columbia) currently effective curtailment plan in docket No. RP72-89.

New York asserts that under a settlement proposal noticed on March 24, 1976, Columbia submitted an interim curtailment plan to be effective through October 1978. This plan was subject to comments, some opposing the plan, by the parties to this proceeding. The Commission has not to date acted upon this proposal nor on the presiding law judge's initial decision on a permanent curtailment plan for Columbia.

New York notes that one of the uncontested features of the aforementioned proposed settlement was the convening of a conference in the spring or summer of 1978 to consider the operation of any interim plan for the Columbia System. New York contends that operating problems under the effective plan continue to persist and urges that one area of discussion should be the problem of overtakes under that plan. It feels that other parties may have other areas with respect to the plan that also warrant discussion.

Take notice that on June 27, 1978, an informal conference will be held in a hearing room of the Federal Energy Regulation Commission at 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m. (e.d.t.), for the purpose of discussing problems that have arisen relative to the implementation of Columbia's effective curtailment plan.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18076 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-12 and RM77-14]

EAST TENNESSEE NATURAL GAS CO.

Rate Filing

JUNE 22, 1978.

Take notice that on May 17, 1978, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing substitute 25th revised sheet No. 4 and substitute 26th revised sheet No. 4 to 6th revised volume No. 1 of its FERC gas tariff to be effective May 1, 1978, and June 1, 1978, respectively.

East Tennessee states that the sole purpose of the revised tariff sheets is to include an omission in the tariff sheets previously filed in the above-captioned proceedings to permit East Tennesee to recover for the period May 1, 1978, through June 30, 1978, the demand surcharge for amortizing the unrecovered purchased gas cost account which has been approved by the Commission for that period.

East Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene: *Provided, however,* That any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18077 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP76-148 (PGA78-2)]

GAS GATHERING CORP.

Substitute Filing Under Purchased Gas Adjustment Clause Provision

JUNE 22, 1978.

Take notice that Gas Gathering Corp. (GGC), on June 8, 1978, tendered for filing substitute changes in its FERC gas tariff providing for increased charges to Transcontinental Gas Pipe Line Corp. (Transco), its sole jurisdictional customer, under GGC's PGA clause. The substitute filing would correct errors discovered by GGC in its filing of May 31, 1978, in this docket. As so corrected, the changes proposed would increase the rate charged Transco by 5.55363 cents per Mcf over those rates presently in effect. The rates are proposed to be made effective on July 1, 1978.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18078 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CI78-430]

J. M. HUBER CORP.

Order Granting Rehearing for Purposes of Further Consideration and Granting Intervention Out of Time

JUNE 21, 1978.

By letter order issued April 12, 1978, we issued a temporary certificate to J. M. Huber Corp. authorizing the sale of gas to Transwestern Pipeline Co. (Transwestern) under contract dated January 23, 1978. Therein, we stated that if the purchaser incurred costs associated with processing, dehydration, compression, or other conditioning of the subject gas and sought to include these costs in its rates, the purchaser would be required to prove that the

costs had not be compensated for in the applicable national ceiling rate. This condition was subject to our action in docket Nos. CI77-412, CP77-577, and CP77-558.

Transwestern has filed a motion to intervene out of time in the above-captioned matter and an application for rehearing of the above order, objecting thereto in connection with the matter described above.

The Commission finds: Participation by Transwestern may be in the public interest.

The Commission orders: (A) Transwestern is permitted to intervene in the above-captioned matter subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any orders of the Commission entered in this docket.

(B) The application for rehearing of our letter order of April 2, 1978, filed by Transwestern, is hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no response to this order will be entertained in accordance with the terms of section 1.34(d) of the Commission's rules of practice and procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18065 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. ER76-184]

KANSAS CITY POWER AND LIGHT CO.

Order Affirming Initial Decision of Administrative Law Judge

JUNE 21, 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 (Aug. 4, 1977) and Executive Order No. 12009, 42 FR 46267 (Sept. 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceedings were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On October 20, 1975, the Kansas City Power & Light Co. (KCPL) tendered for filing new schedules of rates and charges for power service to 11 wholesale customers located in Kansas and Missouri. By order issued October 4, 1976, the Commission accepted and approved a settlement agreement which settled all issues in the matter except one, relating to cost allocation, which was reserved for hearing. The reserved issue was whether for cost allocation purposes KCPL's 161/69/34/12 kV step-down transformation facilities and 69 and 34 kV line facilities should be (a) rolled-in and included as a portion of KCPL's power source facilities or (b) assigned and allocated as a portion of KCPL's "local" facilities.

Hearings on the reserved issue were conducted by Administrative Law Judge Kimball on October 20-21, 1976, and Judge Kimball issued his Initial Decision on July 13, 1977. The Judge found that the 34 kV facilities are integrated parts of KCPL's bulk power supply system and function similarly to power source facilities. Accordingly, he determined that for cost allocation purposes the facilities at issue in the case should be rolled-in and included as a portion of LCPL's power source facilities rather than assigned and allocated as a portion of KCPL's "local" facilities.

On September 15, 1977, KCPL submitted a brief on exceptions to the Initial Decision. Responses in opposition were filed by several parties, including the Commission Staff. The FERC, after giving due consideration to each exception, finds that the exceptions are without merit.

The FPC has consistently favored the rolled-in method of allocation.[2] In *Public Service Co. of Indiana,* Opinion No. 783, issued November 10, 1976,[3] the FPC, for the reasons therein stated, held that the rolled-in method must be used except in exceptional circumstances.

We reaffirm the view that the rolled-in method of cost allocation is favored except in exceptional circumstances. Here, the Judge properly found that the requisite exceptional circumstances did not exist. We affirm his findings that the facilities at issue operate as integrated parts of KCPL's entire bulk power supply system and function similarly to bulk power source facilities and that no exceptional circumstances have been demonstrated.

The Commission Orders: KCPL's exceptions to the Initial Decision of the Administrative Law Judge are denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18066 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP73-97]

KENTUCKY WEST VIRGINIA GAS CO.

Order Denying Rehearing

JUNE 21, 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 (Aug. 4, 1977) and Executive Order No. 12009, 42 FR 46267 (Sept. 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act has 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

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[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] *Battle Creek Gas Co.* v. *FPC,* 281 F.2d 42 (D.C. Cir 1960); *United Gas Pipe Line Co.,* 31 FPC 1180 (1964); *Union Electric Co.,* 47 FPC 144 (1972); *Florida Power & Light Co.,* Opinion No. 784, issued December 15, 1976; *Detroit Edison Co.,* Opinion No. 748, issued December 30, 1975.

[3] Affirmed in pertinent part, *Public Service Co. of Indiana* v *FERC,* No. 77-1238 (7th Cir. Apr. 27, 1978).

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC

under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

The Commission has before it an application filed March 17, 1978, by Kentucky West Virginia Gas Co. ("Kentucky West" or "Company") for rehearing and request for oral argument of the Commission's Opinion No. 7 and order issued in this proceeding on February 16, 1978. By that opinion and order the Commission accepted and approved a stipulation regarding certain cost of service and cost allocation issues. With respect to the first of two reserved issues, the Commission held that Kentucky West had not demonstrated "special circumstances" warranting an allowance in excess of the area rate for "new" gas produced from leases obtained after October 7, 1969, from wells drilled prior to January 1, 1973. On the second reserved issue, the Commission determined that the appropriate rate of return for Kentucky West during the locked-in period is 8.96 percent, based upon an imputed capital structure and an allowed return on common equity of 12.00 percent. Kentucky West seeks rehearing on both issues.[2]

By this order, the Commission, for the reasons stated below, will deny rehearing and, the matter having been fully presented in the record and the pleadings including the application for rehearing, will deny the request for oral argument.

Special Relief

In its application for rehearing Kentucky West presents a new contention that the Commission erred in denying Kentucky West's request for special relief. The only record evidence on cost relevant to this issue is staff's testimony based on Kentucky West's filing demonstrating that the cost to produce new gas was 8.1 cents per Mcf. Kentucky West now contends that the adjustments for nonrecurring cost of service items made in the revised stipulated cost of service (Ex. 21), when applied to staff's cost analysis, yields a 61.6 cents per Mcf (at 15.325 psia) cost for new gas. Kentucky West says that the stipulated adjustments in Exhibit 21 which reduced the operation and maintenance expenses for "old gas" increase the cost of "new gas", correspondingly.[3] It says that this justifies the 46.8 cents per Mcf it requests for new gas.

We disagree. The record does not support Kentucky West's suggested adjustments to staff's analysis. The revised stipulated cost of service in Exhibit No. 21 neither adjusts nor requires adjustments to determine the "new gas" cost of service amounts stipulated in Exhibit No. 19.[4] The expenses which Kentucky West proposes should be assigned to "new gas" cannot be said to be wholly attributable to this gas or to constitute the only adjustments warranted. Kentucky West had the opportunity to place on the record its own cost of service analysis of "new gas" or to rebut staff's analysis during the course of these proceedings. It chose to do neither. Its attempt now to make piecemeal adjustments to staff's record analysis is rejected.

Kentucky West further argues for "special relief" by citing a report concerning the price incentive necessary to develop gas. We find that report inappropriate and irrelevant to the cost determination necessary to support the grant of special relief.

Rate of Return

We now turn to the rate of return issue where Kentucky West appears to unleash a many-pronged attack upon Opinion No. 7. In essence, however, its arguments reduce to three general points:

(1) the Commission erred in regarding Kentucky West as having risks comparable to those of transmission companies rather than to those of independent producers;

(2) the Commission erred in imputing the consolidated capital structure of Kentucky West's parent, Equitable Gas Co., to Kentucky West and that, in doing so the Commission unfairly imputed that capitalization to a past locked-in period; and

(3) the Commission erred in finding a rate of return whose end result is unjust and unreasonable.

1. Kentucky West's Risk Exposure

Kentucky West continues to rely heavily upon arguments alleging to show its risk comparability to independent producers and upon the Commission's use of a 15-percent rate of return in area and nationwide rate proceedings as bases for the rate of return it requests in this proceeding on its cost of service rate base. We found their arguments on this score unpersuasive at the time we issued our opinion and find their new arguments equally unpersuasive now.

The rate of return determination in this proceeding was influenced by the differences in the cost of service regulatory regime under which Kentucky West has operated and the area and nationwide rate setting regime under which independent producers have operated. Gas exploration, development, and production operations conducted under cost of service treatment carries substantially less risk to investors than gas operations conducted under the expectation of receiving prices, *only for gas found*, based on average areawide or nationwide costs determined periodically by a regulatory body.

Kentucky West's claims that it does not benefit from cost of service regulation and that it would be better off if it were allowed to charge the nationwide flowing gas rates are unfounded. Its contention that the per unit cost of "old gas" embodied in its cost of service is less than the flowing gas rates applicable to independent producers is misleading due to the omission of gathering costs. The conclusion we reached in Opinion No. 7, and which Kentucky West argues is misconceived, followed from: (1) transmission costs and advance payments constituting a small percentage of the per unit cost of service and (2) "new gas" unit rates being significantly less than the resulting total per unit cost. In its application for rehearing, Kentucky West shows the costs by function[5] and compares the producer flowing gas rate to the unit production cost of its "old gas." Kentucky West compares the 29.5 cents per Mcf rate (14.73 psia and 1,000 Btu per cu. ft.) allowed by the Commission on flowing gas of independent producers[6] with the unit production cost of 20.97 cents allowed in Opinion No. 7 (8.96 percent rate of return) and the 25.88 cents cost embodied in Company's proposed rates (13.03-percent rate of return). But the flowing gas rate to independent producers permits only a 1 cent per Mcf adjustment for gathering costs. Kentucky West's cost of service includes a 15.28 cents per Mcf allowance for gathering costs using the Commission's 8.96 percent rate of return. A 19.27 cents per Mcf allowance is embodied in the Company's proposed rates. Thus the relevant comparison

[2] An order granting rehearing for purposes of further consideration and stay pending order on rehearing was issued in this proceeding on April 17, 1978.

[3] "Old gas" or "flowing gas", as used here, refers to gas produced from wells commenced before Janury 1, 1973, on leases acquired prior to October 8, 1967. "New gas" means gas produced from leases acquired after October 7, 1969.

[4] Exhibit No. 21, app. A (revised) p. 1, line 8.

[5] Application for rehearing, app. B, p. 3, based on exhibit 21.

[6] Just and reasonable national rates for sales of natural gas from wells commenced prior to January 1, 1973, Docket No. R-478, Opinion No. 749-C, opinion and order on rehearing, issued July 19, 1976.

should be between the independent producer's production plus gathering ceiling price of 30.5 cents per Mcf and the 36.26 cents per Mcf cost implied by opinion No. 7 rates or the 45.15 cents cost in Company's proposed rates.[7] Moreover, even if Kentucky West's rates were less than the applicable flowing gas rates, the relative assurance of cost recovery under cost of service treatment reduces Kentucky West's risk relative to independent producers. The inescapable conclusion is the one we reached in our opinion, that Kentucky West is in a substantially better position because of its cost of service treatment than it would be had its sales been subject to the same type of regulation as independent producers.

We also find no merit in Kentucky West's claim that its cost of service is deficient in comparison with producer rates because no cost of service allowance is provided for dry holes and related expenses. This circumstance results from the nature of the different regulatory frameworks under which independent producers and pipeline producers operated and which created the substantive risk differential to investors in the two types of operations. As Kentucky West points out, "when a cost of service is constructed employing the successful efforts method of accounting, there is included an allowance for exploration and development based on base year experience."[8] This is the method that has been used in setting Kentucky West's rates until this proceeding. The effect of such ratemaking methodology is to give the company the ability to earn in each year revenues sufficient to cover the unsuccessful efforts costs for that year.[9] In contrast, independent producers are compensated only to the extent that they are able to find and sell gas at the established just and reasonable rate. If they find no gas, they bear the full burden of their losses. The reason for the exclusion of dry hole and related costs in the instant cost of service is because they are nonrecurring, being related to "new gas" production priced at nationwide rates which include an allowance for such costs. Finally, it is significant that concomitant with the exclusion of these costs was the exclusion of related nonrecurring tax savings, the net effect of which was to increase Kentucky West's cost of service in this proceeding.

Kentucky West's contention that independent producers are favored by their ability to renegotiate contract rates to higher ceiling prices is also misleading. Kentucky West ignores the fact that as a pipeline producer it has no prescribed ceiling. When the operating costs of a pipeline producer's flowing gas increases, it has the ability to request a rate increase to cover the higher costs. The Commission must then determine whether the gas should be made available at the higher price.

Thus, we find no merit in Kentucky West's claims of risk comparability to independent producers or of discriminatory treatment by the Commission. The rate of return sought in setting nationwide rates is one that reflects the investor risks of exploration and development for natural gas under that regulatory scheme. Our interest here is in determining a fair rate of return to allow a particular company on its cost of service regulated rate base consisting largely of "old gas" production activities. Kentucky West is provided adequate incentive for extracting reserves from its "old gas" wells as any increased costs can be reflected in future costs of service justifying higher prices for its gas sales. It needs no extra incentive in the rate of return allowed. The differences in the regulatory schemes warrants different rates of return.

Turning to the comparison of Kentucky West to transmission companies in general, we note that our evaluation of comparative risk in this instance involved the exercise of judgment and that the conclusion we reached was necessarily subject to some imprecision. We find, however, that Kentucky West, in its application for rehearing, provides no substantive showing of error, capricious or otherwise, on our part. Its argument that gathering lines are more risky than long-line transmission facilities is not clearcut. A gathering line would not be constructed without some foreknowledge of the adequacy of the gas supplies from the individual wells it would serve.

We also are not inclined to take Kentucky West's second contention, that it is more risky due to its rate design, very seriously. Certainly it is reasonable to assume that if Kentucky West's rate form operates to jeopardize its ability to recover its costs and earn the allowed return, the company would seek to modify the rate form. Moreover, since over 90 percent of the natural gas transported and sold by Kentucky West comes from its own production, there is much greater control over volumes than the typical pipeline company experiences. Finally, Kentucky West's principle market is its parent company, Equitable, which has an economic incentive to assure that the pipeline's sales at least equal the volumes upon which its rates are predicated. For these reasons, we are not persuaded that Kentucky West's rate design significantly contributes to risk of its operations.

In conclusion, we find that our evaluation of Kentucky West's overall risk exposure as being roughly comparable to that of more typical transmission company operations was reasonable.

2. APPROPRIATE CAPITAL STRUCTURE

Kentucky West presents a number of criticisms to our use of an imputed capital structure. It does not challenge our perogative to employ a capitalization different from that reported in company books where circumstances warrant one. It claims only that the necessary circumstances are not present in the instant proceeding. Kentucky West argues that there is substantial record evidence supporting the reasonableness and prudency of its capital structure and little supporting the contrary. We disagree. Company's evidence consisted primarily of opinions based on claims of high risks in its exploration and development activities. It presented no data on capital structures of similar pipeline producer enterprises. In fact, the record contains no showing of any regulated companies being financed wholly by equity capital. Staff, on the other hand, presented a variety of evidence on the capital structures of natural gas pipelines and oil companies. The decision to employ Equitable's consolidated capital structure was based upon our evaluation of the range of these capital structures in light of our perception of the risk of Kentucky West's cost of service operations. We did not make a finding that Kentucky West should be considered a natural gas pipeline; rather, we found Kentucky West more comparable in risk to conventional pipeline companies than to independent producers. Our choice of capital structure represents a reasonable resolution of this issue.

Kentucky West claims that it is unable to obtain debt financing for its operations. It alleges that its parent, Equitable, is effectively precluded by first mortgage indenture provisions from using senior debt to fund any of Kentucky West's activities. Further, it

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[7] With respect to these comparisons, we are concerned about the apparent error on the part of both Company and Staff in not allocating the gathering facilities between old and new gas in the cost of service. In light of the relatively small volumes of new gas being considered here, the impact of such adjustments would likely be of little significance at this time and not warrant reopening the record.

[8] Application for rehearing, p. 21.

[9] Kentucky West counters that the amount allowed usually does not equal the amount experienced during the period of effectiveness of rates and that the bulk of its losses were incurred prior to Commission regulation. With respect to the first contention, however, there is just as high a probability that the amount allowed will be greater than that experienced as there is that the reverse will be true. Further, the Company always has the option of asking for a rate increase in the latter instance. Finally, the Commission cannot authorize rates to recoup losses incurred, if any, during a period when prices were unregulated.

claims to have no property on which mortgage bonds may be secured. Equitable's indenture provisions are not a controlling factor for ratemaking. They are artificial constraints that serve only to limit the amount of Equitable's mortgage debt to the value of its directly owned property. Having Kentucky West as an income producing subsidiary has the effect of enabling Equitable to safely issue more debt than it otherwise could or, alternatively, to issue the same amount but at a lower cost. Kentucky West's claim that it has no bondable property is likewise misleading. The fact that it has little property on which to secure mortgage debt does not preclude Kentucky West from making use of other types of debt financing.

Kentucky West further argues that if it had employed debt the cost of such debt would be greater than that which we have allowed. We have no evidence upon which to make an evaluation of this speculative claim or its impact upon the reasonableness of the overall rate of return we have permitted. On the contrary, we have little reason to believe that the proper debt cost for Kentucky West is significantly different than the consolidated debt cost of Equitable which reflects the reality of the longstanding affiliation of Kentucky West and Equitable.

While, as noted, Kentucky West does not challenge the imputation of a capital structure where warranted, it does object to its retroactive imputation to a past locked-in period. It cites the court decision in *Comsat,*[10] referred to in Opinion No. 7, as support. The circumstances of that case, however, are different from those present in the instant proceeding. There the court was concerned with an independent Company that obtained its financing directly from the marketplace. Comsat was a relatively young company which even the FCC did not feel was capable of sustaining the capitalization it imputed until two years before it chose to impose it. In contrast, Kentucky West is a mature company that obtains virtually all its long-term financing from its parent, Equitable. Furthermore, it is reasonable to presume that Equitable has financed its ownership in Kentucky West with diversified funds while permitting Kentucky West to display all equity financing on its books.

3. END RESULT

Company contends that the 8.96 percent overall return allowance in Opinion No. 7 is not a just and reasonable end result. It cites current interest rates and Commission allowed rates of return on common equity since 1975 for support. These comparisons do not provide a reasonable basis for evaluating the end result of the instant proceeding where we are concerned with setting an overall rate of return applicable to a past locked-in period beginning in 1973.

In accepting the settlement of other issues in this proceeding, we permitted the computation of income taxes on the basis of Company's proposed all-equity capital structure. In so doing we noted the inconsistency but were of the opinion that it was more in the public interest to deal with that issue in a more current rate filing than to disturb the settlement in this already protracted proceeding. We also take note of the fact that, in its previous rate filing, Kentucky West asked for and received only an 8.50-percent rate of return.[11] In conclusion, we find the resolution of the issues in this proceeding achieves a reasonable end result, balancing the interests of both investors and consumers.

The Federal Energy Regulatory Commission orders:

(A) The application filed by Kentucky West Virginia Gas Co. on March 17, 1978, for rehearing of the Commission's order issued on February 18, 1978, is denied.

(B) Ordering paragraph (B) of the February 16, 1978, order is modified only insofar as refunds shall be made within 15 days of the date of this order.

(C) The request for oral argument is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18067 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. DA-563-Oregon, Bureau of Land Management and U.S. Geological Survey]

LANDS WITHDRAWN IN POWER SITE RESERVE NO. 660, WATER POWER DESIGNATION NO. 14 AND PROJECT NO. 1001

Finding and Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act

JUNE 21, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Bureau of Land Management, Department of the Interior, has requested that the land withdrawal for Project No. 1001 be vacated in its entirety. The requested action requires Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act, as amended.

The lands affected by the withdrawal lie near the towns of Brightwood and Rhododendron in Clackamas County, Oreg., and are described in the Attachment hereto.

Subsequently, the U.S. Geological Survey recommended that Power Site Reserve No. 660 and Water Power Designation No. 14, both dated December 12, 1917, be revoked insofar as they pertain to full subdivisions underlined in the Attachment (approximately 400 acres).

The underlined lands lie along the Sandy River, near Brightwood, and were withdrawn in Power Site Reserve No. 660 and Water Power Designation No. 14 in connection with a 1917 Geological Survey diversion-conduit plan which is no longer considered feasible. These lands have no significant water-power value.

Project No. 1001 was a 6.6-kV transmission line which extended from the town of Sandy to a point near the town of Rhododendron. The 25-year license for the project, held by the Portland General Electric Company, expired on August 7, 1954. A 1952 Federal Power Commission staff study disclosed that the subject transmission line was not a primary line or part of a "project" as defined in Section 3(11) of the Federal Power Act. Consequently, upon expiration of the license, the Portland General Electric Co. obtained authorization from the appropriate Federal agencies for continued occupancy of Federal lands by the transmission line.

Under the circumstances, the land withdrawal for Project No. 1001 no longer serves a useful purpose. The Geological Survey has recommended that the land withdrawal for Project No. 1001 be vacated in its entirety.

The Commission finds:

It has no objection to the revocation of Power Site Reserve No. 660 and Water Power Designation No. 14 insofar as they pertain to full subdivisions underlined in the Attachment.

The Commission orders:

The land withdrawal for Project No. 1001 is vacated in its entirety.

[10] *Communications Satelite Corp.* v. *FCC,* Docket No. 75-2193 ——F.2d——, (D.C. Cir. 1977).

[11] *Kentucky West Virginia Gas Co.,* Docket No. RP71-86, order permitting rate increase to become effective without suspension and granting petitions to intervene (issued Feb. 12, 1971).

By the Commission.

KENNETH F. PLUMB,
Secretary.

Attachment: Land list.

WILLAMETTE MERIDIAN, OREGON

1. Portions (totaling about 62 acres) of the following described subdivisions were withdrawn pursuant to the filing on June 28, 1929, of an application for license for Project No. 1001 for which the Federal Power Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated July 13, 1929, as adjusted by letter dated June 15, 1936:

T. 3 S., R. 7 E.,
Sec. 2, NW¼SW¼, S½SW¼;
Sec. 3, lots 7, 8, 9, 10, 11, 16, SE¼NE¼;
Sec. 11, lots 3, 4, 8, 9, W½NW¼, SE¼SW¼;
Sec. 13, lots 4, 5, SW¼NE¼, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 14, N½NE¼.
T. 3 S., R. 8 E.,
Sec. 17, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 18, S½;
Sec. 19, NE¼NE¼, N½NW¼;
Sec. 20, N½NW¼.

2. Portions (totaling about 7 acres) of the following described subdivisions were withdrawn pursuant to the filing on January 28, 1932, of an application for amendment of license for Project No. 1001 for which the Federal Power Commission gave notice of land withdrawal to the General Land Office by letter dated February 12, 1932:

T. 2 S., R. 6 E.,
Sec. 21, SE¼SW¼, S½SE¼;
Sec. 25, N½NE¼.
T 2 S., R. 7 E.,
Sec. 31, NE¼, NE¼NW¼.

[FR Doc. 78-18072 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP74-14]

MOUNTAIN FUEL RESOURCES, INC.

Tariff Sheet Filing

JUNE 22, 1978.

Take notice that on May 17, 1978, Mountain Fuel Resources, Inc., pursuant to section 154.62 of the Commission's regulations under the Natural Gas Act, filed Fifth Revised Sheet No. 7 to its FERC Gas Rate Schedule No. 1. Resources states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provisions authorized by RP74-14 and RP74-34. More specifically, the tariff sheet reflects a net increase over that currently being collected of 2.27 cents per MCF to be effective July 1, 1978.

Any person desiring to be heard and to make any protest with reference to said filing should on or before June 30, 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 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 must file petitions to intervene in accordance with the Commission's rules. Resources tariff filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18079 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP73-8 and RP76-158]

NORTH PENN GAS CO.

Proposed Changes in FERC Gas Tariff

JUNE 22, 1978.

Take notice that North Penn Gas Co. (North Penn) on June 9, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective June 1, 1978.

North Penn states that the rates contained in Third Substitute Fifty-Fourth Revised Sheet No. PGA-1 reflect the same changes as filed by North Penn on May 2, 1978 and May 30, 1978, and additionally reflect the changes in supplier rates filed by Consolidated Gas Supply Corp. on June 7, 1978 and Tennessee Gas Pipeline Co. on May 31, 1978, both for effectiveness June 1, 1978.

Third Substitute Fifty-Fourth Revised Sheet No. PGA-1 reflects a decrease of 26.751 cents per Mcf from the rates contained in Substitute Fifty-Third Revised Sheet No. PGA-1 effective May 1, 1978. The net change of 26.751 cents per Mcf reflects a decrease of 1.532 cents per Mcf to reflect changes in supplier rates to be effective June 1, 1978, a net decrease of 22.294 cents per Mcf in the six-month surcharge to amortize amounts accumulated in the Unrecovered Purchased Gas Cost Account and a decrease of 2.925 cents per Mcf in the Base Tariff Rates to reflect the Settlement Agreement of March 3, 1978, and Ordering Paragraph No. (4) of the Federal Energy Regulatory Commission's (Commission) Letter Order dated May 11, 1978, at Docket No. RP76-158.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on June 1, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18081 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP76-157]

NORTHERN NATURAL GAS CO. (PEOPLES DIVISION)

Tariff Filing

JUNE 22, 1978.

Take notice that on May 17, 1978, Northern Natural Gas Co. (Peoples Division) filed revisions to its Original Volume No. 4 FERC Gas Tariff as follows:

Substitute Sixteenth Revised Sheet No. 3a.
Substitute Seventeenth Revised Sheet No. 3a.
First Substitute Eighteenth Revised Sheet No. 3a.
Substitute Ninteenth Revised Sheet No. 3a.
Substitute Replacement Twentieth Revised Sheet No. 3a.

The Company states that these sheets reflect settlement rates and are in compliance with the Commission's letter order of April 13, 1978.

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18080 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. ER78-433]

OKLAHOMA GAS & ELECTRIC CO.

Filing of Proposed Increase in Rates

JUNE 22, 1978.

Take notice that on June 15, 1978, Oklahoma Gas & Electric Co. (OG&E) tendered for filing a proposed increase in rates for transmission service and thermal energy being supplied to the Southwestern Power Administration pursuant to an interim Contract dated November 4, 1977 between the United States of America, as represented by the Administrator, Southwestern Power Administration, and OG&E submitted as a part of the Settlement Agreement that resolved Docket No. ER77-422. OG&E proposes to make the increase effective July 30, 1978, and therefore requests waiver of the Commission's notice requirements.

OG&E states that the revised rates result from a comprehensive review of its rates for transmission and related services to be supplied to SWPA. OG&E further states that copies of the revised rate schedule have been mailed to the Southwestern Power Administration and to the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18082 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CP78-367]

PANHANDLE EASTERN PIPE LINE CO.

Application

JUNE 22, 1978.

Take notice that on June 8, 1978, Panhandle Eastern Pipe Line Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-367 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Columbia Gas of Ohio, Inc. (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas for Columbia pursuant to a transportation contract entered into by these two parties on March 28, 1978. Applicant states that said contract is effective as of March 1, 1978, and shall remain in effect until April 1, 1984; however, Columbia is said to have the option to extend said term until April 1, 1991, provided proper notice is given. Such authorization, it is said, would enable Columbia to effectuate a storage agreement, entered into by itself and Michigan Consolidated Gas Co. (Consolidated), which provides for the annual storage of up to 2,750,000 Mcf of natural gas by Consolidated for Columbia. By the terms of the transportation agreement, Applicant asserts, it would deliver this amount during the summer months (March 1-October 31), at a daily rate of 50,000 Mcf, to Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin)) for the account of Columbia at Defiance, Ohio, for storage. This amount would be made available by reducing the quantity of natural gas delivered to Columbia Gas Transmission Corp. (Transmission) for the account of Columbia by 50,000 Mcf per day, it is said. Conversely, during the winter months (November 1-March 31) Applicant would receive from Michigan Wisconsin at the Defiance, Ohio, interconnection, for the account of Consolidated and for redelivery to Transmission for Consolidated's account at Maumee, Ohio, daily quantities requested by Columbia, provided that such volumes, including volumes delivered under contract, do not exceed the contract demand of Columbia's then effective LS-1 Service Contract, it is further indicated.

Applicant states that initially there was an agreement between it and Columbia whereby Columbia agreed to pay a monthly rate of $8,450 for Applicant's deliveries to Michigan Wisconsin during the summer periods and 2.41 cents for each Mcf of gas delivered to Transmission for the account of Consolidated during the winter period. Subsequent to the negotiation of the transportation agreement, however, Applicant states that it filed a notice of change in rate in Docket No. RP78-62 which would change the unit transportation charge per Mcf to 2.59 cents. Based on this rate, it is said, the monthly charge for delivery to Michigan Wisconsin for the account of Columbia during the summer period would be $9,081.

It is stated that the expense of any changes, modifications, or adjustments of Applicant's existing measuring facilities would be borne by Columbia. It is further stated that should Columbia refuse to bear such expense Applicant has the right to reduce its delivery obligations to a level which would permit deliveries without such changes. Applicant does assert that it has sufficient available capacity to transport the subject quantities of gas as well as those it provides for its direct customers and transports on behalf of others.

The authorization here requested would enable Columbia to obtain a much needed storage service in the amount of 2,750,000 Mcf, it is said. This storage service would afford Columbia the flexibility in its gas supply which it needs in order to serve its residential needs without curtailing the supply to other high priority users in the light of an estimated 24 percent curtailment of its firm winter gas supply over the last three years and the possibility of colder than normal winter weather, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act. (18 CFR 157.10.) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18083 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP77-59]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Settlement Conference

JUNE 22, 1978.

Take notice that on June 29, 1978, at 10 a.m. an informal conference will be convened of all interested persons with a view toward settling the issues in the captioned proceeding. The conference will be held in Room No. 3200 at the offices of the Federal Energy Regulatory Commission, 941 North Capitol Street NE., Washington, D.C.

Customers and interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB.
Secretary.

[FR Doc. 78-18084 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. IN78-1]

TENNECO INC. ET AL.

Order Directing Private Investigation and Designating Officers to Conduct the Investigation

JUNE 21, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

The Commission notes that in Tenneco Oil Co., et al., docket Nos. CI75-45, et al., and CI75-466, allegations have been made on the issue of whether Tenneco Oil Co. or others may have violated the Natural Gas Act.

In particular, there have been allegations in such proceedings that:

(a) Without a certificate of public convenience and necessity as required by section 7 of the Natural Gas Act:

1. Tennessee Gas Pipeline Co., a division of Tenneco, Inc. ("Tennessee"), transported and delivered natural gas to Creole Gas Pipeline Co. ("Creole") for Tenneco Oil Co. and Shell Oil Co. ("Shell").

2. Tenneco Oil Co. and Shell transported and sold natural gas to Creole which resold such gas to its customers, and

3. Tennessee transported and delivered natural gas to Creole for Tenneco Oil Co. for redelivery to Tenneco Oil's Chalmette refinery.

(b) Tennessee and Tenneco Oil Co. have disregarded the regulations of the Natural Gas Act in that Tennessee delivered more natural gas to Creole (which then delivered it to its customers) than was delivered by Tenneco Oil Co. to Tennessee for such customers, causing gas dedicated to the interstate market to be diverted to the intrastate market.

The Commission finds: The allocations and matters in the above paragraphs, if true, to be in possible violation of section 7 of the Natural Gas Act and the rules and regulations thereunder, finds it necessary and appropriate, and hereby

The Commission orders: (a) Pursuant to the provisions of the Natural Gas Act, that a private investigation be made to determine: (1) Whether the aforesaid persons or any other persons have engaged or are about to engage in any of the above-reported acts or practices or in any similar or related acts or practices, and (2) whether Tenneco Oil Co. or Tennessee Gas Pipeline Co. have violated the Natural Gas Act, or any opinion, order, or regulation thereunder by Tennessee Gas Pipeline's delivery of more gas to Creole than Tenneco Oil had delivered to Tennessee Gas Pipeline Co. for Creole's customers, and (3) whether Tenneco Oil Co. has properly complied with the Commission's order of March 1, 1976, in docket No. CI75-466, ordering a correction of the imbalance, and

(b) Pursuant to the provisions of section 14(c) of the Natural Gas Act that for the purposes of such investigation Joel Zipp, Jeanne M. Zabel, Frank Jeneski, James Lewis, Maureen Wilkerson, Thomson von Stein, Charles J. Friedman, and each of them, is hereby designated an officer of this Commission and empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry, and to perform all other duties in connection therewith as prescribed by law.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18068 Filed 6-28-78; 8:45 am]

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[6740-02]

[Docket No. CP78-349]

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

Application

JUNE 22, 1978.

Take notice that on June 6, 1978, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), Tenneco Building, Houston, Tex. 77002, Midwestern Gas Transmission Co. (Midwestern), 1100 Milam Building, Houston, Tex. 77002, and Southern Natural Gas Co. (Southern), First National-Southern Natural Building, Birmingham, Ala. 35202, applicants, filed in docket No. CP78-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing for the period ending November 30, 1984, the transportation by Tennessee and Midwestern of volumes of gas for storage for Southern. By this application, Southern also requests a certificate of public convenience and necessity to modify metering facilities and to install an additional tap at the existing interconnection between Southern and Tennessee near Pugh, Miss., to facilitate the delivery and redelivery of gas between Tennessee and Southern under Tennessee's and Southern's currently effective exchange agreement. These proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee and Midwestern request authorization to transport for a limited term ending November 30, 1981, injection and withdrawal volumes of natural gas proposed to be placed in storage by Southern under arrangements which, it is said, Southern has entered into with Mid-Continent Gas Storage Co. (Mid-Continent). Pursuant to a limited-term gas transportation agreement dated May 19, 1978, between Southern and Tennessee, it is stated that, Tennessee has agreed to endeavor to receive a daily volume of gas of up to 55,000 Mcf and up to an aggregate volume of 15,000,000 Mcf for Southern during the injection period, a period from April 1 through November 30 of each year during the term of the above-mentioned storage arrangement with Mid-Continent. It is further stated that Tennessee has agreed to return to Southern during the withdrawal period, a period from November 1, through March 31 of each year, during the term of the storage agreement, a volume of gas equal to the volume so stored with Mid-Continent. All of the volumes of gas to be transported for injection and returned from storage would be delivered at the existing point of interconnection between Southern and Tennessee near Pugh, Miss., applicants assert.

Additionally, it is said that pursuant to a limited-term gas transportation agreement between Tennessee and Midwestern, dated May 19, 1978, Midwestern has agreed to receive and to return for Tennessee, for Southern's account, the injection and withdrawal volumes tendered by Southern by taking delivery from and effecting the return of said volumes to Tennessee at the existing interconnection between Tennessee and Midwestern located near Portland, Tenn. Applicants assert that Midwestern would transport such volumes for delivery to Mid-Continent and would return to Tennessee, at Portland, the withdrawal volumes received from Mid-Continent at existing interconnections between Midwestern and Northern Illinois Gas Co. (NI-Gas). It is said that said facilities have been leased by NI-Gas. to Mid-Continent for the purpose of effectuating the terms of the storage agreement between Southern and Mid-Continent.

The application states that Southern has agreed to pay Tennessee, for such transportation service, a volume charge equal to 21.09 cents multiplied by the total volume of gas, expressed in Mcf, delivered for Southern's account for injection into storage. In addition, Tennessee has proposed to retain 4.67 percent of the volumes delivered to Tennessee at Pugh, Miss., in consideration for fuel, company used and lost and unaccouted for gas of Tennessee and Midwestern in rendering the transportation service. Finally, it is proposed that Midwestern would receive from Tennessee 7.48 cents multiplied by the total volume of gas expressed in Mcf, delivered for Southern's account for injection into storage, and would retain a portion of the 4.67 percent fuel and use volume.

The interconnection between Tennessee and Southern near Pugh, Miss., has heretofore been used to effect the delivery of emergency gas, it is stated. Tennessee and Southern state that they anticipate the expanded use of this Pugh delivery point not only in connection with the transportation of injection and withdrawal volumes for the storage contemplated herein but also in connection with other planned exchange and transportation arrangements. Southern, therefore, requests authorization to modify the existing facilities by upgrading the existing 8-inch meter run to a 10-inch meter run and installing new facilities including a 12-inch meter run and tap at the Pugh delivery point regardless of whether or not the applicant's request for authorization of the transportation ageeement is granted.

It is stated that these modifications at the Pugh delivery point would accommodate up to approximately 100,000 Mcf per day and facilitate the delivery and receipt of gas by Southern to Tennessee. The cost is estimated at $142,447.

Applicants call attention to the serious curtailment of priority 1 and 2 customers which Southern has had to effect due to the nationwide gas shortage during the winters of 1976-77 and 1977-78. The proposed storage agreement and the transportation agreements necessary to effectuate said storage agreement would enable Southern to serve all of its high priority 1-3 requirements in periods of gas shortages without having to construct and operate duplicative pipeline facilities, it is said. Additionally, Tennessee and Midwestern assert that such transportation service would not preempt or have any impact on the pipeline capacity needed for any existing firm service they are now rendering since they now anticipate having sufficient capacity available in their respective gas systems and since they have the option to render the transportation service proposed herein when, in their sole opinions, their respective operating conditions permit it.

A limited-term certificate is requested by this application due to Southern's prior plans to increase permanently its storage capacity, it is said. This goal would not be achieved until the winter of 1981-82 pursuant to agreements more fully set forth in the applications filed by Southern, Tennessee, and Bear Creek Storage Co. in docket No. CP78-267 on March 31, 1978.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18085 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP77-141, RP77-132, RP77-133-1, RP77-134]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC., (PIKE NATURAL GAS CO. AND DELTA NATURAL GAS CO. AND SPRINGFIELD GAS SYSTEM, SPRINGFIELD, TENN.)

Extension of Time

JUNE 21, 1978.

On June 8, 1978, Orange & Rockland Utilities, Inc., filed a motion to extend the time for filing reply comments on the Settlement Agreement filed May 17, 1978, and noticed on June 7, 1978, in the captioned proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including July 5, 1978,

to file reply comments on the Settlement Agreement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18069 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CP78-200]

TEXAS EASTERN TRANSMISSION CORP.

Amendment to Abbreviated Pipeline Application

JUNE 22, 1978.

Take notice that on May 22, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, filed an amendment to the application hereto filed in this proceeding, pursuant to section 7 of the Natural Gas Act. On February 23, 1978, Texas Eastern filed an application for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the compression of natural gas produced from Block 349, Eugene Island Area, South Addition, Offshore, Louisiana. Texas Eastern proposed to install and operate one 3,540 horsepower compression unit and related facilities, at a cost of $1,268,740. By the amended application Texas Eastern requests, in lieu of its original request, authorization to acquire, by purchase from Marathon, and operate the 3,540 H.P. compressor and appurtenant facilities to be installed and operated by Marathon on production platform "A" located in Block 349, Eugene Island, South Addition, Offshore, Louisiana. Marathon's estimated cost of installing the compressor unit and appurtenant facilities is now estimated at approximately $1.460,000. Texas Eastern's acquisition cost will be the original cost of installing the facilities less accumulated depreciation until the time of acquisition.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18086 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CP78-366]

TEXAS EASTERN TRANSMISSION CORP.

Application

JUNE 22, 1978.

Take notice that on June 8, 1978, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-366, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Arkansas Louisiana Gas Co. (Arkla), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Arkla is a direct resale customer of Applicant for firm service under Applicant's Rate Schedule SGS. It is further stated that, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act, applicant agreed to transport, for Arkla's Account, gas furnished from Arkla's system supply, commencing on April 26, 1978, to the communities of Cabot, Beeke, and Paragould, Ark., since it became apparent that Arkla would exhaust its annual entitlement for service to the three communities by the end of April. The transportation service is due to terminate on June 24, 1978, it is said. However, it is said that pursuant to a service agreement dated June 6, 1978, Arkla has agreed to deliver to Applicant up to 1,200 dekatherms equivalent of natural gas per day at the existing interconnections at the Arkla Waskom Plant in Harrison County, Tex., for redelivery by Applicant to Cabot, Beeke, and Paragould.

The transportation for Arkla would result in the continued supply of natural gas for the above-named communities and afford flexibility for Arkla in handling similar situations in the future, according to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hering therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18087 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. RP72-156]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

JUNE 22, 1978.

Take notice that Texas Gas Transmission Corp. (Texas Gas), on June 14, 1978, tendered for filing Twenty-fourth Revised Sheet No. 7 to its FERC Gas Tariff, Third Revised Volume No. 1.

This sheet is being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause, and the recovery of demand charge adjustments pursu-

ant to the terms of § 10.5 of the General Terms and Conditions of Texas Gas' tariff.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18088 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CP78-227]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity

JUNE 22, 1978.

On March 10, 1978, Transcontinental Gas Pipe Line Corp. (Transco), filed a limited-term certificate application in Docket No. CP78-227 pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing Transco to transport natural gas for Trunkline Gas Co. (Trunkline) beginning April 1, 1978 and ending not later than December 31, 1978.

Trunkline has advised Transco that it will have available quantities of natural gas in the South Louisiana area which it cannot transport through its system due to a capacity restriction. Trunkline indicates that such restriction will continue until it has installed and placed in service expanded facilities on its Lakeside Lateral, presently expected to be in service by November 1, 1978.

Transco and Trunkline have entered into a limited-term agreement dated February 1, 1978, under which Transco has agreed to transport, on a best efforts basis, up to a maximum 75,000 Mcf per day of natural gas commencing on or about April 1, 1978, and continuing for a period ending on the date Trunkline has installed and placed in service the expanded facilities on its Lakeside Lateral or until December 31, 1978, whichever first occurs.

Trunkline has volumes of gas available from the Southern Louisiana area including the High Island Area, offshore Texas and is arranging for such gas to be brought onshore by High Island Offshore System (HIOS) and U-T Offshore System (U-TOS) in West Cameron Block 167, offshore Louisiana. U-TOS will further transport such gas to Transco's Southwest Louisiana Gathering System in Cameron Parish, Louisiana. Transco proposes to redeliver a thermally equivalent quantity, less 0.6 percent for compressor fuel and line loss make-up, to Trunkline at existing points of interconnection between the two systems located near Katy, Waller County, Tex., and Ragley, Beauregard Parish, La. Transco and Trunkline agreed that any imbalances would be corrected not later than during the next calendar month. Trunkline will pay a 3.5 cents per dekatherm charge for this service. No new facilites are proposed in this application.

In its application filed in Docket No. CP78-191, Trunkline expects that the gas supply available to it from the Southern Louisiana and offshore areas will amount to 450,000 Mcf per day by December, 1978. Trunkline further indicates that after the facilities proposed in Docket No. CP78-191 are in operation its system capacity in the Southern Louisiana area will be able to handle an increase in gas purchase, gas exchange and transportation volumes from the existing capacity of 336,000 Mcf per day to 609,900 Mcf per day by December, 1979.

The rate to be charged Trunkline by Transco, in addition to six tenths of one percent (0.6 percent) for fuel reimbursement and line loss make-up, is 3.5 cents per dekatherm, which represents a charge for transporting gas by displacement within the production areas of Texas and Louisiana. This rate is the same as the average cost per Mcf per 100 miles of haul on Transco's onshore pipeline system in the gathering area.

After due notice by publication in the FEDERAL REGISTER, no protests or petitions to intervene in opposition have been filed.

At a hearing held on June 21, 1978, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds. (1) Applicant, Transcontinental Gas Pipe Line Corporation, is a "Natural-gas company" within the meaning of the Natural Gas Act.

(2) The transportation of natural gas hereinbefore described as more fully described in the application in this proceeding, is made in interstate commerce, subject to the jurisdiction of the Commission, and is subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicant, Transcontinental Gas Pipe Line Corporation, is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

The Commission orders. (A) A certificate of public convenience and necessity is issued to Transcontinental Gas Pipe Line Corporation in Docket No. CP78-227 in compliance with Part 154 and § 157.20 (a), (c), and (e) of the Commission's regulations.

(B) Applicant is advised that transportation service shall commence within 30 days from the date the order issues in compliance with § 157.20(b) of the Commission's regulations.

(C) The transportation rates proposed by Transco are subject to the final determination in Docket Nos. RP76-136 and RP77-26.

(D) The certificate granted in Ordering Paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and order of the Commision.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18073 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CP78-339]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

JUNE 22, 1978.

Take notice that on May 19, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-339, an application pursuant to Section 7(c) of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regulation Commission (Commission), for a certificate of public convenience and necessity authorizing the construction, installation and operation of certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it seeks authorization to construct, install and operate a meter and regulator station in West Cameron Block 576 and 8.92 miles of 12-inch pipeline from Block 576 to a subsea tap on Stingray Pipe-

line Company's (Stingray) 30-inch line in West Cameron Block 537. Applicant further states that such facilities will be utilized to attach Block 576 reserves discovered and developed by Applicant's production and exploration affiliate, Transco Exploration Company, which will be dedicated and sold to Applicant. It is also stated that Trunkline Gas Co. has agreed to utilize a portion of its capacity in Stingray to cause Applicant's gas to be delivered to the High Island Offshore System at High Island Block A-330 for transportation to Applicant's system in onshore Louisiana.

Applicant states that the estimated costs of the proposed facilities is $4,100,000, which will be financed initially from funds on hand or short-term borrowings, with permanent financing to be arranged at a later date.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18074 Filed 6-28-78; 8:45 am]

[6740-02]

[Docket No. CP78-358]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

JUNE 21, 1978.

Take notice that on May 31, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-358, an application to section 7 of the Natural Gas Act, as amended, and the rules and regulations of the Federal Energy Regulatory Commission (Commission) for a certificate of public convenience and necessity authorizing Applicant to provide a firm transportation service for Consolidated Gas Supply Corporation (Consolidated) for up to 38,000 Mcf (14.73 psia) of natural gas per day from Block 313, Vermilion Area, South Addition to Block 66, South Marsh Island Area (SMI), offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Consolidated has contract rights to purchase 63.125 percent of an estimated 147.8 Mcf of natural gas reserves in Block 313, Vermilion. Applicant further states that it was granted authority in Docket No. CP77-453 on September 28, 1977, to construct and operate an extension of its Southeast Louisiana Gathering System from Block 66, SMI to Blocks 130 and 132, SMI, and to Block 331, Vermilion; that the design of the facilities authorized in Docket No. CP77-453, which are now under construction, included capacity for the firm transportation which Applicant proposes to render for Consolidated from Block 313, Vermilion to Block 66, SMI, as well as for other transportation services; that Applicant requested authorization in its application in Docket No. CP78-453 to render the proposed transportation service for Consolidated pursuant to a precedent agreement, but the Commission dismissed the request as premature until a definitive transportation agreement had been executed; and that Applicant and Consolidated have now executed such an agreement, dated May 11, 1978, covering the proposed transportation service for a primary term of ten (10) years.

Applicant states that the estimated initial demand charge for the proposed transportation service for Consolidated will be $265,620 monthly, and is based on preliminary estimates of the costs of completing the facilities and a daily contract demand of 38,000 Mcf for Consolidated. Applicant further states that the first year's demand charge will be adjusted to reflect actual costs of the facilities authorized in Docket No. CP77-453 and that at the beginning of the second and third years of service, the demand charge will be redetermined to reflect the estimated aggregate volumes of gas to be handled through the facilities in those years, and the adjusted demand charge established at the beginning of the third year of service shall remain in effect thereafter, subject to Applicant's rights to file changes in its rates and charges, from time to time, for the service rendered.

According to Applicant, CNG Producing Co. and Texas Gas Exploration Corp. have pending applications in Docket Nos. CI77-768 and CI78-652, respectively, for authority to sell and deliver to Consolidated the natural gas production from Block 313, Vermilion for which Consolidated has contracted. Applicant states that the connecting facilities between the production platforms in Block 313 and Applicant's facilities authorized in Docket No. CP77-453 will be constructed and operated under the authority of budget-type certificates by Consolidated and by Columbia Gulf Transmission Co., whose affiliate Columbia Gas Transmission Corporation also will purchase production from the field.

Applicant further states that Consolidated's Block 313, Vermilion gas delivered to Block 66, SMI under the instant transportation agreement will be further transported by Applicant for ultimate redelivery to Consolidated at Leidy, Clinton County, PA., under another transportation agreement pending approval in Docket No. CP78-328 pursuant to which Applicant proposes long-haul firm and interruptible transportation services for Consolidated.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own

review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-18075 Filed 6-28-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 913-4]

OCEAN DUMPING

Availability of Implementation Manual, "Bioassay Procedures for the Ocean Dumping Permit Program" EPA-600/9-78-010

In accordance with sections 227.6(e) and 227.27(b) of the Environmental Protection Agency's (EPA) Criteria for the Evaluation of Permit Applications for Ocean Dumping of Material (40 CFR Chapter I, Subchapter H, Part 227, 42 FR 2462, 2466-2468, 2476-2482, January 11, 1977), notice is hereby given of the availability of a manual setting forth the procedures for conducting bioassays of non-dredged materials to determine whether such materials are acceptable for ocean disposal under section 227.6 of the Criteria.

The bioassay procedures presented in this manual were established to provide procedures for conducting biological evaluations of waste materials to be disposed of in the ocean. Tests conducted according to these procedures will provide information on the toxicity of various non-dredged materials being considered for ocean disposal.

This manual does not contain benthic bioassay procedures suitable for application to the solid phases of sewage sludge or industrial sludges. Where appropriate, benthic bioassay procedures given in the manual "Ecological Evaluation of Proposed Discharged of Dredged Material into Ocean Waters" shall be used. In cases where these procedures are not appropriate, guidance on specific procedures will be provided by EPA Regional Administrators.

The procedures contained in this manual are not "standard" EPA methods. They are intended to serve as guides for those persons involved in evaluating ocean dumping permit applications. Accordingly, methods differ in detail and style and do not necessarily conform to a standard format. Selection of appropriate procedures should be made by the permitting authority on a case-by-case basis, depending on the type and amount of material, location of dump site, proposed methods of disposal, and other appropriate considerations as deemed necessary.

This manual is a revision of EPA-600/9-76-010 published in May 1976. It will be revised periodically as new information becomes available.

The EPA bioassay working group maintains close coordination with the EPA/Corps of Engineers Technical Committee on Criteria for Dredged and Fill Material during development of test procedures. This joint committee prepared the Bioassay Manual for Dredged Material Disposal in Ocean Waters for which the availability was announced in the FEDERAL REGISTER on September 7, 1977 (42 FR 44835).

Copies of this revised bioassay manual are available from Chief, Marine Protection Branch (WH-548), Environmental Protection Agency, Washington, D.C. 20460.

EPA invites public comments on this revised bioassay manual. Comments should be sent to the Chief, Marine Protection Branch at the address listed above.

Dated: June 23, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc. 78-18060 Filed 6-28-78; 8:45 am]

[6560-01]

[OPP-42037D; FRL 918-8]

STATE OF COLORADO

Implementation of a Federal Plan for Certification of Pesticide Applicators

On December 7, 1977, the U.S. Environmental Protection Agency (EPA) published in the FEDERAL REGISTER proposed regulations (42 FR 61873) specifying the requirements which would apply to applicators of restricted use pesticides under a Federal certification plan. A 30 day public comment period ending on January 6, 1978, was provided.

On June 8, 1978, EPA published in the FEDERAL REGISTER (43 FR 24834) final regulations governing "Federal Certification of Pesticide Applicators in States or On Indian Reservations Where There is No Approved State of Tribal Certification Program in Effect." These regulations amended 40 CFR Part 171 by adding a new section 171.11 and became effective on June 8, 1978. All Federal certification plans implemented by EPA must be consistent with these regulations.

On February 15, 1978, EPA Region VIII published a notice in the FEDERAL REGISTER (43 FR 6648) announcing the Agency's intent to implement a Federal Plan for the certification of pesticide applicators within the State of Colorado. This notice summarized the planned certification program and provided a 30 day public comment period ending March 17, 1978. Comments were received from two organizations.

One commenter suggested that the length of certification for commercial applicators be extended from 2 years to 4 years. This suggestion was based on the opinion that it is very unlikely that major breakthroughs will occur in pest control technology during 2-year intervals and that EPA should use the average recertification interval under State programs. The suggestion has not been incorporated into the final plan for Colorado. The Agency's position on this issue is discussed in the preambles to the proposed and final Federal certification regulations referenced earlier in this notice.

It should be noted, however, that the Federal Plan for Colorado has been amended to provide for completion of approved training as a recertification option for commercial applicators. This action has been taken in conformity with the addition of the training option to the final regulations at 40 CFR 171.111(c)(6). As stated in the preamble to the final Federal certification regulations, EPA is not now in the position to provide the training required for recertification. The availability of training will be dependent upon the willingness and capability of public or private organizations to develop recertification training programs which can be approved by EPA. EPA will work closely with the Colorado State University (CSU) Extension Service, as well as with national training experts, in developing criteria for approving recertification training programs.

On a similar matter, a commenter suggested that private applicators should be recertified every 5 years rather than every 3 years. This suggestion was based on the opinion that recertification for private applicators should not be required more frequently than required under an average approved State Plan. The Agency rejected an identical proposal when considering the final regulations and must again reject the suggestion. The reasoning for this rejection is discussed in the preamble to the final regulations.

One commenter requested that EPA establish a certification program whereby private applicators may obtain a point of purchase emergency certification. The same request was given careful consideration when developing the final regulations and was rejected. The Agency at that time concluded, and must still conclude, that its resources are not adequate to effectively provide this type of certification to private applicators. Furthermore, individuals desiring to be certified as

private applicators in Colorado have already been given a reasonable opportunity to become certified through completion of training provided by the CSU Extension Service and the Colorado Department of Vocational Agriculture. Individuals also have the option of becoming certified as private applicators through completion of a self-study program, taken at their convenience, or through completion of a written examination.

One commenter objected to the 45 day period provided for notifying an applicator of his or her examination results. The commenter felt that this time period should be reduced to 15 or 20 days, and that if the individual is not notified within this period, then he or she should be presumed to be qualified. EPA does not believe that this waiting period is either unfair to applicators or unreasonably long. The 45 day period was retained in the final regulations, and is retained in the Federal Plan for Colorado. The Agency must also reject the suggestion that an individual is presumed to be qualified if he or she is not notified within the allotted time period. Such certification would be directly contrary to one of the major purposes of the amended FIFRA, that of making certain that only qualified individuals use restricted use pesticides.

One commenter suggested that EPA limit its authority to deny, suspend, revoke or modify an applicator's certification to cases of "knowing" or "willful" misuse of a pesticide. The commenter felt that EPA would be obliged to impose sanctions for every misuse, no matter how minor, inadvertent, or harmless. The Agency considers these fears unjustifiable, and therefore has rejected this suggestion. The Agency's position on this suggestion is discussed at length in the preamble to the final regulations.

One commenter requested that EPA prepare a formal Economic Impact Analysis for the State of Colorado. An identical request was considered when developing the final regulations. A discussion of the Agency's conclusion that such an analysis is unwarranted may be found in the preamble to those regulations.

In addition to the modification of the Plan already discussed (commercial applicator recertification), EPA Region VIII has also modified the provisions relating to administration of the self-study certification option for private applicators. Section V(B)(3)(c) of the Plan has been amended to allow an applicator to complete the self-study program at home. (Under the Federal Plan for colorado as proposed, the applicator was to be required to complete the study program in the presence of an EPA or other designated official.) As revised, this option will require the applicator, upon completion of the program, to return the completed program to the local county extension agent, who will review any unresolved questions with the applicator, verify that the manual has been completed by the applicator, and determine that the applicator is competent to be certified. The applicator must also sign an attestation form indicating that he or she personally completed the program.

This amendment does not substantially change the design or operation of the Federal Plan for Colorado, and was necessitated by the logistics of plan implementation. Further, this amendment is not considered to be so substantial that it should be published as a proposal.

The Regional Administrator, Region VIII, hereby gives notice that the Federal Plan for the State of Colorado, as amended, is effective on signature of this notice.

Dated: June 21, 1978.

ALAN MERSON,
Regional Administrator,
Region VIII.

[FR Doc. 78-18059 Filed 6-28-78; 8:45 am]

[6560-01]

[OPP-180187A; FR 2919-3]

STATE OF WASHINGTON

Amendment to Specific Exemption To Use Benomyl To Control Cercosporella Foot Rot of Wheat

On June 7, 1978 (43 FR 24739), Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER which announced the granting of a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl for the control of *Cercosporella* foot rot on 50,000 acres of wheat in Washington. This exemption was granted in accordance with, and was subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

The Applicant has requested an extension of the specific exemption until June 15, 1978. According to the Applicant, the late rainy season coupled with cold weather resulted in an outbreak of *Cercosporella* foot rot on 3,000 acres of winter wheat which had not previously experienced this disease. The additional acreage to be treated will not exceed the acreage originally authorized.

After reviewing the request and other available information, EPA has determined that the proposed extension of time should pose no additional risk to the public health and environment since only one treatment of benomyl is to be applied and the total acreage remains the same. Accordingly, EPA has amended the specific exemption granted to the Applicant for the use of benomyl to control *Cercosporella* foot rot on winter wheat. The specific exemption is subject to the following conditions:

1. A single application of benomyl may be made at a dosage rate of 0.5 pound active ingredient/acre in 5 to 10 gallons of water (if applied aerially) or in 20 to 30 gallons of water (if applied by ground equipment) on 3,000 acres of winter wheat;
2. All other restrictions in the original exemption remain in force; and
3. This amendment will expire on June 15, 1978.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: June 23, 1978.

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

[FR Doc. 78-18057 Filed 6-28-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 73-38]

COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATION, ET AL. v. AMERICAN MAIL LINES, LTD., ET AL.

Availability of Final Environmental Impact Statement

Upon completion of a final environmental impact statement ("FEIS"), the Federal Maritime Commission's Office of Environmental Analysis ("OEA") has identified the energy and environmental consequences of the Commission's final resolution in this proceeding. The FEIS indicates that the environmentally preferable resolution of this proceeding may result in energy efficiency and conservation of fossil fuels and have minimal adverse environmental effects. The assessment of energy use is required under section 382(b) of the Energy Policy and Conservation Act of 1975, and an environmental assessment is required under section 4332(2)(c) of the National Environmental Policy Act of 1969.

Docket No. 73-38 was instituted pursuant to complaints filed by the Council of North Atlantic Shipping Association, International Longshoremen's Association, AFL-CIO, Delaware River Port Authority, and Massachusetts Port Authority to determine whether the movement of containerized cargoes under through rates by rail from U.S. Atlantic/gulf coast ports to west coast ports and then by vessel to Far East ports and in the opposite direction (Far East minibridge) is contrary to certain sections of the Shipping Act, 1916, and violative of section 8 of the Merchant Marine Act of 1920.

The OEA's conclusion is contained in the FEIS which is available on request from the Public Information Office, Room 11413, Federal Maritime Commission, Washington, D.C. 20573, telephone 202-523-5764.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-18109 Filed 6-28-78; 8:45 am]

[6730-01]

PORT OF PORTLAND AND COLUMBIA RIVER TERMINAL CO.

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 10, 1978, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-2832-E.

Filing party: Mr. Charles J. Landy, Counsel for Cook Industries, Inc., Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.

Summary: Agreement No. T-2832-E, between the Port of Portland (port) and Columbia River Terminal Co. (Columbia), provides for Columbia's approximately 26-year lease (with renewal options) of certain premises at the Port of Portland, Oreg., to be used as a parking lot. As compensation, Columbia shall pay port $1,000 plus taxes and other governmental obligations.

Dated: June 26, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-18108 Filed 6-28-78; 8:45 am]

[6730-01]

[Docket No. 78-26]

TRIMODAL, INC.

Order of Investigation and Hearing Regarding Independent Forwarder Applications and Certain Possible Violations

Trimodal, Inc., filed an application with the Commission for a license as an independent ocean freight forwarder. During the course of the Commission's investigation of Trimodal, Inc., it was disclosed that:

1. Trimodal, Inc., appeared to violate section 44(a), Shipping Act, 1916, on three or more occasions by engaging in unlicensed forwarding activities during the period July 26, 1976, through February 3, 1977, although warnings from the Commission had been received by Trimodal, Inc., on July 26, 1976, and prior thereto, about unlicensed forwarding activities.

2. Trimodal, Inc., appeared to knowingly and willfully violate section 16, first paragraph, Shipping Act, 1916, on five or more occasions in that it operated as an NVOCC and arranged, with underlying water carriers, for the performance of transportation and obtained transportation by water for property at less than the rates or charges which would otherwise be applicable. Those apparent violations occurred during the period October 13, 1976, through January 14, 1977.

3. Trimodal, Inc., appeared to violate section 18(b)(1), Shipping Act, 1916, on about 17 occasions, in that it undertook to transport cargo from United States ports to ports in Japan, Hong Kong, South Africa, Peru, and Portugal, without having those ports included in the scope of its NVOCC tariffs at the time of the shipments. Those apparent violations occurred during the period September 26, 1973, through November 24, 1976.

4. Trimodal, Inc., appeared to violate section 18(b)(3), Shipping Act, 1916, on about 29 occasions in that it transported property for compensation at rates different from those specified in its NVOCC tariffs on file with the Commission during the period December 20, 1973, through December 1, 1976.

The conduct of Trimodal, Inc., appears to be in violation of the Shipping Act, 1916. Trimodal, and its corporate officers, would also appear to lack the fitness to be a licensed independent ocean freight forwarder required by section 44 and the Commission's rules and regulations issued pursuant to section 44 of the Shipping Act, 1916.

Pursuant to § 510.8 of the Commission's general order 4 (46 CFR 510.8), the Commission, on March 24, 1978, advised Trimodal, Inc., of its intent to deny its application for the reasons set out hereinabove. In accordance with general order 4 an applicant may, within 20 days of receipt of such advice, request a hearing on the application.

By letter dated April 4, 1978, Trimodal, Inc., requested the opportunity to show at a hearing that denial of Trimodal, Inc.'s application is unwarranted.

Now, therefore, *It is ordered*, That, pursuant to sections 22 and 44 (46 U.S.C. 821 and 841(b) of the Shipping Act, 1916 and § 510.8 of the Commission's general order 4 (46 CFR 510.8) a proceeding is hereby instituted to determine:

1. Whether Trimodal, Inc., has violated section 44(a), Shipping Act, 1916, by engaging in unlicensed forwarding activities subsequent to July 26, 1976;

2. Whether Trimodal, Inc., has violated section 16, first paragraph, Shipping Act, 1916, by obtaining or attempting to obtain transportation of property by water for less than the rates or charges which would otherwise be applicable;

3. Whether Trimodal, Inc., has violated section 18(b)(1), Shipping Act, 1916, by transporting property as a nonvessel-operating common carrier from United States ports to ports in Japan, Hong Kong, South Africa, Peru, and Portugal, without having a tariff on file with the Commission showing all the rates and charges for transportation to the above foreign countries;

4. Whether Trimodal, Inc., violated section 18(b)(3), Shipping Act, 1916, by transporting property at rates and charges other than those specified in its tariffs on file with the Commission, and

5. Whether, in light of the evidence adduced pursuant to the foregoing issues, together with any other evidence adduced, Trimodal, Inc., and its corporate officers, possess the requisite fitness, within the meaning of section 44(b), Shipping Act, 1916, to be licensed as an independent ocean freight forwarder;

It is further ordered, That Trimodal, Inc., be made the respondent in this proceeding and that the matter be assigned for public hearing before an administrative law judge at a date and place to be determined by the administrative law judge presiding, but in no event, later than December 22, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are otherwise necessary for the development of an adequate record;

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy thereof be served upon the respondent;

It is further ordered, That any person other than respondent and the Commission's Bureau of hearing Counsel, having an interest and desiring to participate in this proceeding, may do so by filing a timely petition

for leave to intervene pursuant to § 502.72 of the Commission's rules;

It is further ordered, That all future notices issued by or on behalf of the Commission, including notice of time and place of hearing or of prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary

[FR Doc. 78-18110 Filed 6-28-78; 8:45 am]

[6730-01]

VENTURE CRUISE LINES, INC.

Issuance of Certificate [Casualty]

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons or voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission general order 20, as amended (46 CFR Part 540).

Venture Cruise Lines, Inc., 1175 Northeast 125th Street, Suite No. 103, North Miami, Fla. 33161.

Dated: June 23, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-18111 Filed 6-28-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

GARNETT BANCSHARES, INC.

Formation of Bank Holding Company

Garnett Bancshares, Inc., Garnett, Kans., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Kansas State Bank, Garnett, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve bank, to be received not later than July 20, 1978.

Board of Governors of the Federal Reserve System, June 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17991 Filed 6-28-78; 8:45 am]

[6210-01]

KERKHOVEN BANCSHARES, INC.

Formation of Bank Holding Company

Kerkhoven Bancshares, Inc., Kerkhoven, Minn., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 90 percent of the voting shares of State Bank of Kerkhoven, Kerkhoven, Minn. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve bank, to be received not later than July 20, 1978.

Board of Governors of the Federal Reserve system, June 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17992 Filed 6-28-78; 8:45 am]

[6210-01]

TEXAS AMERICAN BANCSHARES, INC.

Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Tex., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 75 percent of the voting shares of Bank of Fort Worth, Fort Worth, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 24, 1978.

Board of Governors of the Federal Reserve System, June 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17993 Filed 6-28-78; 8:45 am]

[4110-39]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Meeting and Closed Portion

Notice is given that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on July 17-18, 1978, in the New York Room of the Capitol Hilton, 16 and K Streets NW., Washington, D.C. The panel will meet from 9 a.m. until 5 p.m., on July 18, 1978. The 3:15 to 5 p.m. portion of the July 17, 1978 session will be closed to the public in accordance with the provisions of section 10(d), Federal Advisory Committee Act, Pub. L. 92-463 and Title 5, U.S. Code, section 552b (c)(6) and 9(B). The reasons for closing this portion of the meeting are to discuss: (1) personnel matters which if discussed in public would constitute clearly unwarranted invasion of personal privacy, and (2) recommendations about funding and support to the laboratories and centers which if done in open session to the public would probably disclose, prematurely, information about tentative NIE funding advice and could significantly frustrate implementation of proposed NIE funding plans by undermining the fair competitive basis for awards and could possibly endanger the stability of the institutions involved. Members of the public are invited to attend the open sessions. Written statements relevant to any agenda items listed in the following tentative agenda (or to any other items considered of interest to the Panel) may be submitted at any time and should be sent to the Panel Office address.

MONDAY, JULY 17, 1978

9 to 9:15 a.m.—Approval of minutes.
9:15 to 10:15 a.m.—Report on meeting with the National Council on Educational Research.
10:15 to 10:30 a.m.—Break.
10:30 a.m. to 12 noon—NIE report of work in progress.
Noon to 1:30 p.m.—Lunch.
1:30 to 3 p.m.—General discussion with institutional monitors.
3 to 3:15 p.m.—Break.
3:15 to 5 p.m.—Closed session.

TUESDAY, JULY 18, 1978

9 to 10:15 a.m.—Discussion of site visits and need for revisions.
10:15 to 10:30 a.m.—Break.
10:30 a.m. to 12 noon—Discussion of plans for final report content and preparation.
Noon to 1:30 p.m.—Lunch.
1:30 to 3 p.m.—Discussion of future meeting and committee assignments.

The Panel was created under section 405 of the General Education Provisions Act as amended by section 403(d)

of the Education Amendments Act of 1976, 20 U.S.C. 1221e, to review proposals submitted by the laboratories and centers to NIE for funding; review the operations of the laboratories and centers; and submit a final report to the NIE director and the Congress. Copies of the records of all Panel proceedings can be obtained by contracting the Panel office. A summary of the activities discussed at the closed portion of the July 17 session, which are informative to the public consistent with the policy of 5 U.S.C. 552b(c) will be available to the public after approval of the minutes. Minutes require approval by the Panel at a subsequent meeting and are available to the public two weeks following their approval.

In order to verify the tentative agenda or to assure adequate seating arrangements, interested persons are requested to contact this office below:

Panel for the Review of Laboratory and Center Operations, National Institute of Education, 1200 19th Street NW., Room 714, Washington, D.C. 20208, 202-254-5680.

Dated: June 26, 1978.

CAROLYN BREEDLOVE,
Staff Director, Panel for the Review of Laboratory and Center Operations.

[FR Doc. 78-18052 Filed 6-28-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, July 14 and on Saturday, July 15, 1978. The meeting will be held on Friday from 9 a.m. until 5 p.m., and on Saturday from 9 a.m. until 12 noon. A portion of the Saturday session will be set aside for committee meetings. The two-day meeting will be held at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The agenda items for the meeting include Briefings on Mandated Studies, Migrant Education and Urban Education. Committee reports will be given on Saturday, June 15, along with further discussions on the preliminary plans for the August meeting scheduled to be held in Geneseo, NY.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by July 10, 1978, area code 202-724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on June 26, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-18133 Filed 6-28-78; 8:45 am]

[4110-07]

Office of the Secretary

PRIVACY ACT OF 1974

Major Alteration of Existing Systems of Records, New Routine Uses, Minor Technical and Editorial Amendments

AGENCY: Department of Health, Education, and Welfare.

ACTION: Notification of major alteration of two systems of records: Supplemental Security Income Quality Assurance System HEW/SSA/OMA 09-60-0040; Quality Assurance Casefile 09-60-0042. New routine uses for records currently maintained in systems and minor technical and editorial changes.

SUMMARY: The Social Security Administration (SSA) proposes to make major alterations to the subject systems of records to: (1) Expand the categories of individuals covered by the subject systems to include individuals applying for or receiving benefits under title II of the Social Security Act; and (2) expand the categories of records in the subject systems to include medical information. SSA also proposes to add new routine uses applicable to the systems of records, and to make minor technical and editorial amendments to clarify the notices and conform their internal structure to HEW requirements, and rename the systems of records. SSA changed the name of system of records 09-60-0040 from SSI Quality Assurance System to Quality Review System; and system of records, No. 09-60-0042 from Quality Assurance Casefile to Quality Review Casefile. The new names reflect the information added to the system.

DATES: The new routine uses shall become effective as proposed without further notice in 30 calendar days from the date of this publication (July 29, 1978), unless comments are received on or before July 29, 1978, which would result in a contrary determination. The Department filed altered system reports for these systems with the Director, Office of Management and Budget, the Speaker of the House of Representatives, and the President of the Senate on June 23, 1978. The Department filed a request for waiver of the 60-day waiting period required for altered systems with the Office of Management and Budget (OMB). If OMB does not approve the waiver request, SSA will not put the notices into effect until 60 days after the altered system report filing date.

ADDRESS: The public should address comments to Acting Director, Fair Information Practices Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments the Department receives will be available in Room 526F, Hubert H. Humphrey Building at the above address.

FOR FURTHER INFORMATION CONTACT:

Mr. David Greenwald, Chief, QA Operational Policy Branch, Division of Standards and Operating Policies, Office of Quality Assurance, Office of Management and Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-3595.

SUPPLEMENTARY INFORMATION: The Social Security Administration conducts quality reviews of randomly selected samples of the Supplemental Security Income (SSI) benefits rolls to determine the effectiveness of its administration of the SSI program, including verification of the eligibility status of SSI beneficiaries, accuracy of amounts paid, and calculation of fiscal liability case and gross dollar error rates for federally administered State supplementation funds.

SSA reviews claims folders and other information about individuals in the sample and often supplements this information with results of field contacts with such individuals and third-party sources to verify eligibility and payment factors which the sampled individuals assert. SSA establishes records through these reviews and maintains them in two systems of records: the Quality Review System, 09-60-0040; and the Quality Review Casefile, 09-60-0042.

SSA is initiating the inclusion of individuals receiving benefits under the Old-Age, Survivors, and Disability Insurance programs (title II of the Social Security Act) in a quality review process similar to that described above for the SSI program (fiscal liability does not apply under title II). Full scale implementation will not commence before October 1978.

SSA stores records in the Quality Review System in a vault in the Elec-

tronic Data Processing Operations Branch or in protected storage racks, and they secure records in the Quality Review Casefile in locked compartments. They also establish systems security in accordance with departmental standards and National Bureau of Standards guidelines.

SSA is making major alterations to the categories of individuals covered by these systems of records and to the categories of records in these systems. They are expanding these categories to reflect the additional categories of individuals and records, respectively, which they will cover in the conduct of quality reviews of the SSI and title II programs.

The routine uses SSA proposes for the systems of records will enable them to provide State Welfare Departments with SSI information, pursuant to agreements with SSA, for the administration of State supplementation payments for the SSI program. these routine uses will also enable SSA to provide State agencies with SSI information which the State will use in the administration of the medicaid quality control system.

SSA is making minor technical amendments to the titles of the systems of records. They are changing the titles to indicate that the records now contain title II data whereas before they contained SSI data only. SSA is also making minor technical and editorial amendments to the location, storage, and notification categories of the Quality Review System and the retrievability, safeguards, retention and disposal and record source categories of both systems of records. They are making these amendments to clarify the systems of records and to conform their internal structure to HEW requirements.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

JUNE 23, 1978.

09-60-0040

System name:

Quality Review System HEW SSA OMA.

Security classification:

None.

System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Md 21235.

Categories of individuals covered by the system:

Randomly selected applicants for and/or beneficiaries of:

a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled.

b. Retirement, survivors, and disability insurance benefits under title II of the Social Security Act.

Categories of records in the system:

a. Supplemental Security Income Quality Review: Quality Assurance Data Base, selected casefile, contingency sample master file, quality assurance universe file, designated case file, designated case transmission file, designated case extract file, and sample control list. These records may contain: social security number, State and county of residence, type of claim, information regarding federally administered supplementation payments, social security claim numbers, living arrangements and family composition, income and medical information, sex, race, resources, third party contacts, and indications of processing errors.

b. Retirement and Survivors Insurance and Disability Insurance Quality Review: These records contain information regarding Federal payments and other information listed in (a) above.

Authority for maintenance of the system:

Sections 205(a), 1631(d), and 1631(e) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

With respect to SSI data; routine use disclosure may be made:

1. As noted in 45 CFR, part 5b, Appendix B—(1), (3), (6), (9), and (103);

2. To members of the community and local State and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary;

3. To State Welfare Departments pursuant to agreements with Social Security Administration for the Federal administration of State supplementation payments;

4. State agencies for administration of the Medicaid Quality Control system;

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. In the event of litigation, where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 5, and 6.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape and disks.

Retrievability:

By any set of record characteristics; e.g., social security number, and name.

The Quality Review Data Base is used for accumulating and tabulating data to determine the accuracy of the entitlement status of applicants/beneficiaries and of benefit amounts paid under the retirement and survivors insurance and the disability insurance programs, and eligibility status of applicants/recipients and of benefit amounts paid under the supplemental security-income program. Title XVI data also are used to calculate the Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by the Social Security Administration. Other categories of records provide data necessary to complete the data base and to provide information to the Social Security Administration's Quality Assurance Regional Offices and Field Office Staffs needed to review cases in order to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

Safeguards:

Tapes are stored in tape vault in Electronic Data Processing Operations Branch or in protected storage racks; disks in protected storage racks. The entire area is secured by guarded entrances, with admission limited to authorized personnel.

Retention and disposal:

The Quality Review data base is retained indefinitely. Other records are erased after 30-500 days.

System manager(s) and address:

Director, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Requests may be forwarded to the Director, Division of Reports and Sys-

tems Support, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Md. 21235. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6), FEDERAL REGISTER, October 8, 1975, page 47411.).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2), FEDERAL REGISTER, October 8, 1975, page 47410.).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7), FEDERAL REGISTER, October 8, 1975, page 47411.).

Record source categories:

Information in the Social Security Administration Quality Review System is furnished by applicants for and beneficiaries of the retirement and survivors insurance program, the disability insurance program, and the supplemental security income program, representatives of such individuals (where appropriate), Social Security Administration offices, other Federal and State agencies, and from private sources.

Systems exempted from certain provisions of the act:

None.

09-60-0042

System name:

Quality Review Casefile HEW SSA OMA.

Security classification:

None.

System location:

Office of Quality Assurance, Office of Management and Administration, 6401 Security Boulevard, Baltimore, Md. 21235; Office of Quality Assurance, Regional (10) and Field (27), Offices (See Appendices D.3 and D.4 respectively).

Categories of individuals covered by the system:

Randomly selected applicants for and/or beneficiaries of:

a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled;

b. Retirement, survivors and disability insurance benefits under title II of the Social Security Act.

Categories of records in the system:

The Quality Review Casefile contains information from SSA records and information obtained by Quality Specialists from retirement and survivors insurance, disability insurance and SSI applicants beneficiaries and from third party sources. These casefiles may contain information relating to any combination of these three programs.

Authority for maintenance of the system:

Sections 205(a), 1631(d)(1), and 1631(c)(1)(B) of title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

With respect to SSI data; routine use disclosure may be made:

1. As noted in 45 CFR, part 5b, Appendix B—(1), (3), (6), (9), and (103);

2. To members of the community and local, State and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary;

3. To State Welfare Departments pursuant to agreements with Social Security Administration for the Federal administration of State supplementation payments;

4. State agencies for administration of the Medicaid Quality Control system;

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 5, and 6.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manilla folder.

Retrievability:

The Quality Review Casefiles can be retrieved by social security number. Retrieval will be speedier if the individual's State of residence, program under which benefits were received and/or applied for, and sample selection month are supplied.

Both title II and title XVI Quality Review casefiles are used for accumulating data concerning the eligibility or entitlement of applicants/beneficiaries and of benefit amounts paid under the retirement and survivors insurance program, the disability insurance program, and the supplemental security income program. Casefiles also provide data necessary to complete the Quality Review Data Base and to provide information to the Social Security Administration's Quality Assurance Regional Offices and Field Office Staffs needed to review cases in order to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

Data obtained from the title XVI Quality Review casefiles also are used to calculate the Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by the Social Security Administration.

Safeguards:

With respect to title XVI, Quality Review casefiles are stored in the Quality Assurance Field Offices that have jurisdicational responsibility for review of the selected sample case. With respect to title II, Quality Review casefiles are stored in the Quality Assurance Regional Offices and where appropriate, in the Quality Assurance Field Offices that have jurisdictional responsibility by review of the selected sample case. All Quality Review casefiles are stored either in locked cabinets and/or in locked rooms or in space serviced by GSA guards.

Retention and disposal:

a. Title XVI Quality Review casefiles are retained for 18 months after the

case was selected for quality review or until fiscal settlement (Federal fiscal liability situation) for the sample period for which the individual case was selected is reached between SSA and the individual States whichever is later.

b. Title II Quality Review casefiles are retained for 18 months after the case was selected for review.

System manager(s) and address:

Director, Office of Quality Assurance, Office of Management and Administration, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Requests may be forwarded to the Program Review Officers (See Appendix D-3). An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record source categories:

Information in the Quality Review casefile is furnished by applicants/beneficiaries under the retirement and survivors insurance program, disability insurance program and the supplemental security program, representatives of such individuals (where appropriate), Social Security Administration offices, and other Federal, State and local agencies, and from private sources.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-18063 Filed 6-26-78; 12:57 pm]

[4310-84]

DEPARTMENT OF INTERIOR

Bureau of Land Management

GRAND JUNCTION DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Grand Junction District Grazing Advisory Board will be held on August 1, 1978.

The meeting will begin at 9 a.m., at the Leonard Horn Ranch Headquarters six (6) miles east of Eagle, Colo., on U.S. Highways 6 and 24.

The agenda for the meeting will include: (1) A tour of the Leonard Horn allotments which are operating under an allotment management plan, and (2) the arrangements for the next meeting. During the tour, there will be an explanation and discussion of the grazing system and livestock operation in effect on the allotment.

The meeting is open to the public. Interested persons may make oral statements to the board between 1 and 2 p.m., on August 1, 1978, 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, 764 Horizon Drive, Grand Junction, Colo. 81501, by July 24, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager. Persons desiring to make the tour should furnish their own transportation, food, and drink.

Summary minutes of the board meeting will be maintained in the district office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

TOM OWEN,
District Manager.

[FR Doc. 78-18098 Filed 6-28-78; 8:45 am]

[4310-84]

[Serial No. I-05278]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

JUNE 22, 1978.

Notice of an application, serial No. I-05278, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 58-5832 on page 5801 of the issue for July 31, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10 a.m., on July 31, 1978, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BOISE NATIONAL FOREST

BOISE MERIDIAN

Middle Fork Boise River (No. 631) Forest Development Road Roadside Zone

A strip of land 200 feet on each side of the center line of Forest Development Road No. 631 through the following legal subdivisions:

T. 6 N., R. 11 E.,
Sec. 31, SE¼NW¼, NE¼SW¼, SW¼SE¼.

The area described aggregates 26 acres, more or less, in Boise County.

VINCENT S. STROBEL,
Chief, Branch of Land and Management Operations.

[FR Doc. 78-18099 Filed 6-28-78; 8:45 am]

[4310-84]

[NM 33574, 33575, 33576, 33577, 33578, 33579, and 33580]

NEW MEXICO

Applications

JUNE 20, 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), Southern Union Gathering Co. has applied for eleven 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 22, E½SE¼.
T. 29 N., R. 10 W.,
Sec. 13, lots 1, 7, 8, 9, 10, 12, and 13;
Sec. 24, N½NW¼.
T. 30 N., R. 10 W.,
Sec. 26, lots 11, 13, and 14.
T. 30 N., R. 11 W.,
Sec. 12, lots 3, 4, and SW¼SE¼.
T. 32 N., R. 11 W.,
Sec. 29, SW¼SW¼.
T. 31 N., R. 12 W.,
Sec. 3, SE¼SE¼;
Sec. 10, NE¼SW¼ and NW¼SE¼;
Sec. 21, S½NE¼ and N½SE¼;
Sec. 22, lots 11 and 12;
Sec. 26, NW¼NW¼ and E½SE¼;
Sec. 27, NE¼NE¼.

These pipelines will convey natural gas across 3.76 miles 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 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. 78-18100 Filed 6-28-78; 8:45 am]

[4310-84]

[NM 33687, NM 33688, NM 33695]

NEW MEXICO

Applications

JUNE 20, 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 three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31, N., R. 12 W.,
Sec. 5, SE¼SW¼;
Sec. 17, SE¼SW¼;
Sec. 18, SW¼NE¼ and N½SE¼;
Sec. 20, NE¼NW¼.

This pipeline will convey natural gas across 0.828 miles of public land in San Juan County, N. Nex.

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. 78-18112 Filed 6-28-78; 8:45 am]

[4310-84]

[NM 33595]

NEW MEXICO

Application

JUNE 19, 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 one 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.,
Sec. 17, SW¼NE¼, E½NW¼, SW¼NW¼

This pipeline will convey natural gas across 0.531 miles of public land in Rio Arriba County, N. Nex.

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. 78-18101 Filed 6-28-78; 8:45 am]

[4310-84]

[NM 33711, 33712]

NEW MEXICO

Applications

JUNE 19, 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 three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 27 E.,
Sec. 1, lot 3, SE¼NW¼ and SW¼NE¼.
T. 26 S., R. 30 E.,
Sec. 34, lot 3, and NE¼NW¼.

These pipeline will convey natural gas across 0.887 miles of public land 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. 78-18102 Filed 6-28-78; 8:45 am]

[4310-84]

[NM 33551]

NEW MEXICO

Application

JUNE 19, 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), Transwestern Pipeline Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18, S., R. 25 E.,
Sec. 3, SE¼SE¼;

This pipeline will convey natural gas across 0.224 miles of public land in Eddy County, N. Nex.

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. 78-18103 Filed 6-28-78; 8:45 am]

[4310-84]

[W-63866]

WYOMING

Application

JUNE 20, 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 Colorado Interstate Gas Co. of Colorado Springs, Colo. filed an application for a right-of-way to construct a 4½ inch outside diameter pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 19 N., R. 93 W.,
Sec. 2, E½SE¼.

The proposed pipeline will transport natural gas from the Federal No. 1-2 Well in the SE¼ of sec. 2, in a generally easterly direction, to a point of connection with Colorado Interstate Gas Co.'s existing pipeline in sec. 1, in T. 19 N., R. 93 W., Carbon County, Wyo.

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 do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18104 Filed 6-28-78; 8:45 am]

[4310-84]

[W-64275]

WYOMING

Application

JUNE 20, 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 Colorado Interstate Gas Co. of Colorado Springs, Colo. filed an application for a right-of-way to construct a 4½ inch outside diameter pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17, N., R. 94 W.,
Sec. 34, N½N½;
Sec. 36, W½NE¼, N½NW¼ and SE¼NW¼.

The proposed pipeline will transport natural gas produced from the CIGE 1-36-17-94 State Well in the NE¼ of sec. 36, to a point of connection with Colorado Interstate Gas Co.'s existing pipeline located in the NW¼NW¼ of sec. 34, in T. 17 N., R. 94 W., 6th P.M., Sweetwater County, Wyo.

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 do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18105 Filed 6-28-78; 8:45 am]

[4310-84]

[W 63867]

WYOMING

Application

JUNE 20, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. has filed an application for a right-of-way to construct a 4½ inch outside diameter pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING.

T. 20, N., R. 95 W.,
Sec. 36, S½NE¼ and SE¼NW¼

The proposed pipeline will transport natural gas from the State No. 22-36 Well located in the NW¼ of section 36, T. 20 N., R. 95 W., to a point of connection with an existing pipeline located in the SW¼NW¼ section 31, T. 20 N., R. 94 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 applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82310

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-18106 Filed 6-28-78; 8:45 am]

[4310-70]

National Park Service

ADDITIONAL VISITOR INTERPRETATIVE TRANSPORTATION SERVICE

Notice of Authorization

Pub. L. 93-62 (Act of July 6, 1973, 87 Stat. 146) directed the Secretary of the Interior to provide interpretative visitor transportation services between or in Federal areas within the District of Columbia and its environs upon the determination that such services are desirable to facilitate visitation and to ensure proper management and protection of these areas.

Pursuant to the authority of the Act of July 25, 1916, as amended and supplemented (16 U.S.C. 1, et seq.), and the Act of July 6, 1973, 40 U.S.C. 804, the Federal property of the George Washington Memoral Parkway located adjacent to Mount Vernon, the home of George Washington, including the gates at the entrance to this estate, is hereby designated a visitor facility. It is further determined that providing interpretative visitor transportation services between the Mall and the visitor facility at Mount Vernon is desirable to facilitate visitation and to ensure proper management and protection of such areas.

Therefore, notice is hereby given that pursuant to these authorities, interpretative visitor transportation services are to be provided between the Mall and the Federal property adjacent to the Mount Vernon estate in Fairfax County, Va.

Dated: June 6, 1978.

MANUS J. FISH, Jr.,
Regional Director, National Capital Region.

[FR Doc. 78-18199 Filed 6-28-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-54]

CERTAIN MULTICELLULAR PLASTIC FILM

Investigation

Notice is hereby given that a Complaint was filed with the U.S. International Trade Commission on May 12, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) and under 19 U.S.C. 1337a (1940), on behalf of Sealed Air Corp., 19-01 State Highway 208, Fair Lawn, N.J. 07410, alleging that unfair methods of competition and unfair acts exist in the importation into the United States, or in the subsequent sale, of multicellular plastic film swimming pool covers, by reason of the alleged coverage of the multicellular plastic film by method claims 1 and 2 of U.S. Letters Patent 3,416,984 allegedly practiced in a foreign country, and unfair low pricing of swimming pool covers manufactured from the imported multicellular plastic film, and unfair competition by use of advertising. The complaint alleges such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States or to restrain or monopolize trade and commerce in the United States. Complainant requests permanent exclusion from entry into the United States of the articles in question. Complainant also requests exclusion from entry into the United States, except under bond, of the articles in question during the investigation in this matter (a temporary exclusion order), and an expedited hearing on such temporary exclusion order.

Having considered the complaint, the U.S. International Trade Commission on June 22, 1978, Ordered:

1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation or reason to believe that there is a violation of subsection (a) of this section in the unauthorized importation of certain multicellular plastic film into the United States, or in its subsequent sale, either in roll or in swimming pool cover form, by reason of the alleged coverage of imported multicellular plastic film during manufacturing in a foreign country by claims 1 and 2 of U.S. Letters Patent 3,416,984, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The alleged unfair low pricing of swimming pool covers manufactured from the imported multicellular plastic film, and the alleged unfair methods of competition by use of advertising have not been included in the scope of the investigation because of failure to conform these allegations in the complaint to the requirements of Commission rules (19 CFR 210.20).

2. That, for the purpose of this investigation so instituted, the following are hereby named as parties.

a. The complainant is:

Sealed Air Corp., Park 80 Plaza East, Saddle Brook, N.J. 07662.

b. The respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are parties upon which the complaint and this notice are to be served.

i. Polybubble, Inc., 1181 Chess Drive No. D, Foster City, Calif. 94404.

ii. Conform Plastics, 113 Muys Road, Box 12357, Penrose, Aukland, New Zealand.

iii. Unipak (H.K.) Ltd., 11f 59-61 Wong Chuk Hong Road, Aberdeen, Hong Kong.

iv. Tong Seae Co., Ltd., P.O. Box 53607, Taipei, Taiwan, R.O.C.

v. Peter Darlington, d.b.a. Solar Pool Covers, 15581 Product Lane (No. 15), Huntington Beach, Calif. 92649.

c. Steven Morrison, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation.

3. That, for the purpose of the investigation so instituted, Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

4. That for the purpose of the investigation so instituted, complainant's request for an expedited hearing on temporary exclusion is denied at this time without prejudice to the right to renew the request before the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's rules of practice and procedure, as amended (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of business confidential information, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

Issued: June 26, 1978.

By Order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-18141 Filed 6-28-78; 8:45 am]

[4410-09]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By Notice dated May 1, 1978, and published in the FEDERAL REGISTER on May 5, 1978; (43 FR 19470), Regis Chemical Co., 8210 North Austin Avenue, Morton Grove, Ill. 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class of controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations Section 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: June 23, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-18136 Filed 6-28-78; 8:45 am]

[4410-09]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to 21 U.S.C. 823(a)(1), and section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 24, 1978, Wyeth labs., Inc., 611 East Nield Street, West Chester, Pa. 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance meperidine.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than August 1, 1978.

Dated: June 23, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-18135 Filed 6-28-78; 8:45 am]

[4410-09]

[Docket No. 77-30]

JOHN W. WHITENIGHT, D.O.

Revocation of Registration

On October 19, 1977, the Administrator of the Drug Enforcement Administration (DEA) directed an Order To Show Cause to John W. Whitenight, D.O. (Respondent), of Dauphin, Pa. The Order To Show Cause proposed to revoke the Respondent's DEA Certificate of Registration, AW2505761, for reason that on September 7, 1977, in the U.S. District Court for the Middle District of Pennsylvania, the Respondent was convicted of 20 counts of unlawfully distribut-

ing controlled substances in violation of 21 U.S.C. 841(a)(1), felony violations of the Controlled Substances Act.

The Respondent requested a hearing on the issues raised by the Order To Show Cause and this matter was placed on the docket of the Honorable Francis L. Young, Administrative Law Judge. At the time of this request, the Respondent was incarcerated in the U.S. Correctional Institution at Danbury, Conn.

Subsequently, the Administrative Law Judge ordered that counsel for the Government and for the Respondent file and exchange written prehearing statements preliminary to the convening of a prehearing conference held by telephone. While these proceedings were pending, counsel entered into a stipulation wherein it was agreed that the evidentiary hearing in this matter would be postponed until the Respondent was released from custody and that the Respondent's DEA registration would be suspended until a final decision was reached in these proceedings. On February 8, 1978, upon consideration of the aforementioned stipulation, and with the recommendation of the Administrative Law Judge, the Administrator suspended the subject registration retroactively to November 4, 1977.

On or about March 24, 1978, the Respondent was released from custody and the Administrative Law Judge scheduled this matter for hearing to commence in Washington, D.C., on May 16, 1978. In the interim, however, the Bureau of Professional and Occupational Affairs of the Commonwealth of Pennsylvania revoked the Respondent's license to practice osteopathy in Pennsylvania. The Bureau's order of revocation was dated April 21, 1978, and was to become effective on or about May 21, 1978. As a result of this State action, Government counsel filed a motion requesting that the Order To Show Cause which initiated this matter be amended to include, as a basis for revocation of the Respondent's DEA registration, the revocation of his license to practice osteopathy and to handle controlled substances under the laws of Pennsylvania. The Government further moved that these proceedings be terminated for reason that there no longer existed any discretion as to whether or not the Respondent's registration should be revoked.

The Respondent did not seek judicial review of the State revocation order and, on June 9, 1978, the Administrative Law Judge granted the Government's motion to amend the Order To Show Cause. Subsequently, on June 12, 1978, Judge Young forwarded to the Administrator his report concerning these proceedings, together with his recommendation that the Respondent's DEA registration be revoked.

Accordingly, pursuant to 21 CFR 1316.66, the Administrator hereby publishes his Final Order in this matter based on the following findings of fact and conclusions of law.

The Administrator finds that prior to November 4, 1977, the Respondent was registered, pursuant to 21 U.S.C. 823(f), to dispense, prescribe, and administer controlled substances as a practitioner licensed and authorized to handle such substances under the laws of the Commonwealth of Pennsylvania. The Administrator further finds that on May 21, 1978, the Respondent's license to practice osteopathy was revoked and his authorization to handle controlled substances under Pennsylvania law was thereby terminated. The Administrator, therefor, concludes, as a matter of law, that the Respondent is no longer authorized to handle controlled substances in the course of professional practice in Pennsylvania, the State in which he was heretofore registered under Federal law.

State authorization to handle controlled substances is a prerequisite to the issuance and retention of a Federal controlled substances registration (21 U.S.C. 823(f) and 824(a)(3)). See the Administrator's final orders in the matters of *Alfred Tennyson Smurthwaite, M.D.*, Docket No. 77-29, 43 FR 11873; *Joseph A. Greco, M.D.*, Docket No. 77-9, 42 FR 56647; and *David Sachs, M.D.*, Docket No. 77-2, 42 FR 29112. For this reason, it is the Administrator's decision that the Respondent's DEA registration must be revoked.

Accordingly, pursuant to the authority vested in the Attorney General, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that DEA Certificate of Registration, AW2505761, previously issued to John W. Whitenight, D.O., be, and it hereby is, revoked, effective immediately.

Dated: June 23, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-18134 Filed 6-28-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held July 15, 1978, from 9:15 a.m.-6 p.m.; July 16, 1978, from 9:15 a.m.-6 p.m.; and July 17, 1978, from 9:15 a.m.-5:30 p.m., in Room 1422 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on July 17, 1978, from 9:15 a.m.-12 p.m. The topic of discussion will be guidelines for the dance touring program.

The remaining sessions of this meeting on July 15, 1978, from 9:15 a.m.-6 p.m.; July 16, 1978, from 9:15 a.m.-6 p.m.; and July 17, 1978, from 12 p.m.-5:30 p.m., are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation for the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: June 22, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-17986 Filed 6-28-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-32-2]

OHMART CORP.

Withdrawal of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission has received a letter from Ohmart Corp. withdrawing its petition for rulemaking PRM 32-2.

By letter dated October 13, 1977, Ohmart Corp. filed with the Commission a petition for rulemaking to amend the Commission's regulation, "Specific Licenses to manufacture, Distribute, or Import Certain Items Containing Byproduct Material," 10 CFR Part 32. The petitioner requested that in the first sentence of 10 CFR 32.51(b), the words "but not greater than 3 years" be inserted between the words "months" and "either". Currently, that sentence reads as follows:

In the event the applicant desires that the device be required to be tested at intervals

longer than 6 months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator.

This permits any applicant for NRC specific license to manufacture, import or distribute certain measuring, gaging, or controlling devices for use by general licensees to request that the device be required to be tested at intervals longer than 6 months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both.

The effect of the requested rule change would have been to prohibit any applicant from requesting under 10 CFR 32.51(b) a maximum time interval longer than 3 years for testing of devices.

By letter dated March 22, 1978, the petitioner withdrew petition for rulemaking PRM 32-2 from further consideration by the Nuclear Regulatory Commission and stated that "* * * we have come to the conclusion that the evidence shows no significant hazards existing for leak test periods beyond 3 years." The NRC agrees with the petitioner's conclusion and accordingly has terminated work on this petition.

Copies of the petition, letters of comment on the petition, and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 22d day of June 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-17915 Filed 6-28-78; 8:45 am]

[7590-01]

[Docket No. 50-261; 50-261 OL Modification]

CAROLINA POWER & LIGHT CO. (H. B. ROBINSON, UNIT NO. 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR section 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license (modification) proceeding:

Michael C. Farrar, Chairman.
Richard S. Salzman.
Dr. W. Reed Johnson.

Dated: June 23, 1978.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-18126 Filed 6-28-78; 8:45 am]

[7590-01]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE (LACROSSE BOILING WATER REACTOR)

Full-term Operating License; Hearing and Prehearing Conference

On April 10, 1978 the Nuclear Regulatory Commission published in the FEDERAL REGISTER, 43 FR 15021, a notice that the Commission had received an application for a full-term facility operating license from the Dairyland Power Cooperative to operate the LaCrosse boiling Water Reactor located in Vernon County, Wis. The facility has been provisionally licensed to operate since July 1967. The notice provided that on or before May 10, 1978, any person whose interest may be affected by the proceeding may file a petition for leave to intervene in accordance with the Commission's rules of practice, 10 CFR Part 2, particularly section 2.714 of Part 2.

On May 7, 1978, George R. Nygaard, Mark Burmaster, and Anne K. Morse as members of and on behalf of the Coulee Region Energy Coalition filed a petition for leave to intervene and a request for a hearing in the proceeding. An Atomic Safety and Licensing Board was established to rule upon petitions for leave to intervene. On June 19, 1978, the Atomic Safety and Licensing Board designated to rule upon petitions issued its order granting the petition for leave to intervene and admitting the Coulee Region Energy Coalition as a party to the proceeding.

Please take notice that a hearing will be conducted in this proceeding. An Atomic Safety and Licensing Board, consisting of the same members who served on the Board designated to rule upon petitions, has been designated to preside over this proceeding. They are Lester Kornblith, Jr., Dr. George A. Anderson, and Ivan W. Smith, who will serve as Chairman of the Board.

Pursuant to 10 CFR section 2.751a the Board will conduct a prehearing conference on August 17, 1978, beginning at 9 a.m. at the following location:

Hall of Presidents, Cartwright Center, University of Wisconsin at LaCrosse, LaCrosse, Wis. 54601.

All parties or their counsel are directed to appear. The purpose of the prehearing conference is to hear arguments concerning contentions, permit identification of key issues, establish a schedule for further action in the proceeding, and all other matters required to be considered by 10 CFR section 2.751a.

The public is invited to attend the prehearing conference. Any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his position on the issues. Oral statements will be taken at the conclusion of the business of the prehearing conference. The number of persons making oral statements and the time allowed for each oral statement may be limited depending upon the total time available. Additional opportunities for oral statements will be provided during the evidentiary hearings to be scheduled later. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The documents pertaining to this proceeding are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the LaCrosse Public Library, 800 Main street, LaCrosse, Wis. 54601.

It is so ordered.

For the Atomic Safety and Licensing Board, (designated to rule on petitions).

Dated at Bethesda, Md., this 23d day of June, 1978.

IVAN W. SMITH,
Chairman.

[FR Doc. 78-18127 Filed 6-28-78; 8:45 am]

[7590-01]

[Docket Nos. 50-245 and 50-336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Provisional Operating License No. DPR-21 and Amendment No. 42 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the town of Waterford, Conn. The amendments are effective as of their date of issuance.

These amendments modify the Common Appendix B (Environmental) Technical Specifications by adding

off-gas release rate limits of radioactive gases to assure that the off-site doses resulting from postulated accidents associated with operation of the modified Augmented Off-gas System will not exceed established criteria.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further deails with respect to this action, see (1) the application for amendments dated February 13, 1978, (2) Amendment Nos. 50 and 42 to Licenses Nos. DPR-21 and DPR-65, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 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 19th day of June 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-18128 Filed 6-28-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION ISSUANCES

Availability of Semiannual Hardbound Volume

The Nuclear Regulatory Commission has issued Volume 5, Book II of II, of the Nuclear Regulatory Commission Issuances, covering the period April 1 to June 30, 1977. This publication is a semiannual compilation of adjudicatory decisions and other issuances of the Commission, the Atomic Safety and Licensing Appeal Boards, and the Atomic Safety and Licensing Boards.

A copy of Volume 5, Book II of II, is available for inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C. This publication, designated Nuclear Regulatory Commission Issuances, Volume 5, Book II of II, Opinions and Decisions, April 1 to June 30, 1977, may also be purchased at a cost of $10.25 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The GPO stock number is 052-010-00498-1.

Dated at Bethesda, Md., this 23d day of June 1978.

For the Nuclear Regulatory Commission.

JOSEPH M. FELTON,
Director, Division of Rules and Records, Office of Administration.

[FR Doc. 78-18130 Filed 6-28-78; 8:45 am]

[7590-01]

[Docket Nos. 50-259, 50-260, and 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-33, Amendment No. 36 to Facility Operating License No. DPR-52 and Amendment No. 12 to Facility Operating License No. DPR-68 issued to Tennessee Valley authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2, and 3, located in Limestone County, Ala., The amendments are effective as of the date of issuance.

The amendments change the Technical specifications to delete the requirements for the oxygen sensors used in the containment atmosphere monitoring system and augment the surveillance requirements associated with the daily oxygen analyses of primary containment.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 11, 1978, (2) Amendment No. 38 to License No. DPR-33, Amendment No. 36 to License No. DPR-52, and Amendment No. 12 to License No. DPR-68, 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 Athens Public Library. South and Forrest, Athens, Ala. 35611. 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 22d day of June 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-18129 Filed 6-28-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EXTREME EXTERNAL PHENOMENA

Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold an open meeting on July 14, 1978, in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555, to review matters relating to the NRC sponsored research on extreme external phenomena. Notice of this meeting was published in the FEDERAL REGISTER on June 16, 1978.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977 (56972), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

FRIDAY, July 14, 1978.

8:30 a.m. until the conclusion of business.—The subcommittee may

meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, and their consultants, pertinent to the above topics. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Richard P. Savio, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., e.d.t.

Dated: June 26, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-18211 Filed 6-28-78; 8:45 am]

[7590-01]

RISK ASSESSMENT REVIEW GROUP

In accordance with sections 9 and 14 of Pub. L. 92-463 (Federal Advisory Committee Act), notice is given that the Nuclear Regulatory Commission has determined that extension of the Risk Assessment Review Group for the period July 1, 1978, through September 30, 1978, is necessary and in the public interest. An appropriate amendment to the charter for this committee has been filed in accordance with section 9(c).

Dated at Washington, D.C., this 27th day of June, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-18210 Filed 6-28-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-26]

ACCIDENT REPORTS; RESPONSES TO SAFETY RECOMMENDATIONS

Availability and Receipt

The National Transportation Safety Board announces the release last week of the narrative reports of its investigations into two marine accidents—

SS EDMUND FITZGERALD, Sinking in Lake Superior, November 10, 1975 (Report No. NTSB-MAR-78-3).—The Great Lakes bulk cargo vessel, fully loaded with a cargo of taconite pellets, sank in eastern Lake Superior approximately 17 miles from the entrance to Whitefish Bay, Michigan. The ship was en route from Superior, Wisconsin, to Detroit, Michigan, and had been proceeding at a reduced speed in a severe storm. All the vessel's 29 officers and crewmembers are missing and presumed dead. No distress call was heard by vessels or shore stations.

The Safety Board considered many factors during the investigation, including stability, hull strength, operating practices, adequacy of weathertight closures, hatch cover strength, possible grounding, vessel design, loading practices, and weather forecasting.

By a 3-to-1 vote, the Safety Board determined that the probable cause of this accident was the sudden massive flooding of the cargo hold due to the collapse of one or more hatch covers. Before the hatch covers collapsed, flooding into the cargo hold through nonweathertight hatch covers caused a reduction of freeboard and a list. The hydrostatic and hydrodynamic forces imposed on the hatch covers by heavy boarding seas at this reduced freeboard and with the list caused the hatch covers to collapse. Contributing to the accident was the lack of transverse weathertight bulkheads in the cargo hold and the reduction of freeboard authorized by the 1969, 1971, and 1973 amendments to the Great Lakes Load Line Regulations.

Safety Board Member Philip A. Hogue dissented from the majority, contending that the most probable cause of the sinking of the FITZGERALD was a shoaling which first generated a list, the loss of two air vents, and a fence wire (lifeline). Within a period of 3 to 4 hours, an undetected, progressive, massive flooding of the cargo hold resulted in a total loss of buoyancy from which, driving into a wall of water, the FITZGERALD never recovered.

As a result of investigation of this accident, the Safety Board issued 25 recommendations—19 to the U.S. Coast Guard (Nos. M-78-10 through 13 and M-78-16 through 30), four to the American Bureau of Shipping (Nos. M-78-14 and 15 and M-78-31 and 32), and two to the National Oceanic and Atmospheric Administration (Nos. M-78-33 and 34). For the text of these recommendations, see 43 FR 13443, March 30, 1978, and 43 FR 24916, June 8, 1978. Also, the recommendations are reproduced in their entirety in the accident report.

M/T ELIAS, Explosion and Fire at the Atlantic Richfield Company, Fort Mifflin Terminal, Delaware River, Pennsylvania, April 9, 1974 (Report No. NTSB-MAR-78-4).—While discharging crude oil, the Greek tanker exploded, burned, and sank at the Fort Mifflin Terminal. The ELIAS was destroyed; five crewmembers and three visitors were killed; four crewmembers and one visitor are missing and presumed dead. A Liberian tanker, the S/S STEINIGER, at the next berth was slightly damaged, and surrounding waters were polluted with oil. Damage to the Atlantic Richfield terminal was estimated to be $2 million. The sunken hulk of the ELIAS obstructed use of the berth for 19 months.

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 accommodations over cargo tanks contributed to the loss of life.

Ten recommendations, Nos. M-78-35 through 44, were issued to the U.S. Coast Guard as a result of the Board's investigation of this accident. These recommendations concerned vessel control; communication, investigation, and boarding procedures; port terminal regulation; crew survival and visitor safety. (See 43 FR 25889, June 15, 1978.) The recommendations are reproduced in the accident report.

RESPONSES TO SAFETY RECOMMENDATIONS

AVIATION

A-78-15 through 17.—These recommendations, regarding the nondestructive test technique and inspection of cable drum arms, resulted from investigation of the failure recently of the leading edge slat system on two DC-10-10s.

The Federal Aviation Administration's response of June 1 reports concerning A-78-15 that FAA has reviewed the nondestructive technique specified by the manufacturer for inspecting the cable drum. FAA notes that the Douglas DC-10 Service Bulletin 27-160, issued March 1, contains the procedures for ultrasonic and magnetic particle inspections, and that Douglas DC-10 Service Bulletin A27-160, issued March 27, provides additional information relative to conducting the ultrasonic inspections. FAA considers these procedures to be satisfactory.

Regarding A-78-16, FAA issued a proposed airworthiness directive on April 28 (43 FR 20238, May 11, 1978), proposing requirements for ultrasonic and magnetic particle inspections at 1,500 and 4,000 hours time-in-service, respectively. Closing date for comments on the proposal is June 29, and FAA expects final action by July 31.

In commenting on A-78-17, FAA reports that the failures were caused by a manufacturing defect, since corrected. The improved and expanded inspection procedures and the proposed airworthiness directive are designed to identify any defective units in service. Periodic inspection requirements are not applicable in situations involving manufacturing defects, FAA said. FAA plans no further action at this time.

HIGHWAY

H-77-13.—Letter of June 1 from the Federal Highway Administration is in response to the Safety Board's inquiry of February 14, 1978. This recommendation was one of five issued to FHWA following investigation and analysis of the charter bus accident near Martinez, California, which occurred May 21, 1976. The recommendation asked FHWA to investigate through dynamic crash testing and analytical procedures the effects of various geometric configurations and adjacent roadway surfaces on the performance of traffic barrier rail systems, and consider how maintenance affects the performance of the barrier rail systems.

FHWA's response states that the interaction between a vehicle and a barrier is a complex phenomena which involves factors that are difficult to measure and especially difficult to model. Both basic research and the development of better hardware are progressing and will continue until satisfactory answers are found. FHWA reports that current research and planned work which address the effects of geometry and surface conditions are:

"Bridge Rail Retrofit for Curved Structures." This study, now in the procurement process, will test two retrofit designs (tubular thrie beam with collapsing tubes and shaped concrete barriers) in a loop ramp configuration. The simulated bridge will have a left curve radius of 160 ft. (49m), 4.5 percent downgrade and a 12 percent superelevation. Test vehicles will include a schoolbus and a compact car.

"Protective Railings Systems on Non-Level Terrain." The objective of this study, begun October 1, 1977, is to "determine and document information on the variations in collision performance due to placing guardrail and medium barriers on slopes, as opposed to level terrain, for both new and retrofit construction." This work should provide information about how to treat barriers that must be installed on surfaces other than the ideal level ground.

The results of the "Bridge Rail Retrofit for Curved Structures" study are expected to lead to a second phase study of "Traffic Railings for Curves."

A modification to an existing contract with the Illinois Institute of Technology Research Institute is being prepared to perform a parametric study using computer simulations of the interactions between heavy vehicles and barriers. Simulations of vehicles from subcompact to schoolbus sizes will be used in a general overview of barrier performance.

As for consideration of how performance of the barrier rail systems is affected by maintenance, FHWA states that to be effective, barriers must be designed for a specific situation and must be retained in service only when meeting the determined design. Accordingly, directions to FHWA field offices regarding replacement of damaged barriers have been issued. Discussion of the maintenance factors for barriers is included in "AASHTO Barrier Guide" developed and adopted by FHWA; a copy of the Guide was provided with the response letter.

H-77-14.—A letter of June 6 from FHWA is in response to another recommendation resulting from the Martinez accident. The recommendation asked FHWA, in cooperation with the States, to establish priority guidelines for improving, through modification or retrofit, the performance of existing traffic barrier rail systems at bridges and to consider the potential for multi-fatality accidents involving high occupancy vehicles such as buses.

FHWA provides a copy of a memorandum from the FHWA Executive Director to Regional Administrators, issued September 2, 1977, in response to Safety Board recommendation H-77-5. This memorandum, also addressing the issue of recommendation H-77-14, requests FHWA field offices and States to identify locations where improved bridge rails or barriers are warranted and to determine priorities for retrofit projects. Among the factors which are to be considered in developing priorities is the number of high occupancy vehicles using a bridge.

FHWA has also programed for Fiscal Year 1978, a research project for a study entitled, "Determination of the Operational Performance Requirements for a Roadside Accident Countermeasure Warrant System," which is intended to support efforts to develop and improve desired priority guidelines. A copy of the prospectus for this project is attached to FHWA's response.

Intermodal

I-78-6 and 7.—A letter of May 19 from Underwriters Laboratories, Inc. (UL), is in response to recommendations issued last March 9 in connection with the Safety Board's Special Investigation Report, "An Overview of a Bulk Gasoline Delivery Fire and Explosion." The special investigation examined safeguards against fire and explosion during gasoline deliveries at service stations with aboveground storage tanks and included a critical review of a serious fire and explosion near Gadsden, Alabama, August 31, 1976, which killed three firemen, injured 28 persons, and caused losses of $4 million.

Two of the six recommendations developed as a result of the Board's investigation were directed to UL:

Determine and adopt alternative ways to reduce the likelihood of misuse and unsafe modification of listed industrial products after their manufacture, with special emphasis on products that might be used in the transportation, storage, or transfer of bulk hazardous materials. (I-78-6)

Review and amend UL "Standard for Safety No. 142" for aboveground storage tanks for Class I liquids to protect against violent ruptures and explosions in fires involving such tanks. (I-78-7)

In answer to I-78-6 and the Board's finding that the motor of the electrically driven transfer pump in question in the Gadsden accident was listed by UL for use in Class I, Group D hazardous locations and had been modified in the field, UL states that its listings pertain to products as shipped by the manufacturer from his plant. Listed products, UL notes, may cease to meet UL's requirements because of misuse, exposure to adverse conditions, failure to follow instructions, failure to inspect and maintain the product and its constituent components, modification, or other factors occurring after manufacture which affect the safety of the product. UL also states that it does not and cannot attempt to anticipate all abnormal conditions. Its requirements are predicated upon proper use and maintenance within the normal useful life of the product, as well as the assumption of certain stipulated abnormal conditions wherein the product must perform in a safe manner. UL says that it will continue to give this general problem consideration, but it does not at this point see what practical steps can be taken to provide effective safeguards against possible hazards resulting from field modifications of listed equipment or practices which are in violation of nationally recognized installation, use, and maintenance standards and codes.

In response to I-78-7, UL states that its requirements for aboveground tanks are included in the UL Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, UL 142, a copy of which is attached to UL's response. Section 9 of the Standard includes requirements for both normal and emergency venting, which are consistent with NFPA 30. UL believes that these requirements provide reasonable protection against violent ruptures and explosions in fires involving such tanks.

PIPELINE

P-78-15 and 16.—The Peoples Gas Light and Coke Company's letter of June 2 is in response to recommendations issued following investigation of the explosion and fire which last October 14 destroyed a two-family house in Chicago, Illinois. One person was killed, three persons were injured, and two adjacent houses were damaged in that accident. The Safety Board urged the Peoples Gas Light and Coke Company to—

Instruct its employees to respond immediately to reports of gas leaks that require prompt action to protect life and property and monitor its employees' response time to assure that these leak reports receive immediate attention. (P-78-15)

Instruct its supervisors in each zone to schedule their servicemen so that emergencies can be handled promptly at all times.

To implement these recommendations, the company reports that it has held a series of meetings to review current operating practices, and Service Department supervisors have been reminded to respond quickly to reports of gas leaks. Existing monitoring procedures have been reviewed and updated to assure prompt response to all leak reports. Also, the company now has more formalized controls on the number of servicemen allowed to go to lunch at the same time, thus ensuring that an adequate number of employees is available to respond to emergencies at all times. Meetings have been held with servicemen to review these concepts. The company will continue to review and update procedures with its employees.

RAILROAD

R-75-39 and R-76-41.—Letter of June 6 from the Federal Railroad Administration is in answer to the Safety Board's inquiry of last November 2. The recommendations resulted from the August 1, 1976, collision involving three Massachusetts Bay Transportation Authority (MBTA) Transit Trains in Boston, Massachusetts.

With reference to the Board's inquiry concerning R-75-39 as to whether the MBTA program of testing and adjusting variable load and by pass valves has been completed, FRA states that its review of MBTA's program revealed initially weak planning and direction. Under the direction of a new Chief Mechanical Officer, however, MBTA has established a well-staffed and funded, solid testing program, according to FRA. One of the positive steps taken by MBTA was the hiring of Westinghouse Air Brake Company (WABCO) to evaluate the repair, overhaul, and testing of air brake equipment used on their system. Based on WABCO findings, MBTA ordered new, larger capacity air compressors and adapter plates for their air brake test racks. FRA also states that individual air brake valve repair kits, containing all components necessary to overhaul a valve, are being prepared. To insure that the emergency deceleration rate on the "Bluebird" and "Silverbird" cars meets design specifications, MBTA is testing each married pair as it arrives for its 5,000 mile inspection. Cars over 5 percent deficient as indicated by air brake tests are held for repair.

In answer to the Board's inquiry regarding R-75-41 as to FRA's survey of emergency braking systems on rapid transit systems other than the MBTA, FRA states that in June 1976, the FRA Office of Safety initiated a survey of the braking systems of various rapid transit cars in the Nation. Over an 18-month period, FRA inspectors surveyed the emergency brake systems of these companies:

Baltimore & Ohio/Allegheny County Port Authority Transit
Bay Area Rapid Transit
Chicago Transit Authority
Cleveland Rapid Transit Authority
New York Transit Authority
Port Authority Transit Co.
Southeastern Pennsylvania Transit Authority
Washington Metropolitan Area Transit Authority

The purpose of this survey was to determine whether the brake systems of the rapid transit cars operated by these companies are being maintained in accordance with manufacturer's specifications. FRA inspectors conducting this survey noted that (1) approximately 77.7 percent of the transit carriers surveyed maintain their brake systems according to specifications prescribed by the manufacturer or to requirements more stringent; (2) the brake system maintenance programs of approximately 88.8 percent of these carriers include cleaning and testing of components on a mileage or time period basis rather than a brake failure basis; and (3) approximately 66.6 percent of the rapid transit carriers surveyed inspect the brake systems daily prior to dispatching trains to insure operational capability. FRA believes that the rapid transit braking systems are adequate provided they are maintained in accordance with specifications prescribed by the manufacturer or more stringent requirements.

FRA notes that at the time of the survey it had planned to monitor the systems, but in the interim, the U.S. Court of Appeals for the Seventh Circuit decreed that rapid transit companies are not railroads. Hence, they are not subject to FRA regulations, and FRA inspectors have no jurisdiction on rapid transit property. Under departmental policy, all rapid transit responsibility has been vested in the Urban Mass Transportation Administration.

R-76-16.—In response to the Safety Board's inquiry of April 26 regarding the review of the Massachusetts Bay Transportation Authority's revised "Rules for Rapid Transit and Other Employees" rule book, the MBTA states that the final draft of the book has been completed and is expected to be printed and distributed by September 15, 1978. A copy will be furnished to the Safety Board when the printing has been completed.

MBTA reports that by the end of June 1978, it will have completed its reinstruction program for all rapid transit supervisors, train starters, dispatchers, master control operators, inspectors, starts, motormen, and guards. With the issuance of the new rule book in September, the reinstruction of all of these employees will continue on a programed basis to be reinstructed and reexamined on rule proficiency at least once every 2 years.

R-77-14 through 17.—Letter of June 2 from the Chicago Transit Authority (CTA) is in response to the Safety Board's inquiry of May 30 concerning recommendations issued after investigation of the February 4, 1977, collision of two CTA trains in Chicago, Ill. The Board, noting that the new Aspect Display Unit has been accomplished on about 140 cars (recommendation R-77-15) asked to be advised when retrofitting has been completed on the balance of CTA's passenger-carrying equipment. Also, the Board, referring to R-77-17, noted that the unresolved issue of considering an operating employee's complete service record when judging the employee's operating capabilities is now subject to binding arbitration and asked to be advised of the outcome of the arbitration hearing.

CTA informed the board that work is underway on both items and a report will be furnished about July 1. At that time, CTA plans also to report progress on its further actions to reduce the possibility of future accidents.

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 for service and 10 cents 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)).)

Dated: June 26, 1978.

MARGARET L. FISHER,
Federal Register Liaison Officer.

[FR Doc. 78-18116 Filed 6-28-78; 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 23, 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

Survey of Energy Consumption (feasibility study), S-380S, S-380B, S-380A-SUPP, S-381(L), S-382(1), S-383(L), single time, 2,000 estab. in commercial sector (SIC 48-89), C. Louis Kincannon, 395-3211.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' Questionnaire for Invoice No. TA-201-35 (High-Ferrochromium), single time, 27 importers of high-carbon ferrochromium, C. Louis Kincannon, 395-3211.

Consumers' Questionnaire for Invoice No. TA-201-35 (High-Carbon Ferrochromium), single time, 26 consumers of high-carbon ferrochromium, C. Louis Kincannon, 395-3211.

DEPARTMENT OF ENERGY

Monthly Energy Review Survey, EIA-72, single time, 1,000 subscribers to monthly energy review, Roye L. Lowry, 395-3772.

DEPARTMENT OF AGRICULTURE

Farm and Rural Development Administration, Area Development Assistance Planning Grant, Program, project performance, report, quarterly, 560 planning grant programs, Budget Review Division, 395-4775.

DEPARTMENT OF COMMERCE

Bureau of Census, Unit Status Review, 1978 Census of Lower Manhattan, 1980, Census Dress Rehearsal, D-160(XN), single time, 7,000 units classified "vacant" or "delete" in dress rehearsal, Clearance Office, 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other, Research and Development Capability Index Scientific and Technological Fields of Interest, DD-1630, on occasion, 1,200 small business R. & D. firms, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Medical Report (individual with childhood impairment), SSA-826CH, on occasion, 75,000 disability benefits, Clearance Office, 395-3772.

Office of Human Development, National Head Start Parent Involvement, single time, 2,700 parent-child of Head Start and non-Head Start in 30 sites, Human Resources Division, Reese B. F., 395-3532.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Establishment Information Form, Wage Data Collection Form, and continuation Form, DD-1918, DD-1919, DD-1919C, VA-5-4684, VA-5-4645, and VA-5-4645A, annually, 9,660 firms engaged in manufacturing wholesale trades and trans., etc., 9,660 responses, 38,640 hours, Marsha Traynham, 395-3773.

VETERANS ADMINISTRATION

CH. 35, 38 Educational Plan (under provisions of U.S.C. 1720), 22-5490A, on occasion 12,000 children of deceased or totally disabled veterans 12,000 responses, 3,000 hours, Clearance Office, 395-3772.

Beneficiary Designation-Veterans Group Life Insurance-Servicemen's Group Life Insurance for Retired Reservists, 29-8721, on occasion, 15,000 veterans' retired reservists, 15,000 responses, 1,000 hours, Clearance Office, 395-3772.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Producer Identification of Cotton, ASCS-503, annually, 400,000 cotton farmers, 500,000 responses, 40,000 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census:

Current Population Survey and Related Documents, CPS-1, 260, and 262, monthly, 732,000 household respondents in monthy sample of 61,000 interviews, 165,000 responses, 2,475 hours, Office of Federal Statistical Policy and Standard, 673-7956.

Weekly Retail Trade Report, B-216, 217, weekly, 162,400 retail business firms, 19,200 responses, 1,600 hours, Office of Federal Statistical Policy and Standard, 673-7956.

DEPARTMENT OF LABOR

Employment Standards Administration, Prehearing Statement, LS-18, on occasion, 1,000 attorneys, 2,000 responses, 500 hours, Clearance Office, 395-3772.

DEPARTMENT OF TREASURY

Assistant Secretary (Economy Policy):

Monthly Foreign Currency Report of Banks in the United States, FC-1A, monthly, 1,656 banks and banking institutions in U.S., 1,560 responses, 12,480 hours, C. Louis Kincannon, 395-3211.

Monthly Report of Assets, Liabilities, and Positions in Specified Foreign Currencies of Firms in the U.S., FC-3, monthly, 4,848 large multinational business firms, 5,040 responses, 20,160 hours, C. Louis Kincannon, 395-3211.

Quarterly consolidated report of Assets, Liabilities, and Positions in Specified Currencies of Foreign Branches and Subsidiaries of Firms in the United States, FC-4, quarterly, 2,904 large multinational business firms, 2,856 responses, 22,848 hours, C. Louis Kincannon, 395-3211.

Weekly Foreign Currency Report on Banks in the United States, FC-1, weekly, 7176 banks and banking institutions in U.S., 5,720 responses, 11,440 hours, C. Louis Kincannon, 395-3211.

EXTENSIONS

DEPARTMENT OF ENERGY

Application for Access Permit (to restricted data), AEC-378, on occasion, industrial firms, manu. & R. & D., 100 responses 100 hours, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:

Report of Acreage and Field Determinations, ASCS-578, on occasion, participants in ASCS programs, 850,000 responses, 1,700,000 hours, Ellett, C. A. 395-6132.

Appalachian Land Stabilization and Conservation Program Regulations, 7CFR755, on occasion, farmers, Clearance Office, 395-3772.

Request for Cost-Share Contract—Appalachian Land Program, ASCS-393, on occasion, farm operators or landowners, 350 responses, 70 hours, Clearance Office, 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement Regarding the Presumed Death of an Individual by Reason of His Continued and Unexplained Absence, SSA-723, on occasion, presumed death of individuals, 3,000 responses, 1,500 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF TREASURY

Assistant Secretary (Economic Policy), Weekly Consolidated Foreign Currency Report on Foreign Branches and Subsidiaries of United States Banks, FC-2, weekly, banks and banking institutions in the United States, 2,080 responses, 12,480 hours, C. Louis Kincannon, 395-3211.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-18242 Filed 6-28-78; 8:45 am]

[3110-01]

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 26, 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 collections; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

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NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Application for Federal Assistance (nonconstruction), capacity Building for Statistical Activities in Seas, NCES-2413, annually, 40 State education agencies, Budget Review Division, 395-4775.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey of Persons Not in the Labor Force—Current Population Survey, CPS-1, single time, 10,500 interviewed households—CPS samples, Clearance Office, 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Requisition for Food Coupon Books, FNS-260, on occasion, points receiving coupon orders within the states, 19,500 responses, 9,750 hours, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
- Statement of marital Relationship, SSA-754, on occasion, individuals alleging marriage, 30,000 responses, 10,000 hours, Clearance Office, 395-3772.
- Application for Mothers Insurance Benefits, SSA-5-F6, on occasion, mothers of eligible children, 125,000 responses, 20,633 hours, Human Resources Division, Marsha Traynham, 395-3532.

Health Resources Administration:
- National Survey of Family Growth—Cycle III—Preliminary Plan, NCHS 0910, single time, representative sample of U.S. female population, 1,360 responses, 227 hours, Office of Federal Statistical Policy and Standard, 673-7956.
- Application for School of Medicine—Special Requirements and Assurances Under Health Professions Capitation Grants Program, annually, schools of medicine and medical residency programs, 4,260 responses, 4,800 hours, Richard Eisinger, 395-3214.

Social Security Administration, Statement Regarding Marriage, SSA-753, on occasion, persons with knowledge of common law marriages, 35,684 responses, 6,246 hours, Clearance Office, 395-3772.

DEPARTMENT OF LABOR

Employment Standards Administration, Authorization for Release of Medical Information, CM-936, on occasion, black lung claimants, 40,000 responses, 3,334 hours, Clearance Office, 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Annual Report of Participation by Charitable Institutions, semi-annually, State agencies responsible for USDA food distribution, 55 responses, 55 hours, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement of Income and Resources, SSA-8010, on occasion, aged, blind, and disabled, 750,000 responses, 375,000 hours, Human Resources Division, Marsha Traynham, 395-3532.

DEPARTMENT OF LABOR

Employment and Training Administration, ESARS Transition Activity Report, MA-520, monthly, State employment security agencies, 624 responses, 2,496 hours, Strasser, A. 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-18293 Filed 6-28-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering, and Technology Advisory Panel Human Resources Task Force.

DATE: July 14, 1978; 9 a.m. to 5 p.m.

PLACE: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON:

Dr. Michael Gruber, Staff Director, Office of the Undersecretary, Department of Health, Education, and Welfare, Humphrey Building, Independence Avenue SW., Washington, D.C., 202-245-6036; anyone planning to attend should contact: Dr. Gruber by July 12, 1978.

The purpose of the meeting is to establish priorities among the problems and opportunities identified by the Task Force in its April 28, 1978, report on HEW. Officials from HEW will meet with the Task Force to discuss the research brokerage study proposed by the Chairman in a letter to the Undersecretary of HEW. The Task Force will also consider and select among the substantive health and human resource problems submitted by the organizations of State and local governments.

MINUTES OF THE MEETING: Summary minutes of the meeting will be available from Dr. Gruber.

AGENDA

Morning.—Problem Consolidation Process: Health Issues; Problem Consolidation Process: Human Services Issues.

Afternoon.—Brokerage of HEW Research Work Planning.

Dated: June 20, 1978.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

[FR Doc. 78-18209 Filed 6-28-78; 8:45 am]

[8010-01]

[Rel. No. 20596, 70-6086]

CENTRAL POWER AND LIGHT CO. ET AL

Proposed Organization of Fuel Subsidiary Company

JUNE 22, 1978.

Notice is hereby given that Central Power and Light Co. ("CP&L"), Southwestern Electric Power Co. ("SWEPCO"), Public Service Co. of Oklahoma ("PSO") and West Texas Utilities Co. ("WTU"), electric utility subsidiaries of Central and South West Corp. ("CSW"), a registered holding company, have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9(a), 10, 12, and 13 of the Act and rules 43, 45, and 80 through 95, promulgated thereunder, as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

CP&L, SWEPCO, PSO, and WTU (collectively, "the operating companies") propose to organize a new corporation, Central and South West Fuels, Inc. ("CSWF") with CP&L, SWEPCO, and PSO each owning 30 percent of CSWF's common stock and WTU owning the remaining 10 percent. CSWF will be incorporated in Texas with an authorized capital of 10,000 shares of common stock, par value $1 per share. The proposed per-

centage ownership approximates the 1972–77 peak load averages for the operating companies and the operating companies anticipated future fuel needs.

The operating companies expect that, in the future, CSWF will assume and carry on substantially all nonpetroleum fuel exploration and development, procurement and transportation activities on behalf of the operating companies. Initially, CSWF will assume responsibility for such activities only as agent for the operating companies with ownership of all such ventures remaining in the operating companies. It is contemplated that when the CSW interconnection proceedings (Admin. Proc. File No. 3-4951) have been concluded satisfactorily for the CSW System, authority would be sought by further application to transfer ownership of certain ventures to CSWF. Gas and oil procurement responsibilities will not be transferred to CSWF although CSWF personnel may advise and assist the operating companies in their petroleum procurement activities.

CSWF will serve to centralize and coordinate fuel planning and policy for the operating companies, preparing estimates of fuel needs and availability, and ensuring that adequate steps are taken to assure fuel supplies for each of the operating companies. The operating companies believe that CSWF will facilitate the pooling of the existing fuel expertise within the CSW System at a time when the CSW System must intensify its fuel exploration activity. It is contemplated that geologists, engineers, and other fuel exploration and development personnel now employed by the operating companies, mainly PSO, will be transferred to CSWF, and that additional officers and staff would be added from time to time as appropriate. No fuel staff would remain with the operating companies, except in the oil and gas area. CSWF's Board of Directors will consist of the Chairman, President, and chief financial officer of CSW and the chief executives of the operating companies. CSWF's secretary and treasurer will be the same as CSW's. It is planned that CSWF have an initial staff of about 35 people. CSWF will be responsible on a continuing basis for surveying the fuel needs and resources of the operating companies. CSWF and the operating companies will adopt plans and budgets for exploration and development programs, including the types of fuel required and extent of activity desirable. Particular project proposals will then be formulated and submitted to the boards of directors of CSWF and the operating companies. The financing of projects would be subject to further authorization by the Commission.

CSWF will also allow for centralization of planning and reporting for all fuel exploration and development expenditures of the operating companies. The operating companies believe that this will result in substantial economies and an increased reliability and uniformity of these functions. The operating companies believe that it may be possible to acquire their fuel requirements at a somewhat lower price through centralized exploration activities, especially for uranium, than they would otherwise have to pay to acquire fuel in the open market.

The operating companies will transfer cash to CSWF in exchange for the authorized CSWF common stock in an aggregate amount of $10,000 and additional operating advances in the amount of $300,000. CSWF will acquire office furniture and supplies and exploration equipment from PSO at PSO's cost, less depreciation, on the date of transfer. At March 31, 1978, such cost approximated $150,000. Any operating company would at all times be entitled to receive upon request a promissory note evidencing its advances to CSWF. Any such note would be a demand note and be dated as of the date of receipt of cash or property by CSWF. The notes will be payable without penalty at the option of CSWF at any time.

The operating companies will reimburse CSWF monthly, based upon their percentage ownership shares, for all of CSWF's expenses related to jointly-owned fuel ventures. In addition each operating company shall be billed monthly for consulting services rendered on its own fuel ventures or matters. All charges to the operating companies shall be in accordance with the Commission's Rule 91. CSWF will prepare a monthly statement to cover expenditures made by CSWF on behalf of the owner of those particular properties. When a project is determined to be economically viable to place into operation, external financing for that project may be sought, in which case an additional application to and authorization by the Commission, will be sought. Funds for administrative and general expenditures will come from the operating companies as requested by CSWF. Such costs which cannot be identified with a specific project will be expensed.

CSWF will utilize a project work order system to accumulate charges for each project owned or managed by CSWF. This type of system facilitates the accounting for each project and also readily allows analysis of each component of a project by management. If in the future fuel ventures are transferred to CSWF, then all billing for fuel produced from such ventures will include depreciation, cost of capital, taxes, and other relevant costs and will be identified to a specific mine or project.

The operating companies propose that the return, if any, on investments by them in CSWF be calculated by applying to each investment in CSWF made by an operating company, whether debt or equity, a composite rate of return calculated by applying to the consolidated capital structure (excluding short-term debt) of the four operating companies (excluding CSW and third-tier subsidiaries), as of the last day of the calendar quarter next preceding the date of such investment, and interest rate on long-term debt (excluding tax-exempt borrowings) equal to the effective interest cost of any operating company's last debt issue preceding the investment, a preferred dividend rate equal to the effective dividend rate of any operating company's last preferred stock issue preceding the investment and a return on common equity not to exceed the rate of return on common equity allowed by the Federal Energy Regulatory Commission or its successor (except as subject to refund) in that Commission's then most recent decision with respect to any of the operating companies in a wholesale rate case of general applicability, the rate so applied to be modified prospectively from time to time upon the allowance of any different such rate of return.

In the event that, at the time an investment were made, the operating companies had not issued long-term debt or preferred stock, whichever is applicable, within the preceding 12 months, then upon the subsequent issuance of such debt or preferred stock, as the case may be, the interest or dividend cost thereof would be substituted, from and after the date of such issuance, for the interest or dividend cost previously applied.

Upon the retirement of an issue of long-term debt or preferred stock, the cost of which was used as a component in calculating the rate of return on an investment, the cost of the long-term debt or preferred stock, whichever is applicable, issued next preceding the date of such retirement, will be substituted therefore on a prospective basis. If, however, the operating companies had not issued long-term debt or preferred stock, whichever is applicable, within the preceding 12 months, then the procedure outlined above for such eventualities would be utilized.

If CSWF receives financing from a nonaffiliate, such financing will be included in CSWF's imputed capital structure at actual cost. To the extent that such allocation, by increasing CSWF's imputed long-term debt, causes CSWF's capital structure to vary from that otherwise applicable, subsequent investments by the operating companies will be allocated in such a manner as to eliminate such variation, by treating them first as common equity and then as preferred stock equity until such components equal in percentage the respective percentages previously applicable.

In the event CSWF repays outstanding advances or investments of the operating companies, it will be assumed that the last investment or advance made by the operating company was repaid. The return on investment by the operating companies and the cost of money from other sources shall be capitalized and included in determining cost to the operating companies, subject to any further orders of this Commission entered after review of CSWF's practices in the matter. It is proposed that the payments for program expenses made by the operating companies to CSWF be treated as payments towards exploration and development expenses authorized in the separate subsidiary filings and be reported by them in their quarterly reports respecting such filings. It is further proposed that CSWF would file quarterly reports with the Commission under Rule 24 on the amounts spent and activities undertaken in pursuit of the exploration and development program of the operating companies. CSWF also proposes to file reports annually on the appropriate form.

It is stated that no State commission and no Federal commission other than this Commission has jurisdiction with respect to the proposed transaction. It is stated that the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than July 18, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17981 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 34-14883; File No. SR-CBOE-1978-18]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organization: Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 20, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Board of Directors of the Chicago Board Options Exchange (the "Exchange") recently reviewed the expenses involved in providing a number of services to members and determined to impose charges for such services in order to offset the costs thereof. The services and the proposed respective costs are set forth below:

(1) Membership transfers between related parties effected in accordance with Exchange rule 3.14(c)—$250 per transfer.

(2) Amendments to partnership agreements of member organization submitted pursuant to rule 3.6—$100 per amendment.

(3) Increase in the charge for attendance at the Exchange new member Orientation Seminar and examination from $50 to $100 per person.

(4) Trading jacket storage fee of $10 per month per jacket.

(5) Exchange trading floor identification badge fee of $15 per new badge.

(6) A fee of from $10-$50, depending upon extent of the requested modifications, for administering, processing and monitoring construction changes to member firm's booths and to Board Broker stations.

(7) Trading jacket cleaning fee of $10 per month per jacket.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of these proposed fees is to attempt to recoup the out-of-pocket and administrative expenses which the Exchange incurs through the provision of the services described above. Those members taking advantage of these services will now create a direct source of revenue for the Exchange which can be used by the Exchange to offset directly the costs connected therewith.

The basis for these proposed fees is found in section 6(b)(4) of the Act inasmuch as such charges are reasonable in relation to the costs of providing the type of services specified above and are equitably allocated since they will be imposed only upon those members which avail themselves of such Exchange services.

No comments have been solicited from members.

No burden will be imposed upon competition by these proposed fees.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: June 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17973 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 34-14882; File No. SR-CBOE-1978-17]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 19, 1978, the above-mentioned self-regulatory

organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

OBLIGATIONS FOR ORDERS

Rule 7.4(a) Acceptance. A Board Broker shall ordinarily be expected to accept orders for all option contracts of the class or classes to which his appointment extends [, and is required to maintain a written record of orders that are placed in his custody]. Such orders shall include market orders (as defined in Rule 6.53(a)), limit orders (as defined in Rule 6.53(b)) and such orders as may be designated by the Floor Procedure Committee. A Board Broker shall not accept orders of any other type or from any source other than a member. For the purposes of this rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a person associated with a member [, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book, or (ii) an order to sell at a price equal to or above the lowest offer in the Board Broker's book.] *or through the telecommunications system of a member firm.* The Floor Procedure Committee may [modify or suspend such associated person's ability to place any or all orders on the Board Broker's book whenever, in its judgment, the interest of maintaining a fair, orderly, and efficient market are best served] *specify the manner in which orders are routed to the Board Broker for entry into the Board Broker's book.* No member shall place, or permit to be placed an order with a Board Broker for an account in which such member, any other member or any nonmember broker/dealer has an interest.

(b) No change.

(c) No change.

(d) (1) *If a Board Broker holds orders to buy and sell the same option series, and if the highest bid and lowest offer displayed by the Board Broker in that series differ by more than the minimum fraction, the Board Broker may cross such orders, provided he proceeds in the following manner:*

(i) *A Board Broker shall request bids and offers for such option series and make all persons in the trading crowd aware of his request;*

(ii) *After providing an opportunity for such bids and offers to be made, he must bid above the highest bid or offer below the lowest offer at prices differing by the minimum fraction;*

(iii) *If neither his bid nor his offer is taken, he may cross the orders at such higher bid or lower offer if possible, or at a price determined by the limit order to be crossed, by announcing by public outcry that he is crossing and giving the quantity and price.*

(2) *If a Board Broker holds orders to buy and sell the same option series, and if the highest bid and lowest offer displayed by the Board Broker in that series differ by the minimum fraction, the Board Broker may cross such orders, by announcing by public outcry that he is crossing and giving the quantity and the price.*

(3) *The provisions of paragraph (d) of this Rule shall not apply to matching 1 cent buy and sell orders under Rule 6.54.*

(e) *Notwithstanding anything to the contrary in paragraph (d) of this Rule, during the opening rotation for a class of option contracts, in the interests of achieving a single price opening, a Board Broker may proceed as follows:*

(i) *A Board Broker may match all market orders in his possession;*

(ii) *The Board Broker shall then announce by public outcry the number of contracts he has matched and will cross at the opening price to be established;*

(iii) *The Board Broker may then continue to bid or offer the remaining unmatched and unexecuted orders he has in his possession for execution during opening rotation.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The general purpose of the proposed amendments is to enable members to use the Exchange's Order Support System ("OSS"), an order routing and automated book facility, in conjunction with their own telecommunication systems, for placing orders with a Board Broker. The proposed change also establishes a procedure for the crossing of orders by Board Brokers.

Rule 7.4(a) now requires that the Board Broker maintain a "written record of orders placed in his custody" and prohibits him from accepting orders "from any source other than a member." Compliance with these requirements would severely restrict the utility of an automated book and order routing facility. Therefore, the Exchange proposes to amend paragraph (a) to eliminate the requirement that the Board Broker maintain a written record. The book will be maintained electronically by OSS. In addition, under the proposed change an order will be deemed to be from a member if it is placed through the telecommunication system of a member firm which is linked to OSS.

Present paragraph (a) also permits the use of a person associated with a member for placing an order with a Board Broker in those situations where the order would not establish a new highest bid or new lowest offer on the Board Broker's book. This proposed rule change would remove the limitation and would permit a person associated with a member to place an order with a Board Broker under all situations. This provision for handling limit orders is consistent with the manner in which such orders will be handled through OSS and will be subject, as before, to the oversight responsibility of the Floor Procedure Committee.

The Floor Procedure Committee has specified certain routing provisions to be contained in OSS that will guard against errors and the mishandling of orders by requiring member participation at those points where trading is or is likely to be taking place, but will permit automatic processing of orders and cancels which are away from the current market price. Therefore, limit orders at prices that are outside the market bid and offer disseminated by the Exchange and cancels of bids or offers which are inferior to the best bid and offer in the book will be processed automatically through OSS.

On the other hand, market orders and limit orders that equal or improve the market bid and offer disseminated by the Exchange will be routed to a member firm's booth at the perimeter of the floor. At the booth, member firm personnel can make a judgment whether to use a Floor Broker to execute such orders or to direct them to the Board Broker. Should a firm decide to direct such an order to the Board Broker, it can do so by using an OSS terminal at its booth that will cause the order to be printed at the post, to be either executed or keyed into OSS by the Board Broker. Where the market bid or offer disseminated by the Exchange is the same as the best bid or offer in the book, a limit order at that price will be processed automatically by OSS without being first routed to the member firm booth. Any cancellation by price of the highest bid or lowest offer displayed by the Board Broker will be printed at the post for manual processing by the Board Broker.

Provision has also been made for freezing electronic entry to the book for a particular series during the opening rotation for that series. Such a provision is necessary in order for the opening rotation to take place. The freeze would be short lived, but without it, the Board Broker and other members of the trading crowd would be attempting to open a particular series even while the number of orders in the market for that series continued to change. During the period that the book was frozen, orders coming through OSS would be printed at the member firm's booth and could still be directed to the crowd for possible execution during the opening rotation.

New paragraph (d) describes the procedure to be followed by a Board

Broker in crossing orders. The Exchange's existing rules contain no such provision, but do provide in rule 6.74 for crosses by Floor Brokers. With anticipated increased use of the Board Broker's book, there will be more situations where the Board Broker will have orders that could be crossed. The proposed rule requires a Board Broker to use due diligence in executing orders by insuring that any orders to be crossed could not receive a better execution from another participant in the trading crowd. The procedure is consistent with the existing crossing procedures for Floor Brokers.

New paragraph (e) described the procedure currently followed by the Board Broker during the opening rotation for each series. The provision is included here because the matching of market orders on the opening is in effect a cross and would otherwise be subject to the limitation of proposed paragraph (d) of this rule. Proposed paragraph (e) would permit Board Brokers to continue their existing opening practice of matching market orders on the opening, without following the bidding requirements of proposed paragraph (d).

Initially only one board Broker station on the trading floor will be included in OSS; additional functions and stations will be added over a period of approximately 18 months. Proposed Interpretation .05 would continue a Board Broker's responsibility to maintain a written record of orders placed in his custody until his station is included in OSS.

The basis under the act for the proposed rule change is contained in those provisions of section 6(b)(1) which require the Exchange to have the capacity to regulate transactions in options and to insure the maintenance of fair and honest markets in such transactions, and in those provisions of section 6(b)(5) which require the rules of the Exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

Comments have not been solicited or received on this proposed rule change.

The Exchange does not believe this proposal will impose any burden on competition.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17974 Filed 6-28-78; 8:45 am]

[8010-01]

[Rel. No. 10285; 812-4301]

E. F. HUTTON TRUST FOR GOVERNMENT GUARANTEED SECURITIES, FIRST SERIES (AND ALL SUBSEQUENT SERIES)

Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From the Provisions of Section 14(a) of the Act and Rules 19b-1 and 22c-1 Under the Act

JUNE 21, 1978.

Notice is hereby given that E. F. Hutton Trust for Government Guaranteed Securities, First Series (and all subsequent Series) ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on April 28, 1978, and amendments thereto on May 24 and June 20, 1978, pursuant to section 6(c) of the act for an order of the Commission exempting applicant from compliance with the initial net worth requirements of section 14(a) of the act, exempting the frequency of the capital gains distributions of the applicant from the provisions of rule 19b-1 under the act and exempting the secondary market operations of E. F. Hutton & Co. Inc., applicant's sponsor ("Sponsor"), from the provisions of rule 22c-1 under the act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each series of applicant will be governed, pursuant to the laws of the Commonwealth of Massachusetts, by a trust agreement ("Trust Agreement") under which the sponsor will act as such, New England Merchants National Bank will act as trustee ("Trustee"), and Interactive Data Services, Inc. will act as evaluator ("Evaluator"). The trust agreement for each series will contain standard terms and conditions of trust common to all series.

Pursuant to the trust agreement, the sponsor will deposit with the trustee not less than $2,000,000 principal amount of securities, including contracts and funds for the purchase of certain such securities ("Securities"), which are backed by the full faith and credit of the United States, either by statute or as determined in an opinion of the Attorney General of the United States. It is presently contemplated that a portion of the securities will consist of mortgage-backed securities of the "modified pass-through" type (generally known as "Ginnie Maes"), as well as other securities all of which will provide for regular payments of principal over the life of the security. Simultaneously with such deposit the trustee will deliver to the sponsor registered certificates for units representing the entire ownership of the series. The units are, in turn, to be offered for sale to the public by the sponsor.

The securities will not be pledged or in any other way subjected to any debt at any time after the securities are deposited with the trustee. The sponsor is in the process of accumulating the securities for the purpose of deposit in applicant's first series and a similar procedure will be followed for each future series. In selecting the securities, the following factors are considered: (1) The types of such securities available; (2) the prices and yields of such securities relative to other comparable securities; and (3) the maturities of such securities. Each series of applicant will consist of the securities, such securities as may continue to be held from time to time in exchange or substitution for any of the securities, and accumulated and undistributed income.

Units will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated in the event that the value of the securities falls below an amount specified for each series, either upon the direction of the sponsor to the trustee or by the trustee without such direction. There is no provision in the trust agreement for the issuance of any units after the initial offering of units, and such activity will not take place (except to the extent that the secondary trading by the sponsor in the units is deemed the issuance of units under the Securities Act of 1933.)

The initial offering price, which will be made separately through a final prospectus at a public offering, will be computed by adding to the offering

side evaluation of the securities, divided by the number of units, a sales charge in an amount disclosed in the prospectus for each series. The unit value at which units may be redeemed will be determined on the basis of bid side evaluation thereof. Aggregate offering side evaluation of the securities is to be determined by the evaluator each business day during the initial public offering period (such evaluation to continue on a daily basis until applicant has been granted an exemption from rule 22c-1 under the act) and on the last business day of each week upon completion of the initial public offering.

In connection with portfolio activity, the sponsor may direct the trustee to dispose of securities upon default in payment of principal or interest, or the occurrence of other market or credit factors which in the opinion of the sponsor, would make the retention of such securities in the trust detrimental to the interests of the unitholders, or if the disposition of such securities is desirable in order to maintain the qualification of the trust as a regulated investment company under the Internal Revenue Code. The sponsor is also authorized by the trust agreement to direct the trustee to accept or reject certain plans for the refunding or refinancing of any of the securities.

In addition, to maintain the corpus of the trust, the sponsor is further authorized to instruct the trustee to reinvest the proceeds of the sale of any of the securities or to reinvest the proceeds which do not represent capital gains, interest, or scheduled amortization payments from redemption by issuers of the securities in substitute securities which satisfy certain conditions specified in the trust agreement which are designed, in general, to insure that substitute securities purchased for the trust conform to the standards followed by the sponsor in selecting the securities initially deposited in the trust. The sponsor agrees, however, that no more than 10 percent of the aggregate principal amount of the securities on the date of deposit can be reinvested in substitute securities in any given year. Interest, capital gains, scheduled amortization of principal, and the proceeds upon maturity of the securities may not, however, be reinvested.

The sponsor intends to maintain a market for units of the various series of applicant and continuously to offer to purchase such units at prices which are based upon the offering side evaluation of the underlying securities in the various series. The sponsor may discontinue purchases of such units at prices based on the offering side evaluation of securities should the supply of such units exceed demand, or for other business reasons. While it is anticipated that units in most cases can be sold in the secondary market for an amount in excess of the redemption price, units may be submitted to the trustee for redemption at any time, and the particular unitholder will receive cash from the proceeds of a partial liquidation of the securities in the trust.

Applicant requests exemption from the following provisions of the act to the extent stated below:

SECTION 14(a)

Section 14(a) of the act requires that a registered investment company, prior to making a public offering of its securities, (1) have a net worth of at least $100,000, (2) have previously made a public offering and at that time have had a net worth of $100,000 or (3) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicant claims that section 14(a) was included in the act to protect against the irresponsible formation of investment companies on a shoestring. Applicant states that it is intended that each series, at the date of deposit and before any unit is offered to the public, will have a net worth in excess of $2,000,000, that the sponsor intends to sell all units to the public at offering prices disclosed in the prospectus for such series, and that it is intended that a secondary market be maintained. Applicant contends that this course of conduct demonstrates that the creation of applicant will take place in a responsible way by responsible persons.

Applicant seeks an exemption from the provisions of section 14(a) in order that a public offering of units of applicant as described above may be made. In connection with the requested exemption from section 14(a) the sponsor agrees: (1) to refund, on demand and without deduction, all sales charges to purchasers of units of a series if, within 90 days from the time that a series becomes effective under the Securities Act of 1933, the net worth of the series shall be reduced to less than $100,000 or if such series is terminated; (2) to instruct the trustee on the date of deposit of each series that in the event that redemption by the sponsor of units constituting a part of the unsold units shall result in that series having a net worth of less than $2,000,000, the trustee shall terminate the series in the manner provided in the agreement and distribute any securities or other assets deposited with the trustee pursuant to the agreement as provided therein; (3) in the event of termination for the reasons described in (2) above, to refund any sales charges to any purchaser of units purchased from the sponsor on demand and without any deduction; and (4) immediately after the registration statement is declared effective, to retain for investment and without a view to distribution 100 units (or such amount as is necessary so that the value of such units is at least $100,000).

RULE 19b-1

Rule 19b-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not "a regulated investment company" but permits a unit investment trust to distribute capital gains dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal, to the extent not reinvested in substitute securities, including any capital gains, and interest on each series will be made to unitholders monthly. Distributions of principal constituting capital gains to unitholders may arise in the following instances: (1) an issuer may call or redeem an issue held in the portfolio; (2) securities may be disposed of in order to maintain the qualification of such series as a regulated investment company under the Internal Revenue Code; and (3) securities may be liquidated in order to provide the funds necessary to meet redemptions.

In support of the requested exemption, the application states that the dangers against which rule 19b-1 is intended to guard do not exist in the situation at hand, since neither the sponsor nor applicant has control over events which might trigger capital gains. In addition, it is alleged that any capital gains distribution will be clearly indicated as capital gains in the accompanying report by the trustee to the unitholder. Further, applicant agrees that before it has obtained an exemption from rule 19b-1, it will not distribute capital gains in violation of the rule.

As noted, paragraph (b) of rule 19b-1 provides that a unit investment trust may distribute capital gain dividends from a "regulated investment company" within a reasonable time after receipt. Applicant asserts that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of applicant in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the rule, each series of applicant would be forced to hold any moneys

which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the certificateholders.

RULE 22c-1

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant seeks an order exempting the secondary market operations of the sponsor from the provisions of rule 22c-1 under the act. The sponsor proposes to adopt the practice of valuing units of a series, for purchase and resale by the sponsor in the secondary market, at prices computed on the last business day of each week, effective for all transactions made during the following week. This evaluation will be done by the evaluator, who has also agreed to institute a procedure whereby the evaluator will provide informal evaluations to protect unitholders and investors. In the case of a repurchase, if the evaluator cannot state that the current bid price is not higher than or equal to the previous Friday's offering side evaluation, the sponsor will order a new evaluation (provided, however, the sponsor agrees that it will cause daily pricing until the applicant is granted an exemption from rule 22c-1). In the case of a resale of units in the secondary market, if the evaluator cannot state that the previous Friday's price is no more than one-half point ($5 on a unit representing $1,000 principal amount of underlying securities) greater than the current offering price, a full evaluation will be ordered.

Aplicant states that there are two purposes for rule 22c-1: (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant contends that while the purposes for which rule 22c-1 was adopted would not be served by its application to applicant, the interests of investors would be significantly impaired by imposing upon them the cost of additional determinations of net asset value which would be required by the rule. Applicant states that interest is generally paid on mortgage-backed securities of the modified pass-through type on a monthly basis and is calculated at the coupon rate based on the principal amount of the underlying mortgages outstanding at the close of business on the last day of the preceding month. Applicant further states that there is a period of several days (usually not more than 13 days) beginning on the first day of each month during which the preceding amounts of the various mortgages underlying each of such mortgage-backed securities have not yet been reported by the issuer to the Government National Mortgage Association and made generally available in the marketplace. Therefore, with respect to the first series and all subsequent series which plan to invest in portfolios containing mortgage-backed securities, the sponsor expects that there will be a period of several days during the first part of every month when the principal amount of such securities in the portfolio will not be known, although the amount as of the close of business furnished on the last day of the preceding month will be known. Applicant states that the sponsor expects that the differences in such principal amount from month to month for any series will not be significant. Nevertheless, according to applicant, the sponsor will adopt procedures as to pricing and evaluations for the units of each series with such modification, if any, as it deems necessary for the protection of unitholders which will minimize the impact of differences, with the result that this situation will not have a material impact upon the calculation of the public offering price per unit, the repurchase price of the unit in the secondary market or the redemption price per unit.

Section 6(c) of the act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the act or of any rule or regulation under the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than July 17, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17980 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 45-14880; File No. SR-MSE-78-4]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 1, 1978, the Midwest Stock Exchange, Inc. ("MSE") filed with the Securities and Exchange Commission a proposed rule change as follows:

THE MSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Additions Italicized—[Delections Bracketed]

Article XI, Rules 7, 8, 9, and 10 are hereby amended as follows:

[Brokers' Blanket Bonds]

Fidelity Bonds

Rule 7. (a) Each member organization doing business with the public shall carry [Brokers' Blanket Bonds covering officers and employees of the member organization] *fidelity bonds,* in such form and in such amounts as the Exchange may require, *covering its general partners or officers and its employees. The Stockbrokers Partnership Bond and the Brokers Blanket*

Bond approved by the Exchange, are the only forms which may be used. Specific Exchange approval is required for any variation from such forms. [Each member organization may self-insure to the extent of $10,000 or 5% of its minimum insurance requirement as fixed by the Exchange, whichever is greater, but in determining the maximum amount of self-insurance permitted by any member organization, self-insurance under this Rule will be added to any self-insurance amounts under Rule 8 of this Article.]

(b) Member organizations subject to this rule are required to maintain basic and specific coverages, which apply both to Stockbrokers Partnership Bond and Brokers Blanket Bond, in amounts not less than those prescribed in this Rule Where applicable, such coverage must also extend to limited partners who act as employees, outside organizations providing electronic data processing services and the handling of U.S. Government securities in bearer form.

(c) Member organizations doing business with the public shall:

(1) Maintain coverage for at least the following:

(A) Fidelity

(B) On Premises

(C) In Transit

(D) Misplacement

(E) Forgery and Alteration Including check forgery)

(F) Securities Loss (including securities forgery)

(G) Fraudulent Trading

(H) Cancellation Rider providing that the insurance carrier will use its best efforts to promptly notify the Midwest Stock Exchange in the event the bond is cancelled, terminated or substantially modified.

(2) Maintain minimum coverage for all insuring agreements required in this subsection (c) of not less than $25,000;

(3) Maintain required minimum coverage for Fidelity, On Premises, In Transit, Misplacement and Forgery and Alteration insuring agreements of not less than 120% of its required net capital under Rule 3 of this Article up to $600,000. Minimum coverage for required net capital in excess of $600,000 shall be determined by reference to the following table:

Net capital required under article XI of the rules	*Minimum coverage*
$600,001 to $1,000,000	*$750,000*
$1,000,001 to $2,000,000	*1,000,000*
$2,000,001 to $3,000,000	*1,500,000*
$3,000,001 to $4,000,000	*2,000,000*
$4,000,001 to $6,000,000	*3,000,000*
$6,000,001 to $12,000,000	*4,000,000*
$12,000,001 and above	*5,000,000*

(4) Maintain Fraudulent Trading coverage of not less than $25,000 or 50% of the coverage required in subsection (c)(3), whichever is greater, up to $500,000.

(5) Maintain Securities Forgery coverage of not less than $25,000 or 25% of the coverage required in subsection (c)(3), whichever is greater, up to $250,000.

Deductible Provision.

(d)(1) A deductible provision may be included in the bond of up to $5,000 or 10% of the minimum insurance requirement established hereby, whichever is greater.

(2) If a member organization desires to maintain coverage in excess of the minimum insurance requirement then a deductible provision may be included in the bond of up to $5,000 or 10% of the amount of blanket coverage provided in the bond purchased, whichever is greater. The excess of any such deductible amount over the maximum permissible deductible amount described in paragraph (d)(1) above must be deducted from the member's net worth in the calculation of the member's net capital for purposes of Rule 3 of this Article. Where the member organization is a subsidiary of another Exchange member organization the excess may be deducted from the parent's rather than the subsidiary's net worth, but only if the parent guarantees the subsidiary's net capital in writing.

Annual Review of Coverage.

(e)(1) Each member organization not covered by subsection (e)(2) herein, shall annually review, as of the anniversary date of the issuance of the bond, the adequacy thereof by reference to the highest required net capital during the immediately preceding twelve-month period, which amount shall be used to determine minimum required coverage for the succeeding twelve-month period pursuant to subsections (c)(2), (3), (4) and (5) herein.

(2) A member organization which has been in business for one year shall, as of the first anniversary date of the issuance of its original bond, review the adequacy thereof by reference to the average required net capital experienced during its first year, recomputed as if the organization had been in business for more than two years. Such amount shall be used in lieu of required net capital under Rule 3 of this Article in determining the minimum required coverage to be carried in the member organization's second year pursuant to subsections (c) (2), (3), (4) and (5) herein. Notwithstanding the above, no such member organization shall carry less minimum bonding coverage in its second year than it carried in its first year in business.

(3) Each member shall make required adjustments not more than sixty days after the anniversary date of the issuance of such bond.

Notification of Change.

(f) Each member shall report the cancellation, termination or substantial modification of the bond to the Exchange within ten business days of such occurrence.

[Interpretations and Policies:

.01 While it is recognized that all firms in the securities business would carry such coverage as a normal part of their operating procedures, we have learned of several exceptions as well as existence of inadequate amounts of coverage. It was therefore deemed advisable to specifically require such insurance and to indicate the minimum amounts to be carried. Inasmuch as it would be impossible to prescribe a logical minimum for every particular situation, it is strongly emphasized that the amounts indicated may actually have little relationship to the coverage needed. It is therefore incumbent on the part of each member organization to determine what coverage, above the basis minimum, it should have because of the nature of its respective business.

The Board of Governors has adopted the following schedule.

1. Member organizations (a) whose customers' accounts are carried by another member firm on a disclosed basis; or (b) which do a principal business only with non-members, will be required to have a Brokers' Blanket Bond of at least $50,000.

2. Member organizations which carry accounts for non-members are required to have coverage for Fidelity, on Premises, in Transit, Misplacement and Forgery at least equal to the following minimums:

Net capital required under article XI of the rules	Minimum coverages
$25,000 to $50,000	$100,000
$50,000 to $100,000	200,000
$100,000 to $200,000	300,000
$200,000 to $300,000	400,000
$300,000 to $400,000	500,000
$400,000 to $500,000	600,000
$500,000 to $600,000	750,000
$600,000 to $1,000,000	800,000
$1,000,000 to $2,000,000	1,000,000
$2,000,000 to $3,000,000	1,500,000
$3,000,000 to $4,000,000	2,000,000
$4,000,000 to $6,000,000	3,000,000
$6,000,000 to $12,000,000	4,000,000
$12,000,000 and above	5,000,000

In addition to this Basic Brokers' Blanket Bond coverage, member firms and member corporations in categories 1. and 2. above will be required to include the following specific coverages:

(a) Misplacement and check forgery—at least the amount of the basic bond minimum requirement.

(b) Fraudulent trading—the greater of $50,000 or 50% of the basic minimum requirements, with a top minimum of $500,000.

(c) Securities forgery—the greater of $50,000 or 25% of the basic minimum requirements, with a top minimum of $250,000.

RIDERS

The insurance industry has agreed to issue certain riders to Brokers' Blanket Bonds which will provide, among other things, for "best efforts" notice to the Exchange by the surety

company of cancellation, termination, or substantial modification of coverage. In addition to this rider, the Exchange requires that each member organization notify the Exchange within 10 days of the time any cancellation, termination or substantial modification of its bond is made known to it.

SUMMARY

Each member organization will be expected to review carefully any need for coverage greater than that provided by the required minimums. Where experience on the nature of the business warrants additional coverage, the Exchange expects the member organization to acquire it. The review shall be made at least annually as of the anniversary date of the issuance of the bond and minimum requirements for the next twelve months shall be established by reference to the highest net capital requirement in the preceding twelve months. Additional coverage, if required, shall be obtained within 30 days of the anniversary date of the bond. All policies shall be issued by an insurer acceptable to the Exchange.]

Rule 8. Deleted in its entirety.

Rule [9.] *8.* No change in text.

Rule [10.] *9.* No change in text.

The MSE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment is to modify the fidelity bonding requirements of member organizations to conform them to Securities and Exchange Commission requirements and to maintain minimum insurance requirements commensurate with the degree of potential risk involved.

The basis of this proposed amendment is provided under Section 6(b)(5) of the Act, which require rules of the exchanges be designed to protect investors and the public interest.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the MSE, 120 South LaSalle Street, Chicago, Ill. 60603. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17975 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 34-14879; File No. SR-MSRB-78-10.]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1978, the above-mentioned self-regulatory organization filed with the Securites and Exchange Commission the proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments (hereafter referred to as the "proposed rule changes") to Board rule G-12 on uniform practice. The text of the proposed rule changes is as follows:

Rule G-12. Uniform Practice.*

(a) through (d) No change.

(e) Delivery of Securities.

(i) through (viii) No change.

(ix) Delivery of Certificates Called for Redemption. A certificate for which a notice of call has been published prior to the *delivery* [trade] date shall not constitute good delivery unless the securities are identified as "called" at the time of trade *or the notice of call is applicable to the entire issue of securities. For purposes of this subparagraph and item (D)(2) of subparagraph G-12(g)(iii), an "entire issue of securities" shall mean securities of the same issuer having the same date of issue, maturity date and coupon rate.*

(x) through (xv) No change.

(f) No change.

(g) Rejections and Reclamations.

(i) and (ii) No change.

(iii) (A) through (C) No change.

(D) (1) No change.

(2) not good delivery because notice of call for *less than the entire issue of securities* [the certificate] was published prior to the *delivery* [trade] date and *the securities were not identified as "called"* [this was not specified] at the time of trade.

(iv) through (vi) No change.

(h) through (l) No change.

*Italics indicate new language; brackets indicate deletions.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

Under section (e) of rule G-12, as presently in effect, delivery of a certificate for which a notice of call has been published prior to the trade date does not constitute good delivery if the securities are not identified as "called" at the time of trade. Section (g) of rule G-12, as presently in effect, provides that reclamation may be made, without time limitation, if it is discovered after delivery that a notice of call was published prior to trade date and this was not specified at the time of trade. Accordingly, under rule G-12, as presently in effect, in the case of a notice of call for part of an issue published between trade date and delivery date, a seller may deliver to a purchaser certificates included in the notice of call and there is no right of reclamation.

The proposed rule changes would amend section (e) of rule G-12 to provide that delivery of a certificate for which a notice of call has been published for less than the entire issue prior to delivery date, as opposed to trade date, does not constitute good delivery unless the securities are identified as "called" at the time of trade. Similarly, the proposed rule changes would amend section (g) of rule G-12 to provide for reclamation of called securities in such circumstances. The reference to an "entire issue of securities" is to securities having the same characteristics. For example, each series of a particular issue with the same coupon rate and maturity date would constitute a separate issue for purposes of the proposed rule changes.

The Board has adopted the approach incorporated in the proposed rule changes because it believes such approach to reflect more accurately the bargain of the parties to a transaction involving "called" securities. For example, it seems appropriate to

assume that the parties to a transaction intend securities that have not been called to be delivered if the securities are not identified as "called" at the time of trade, and the call is not for the entire issue.

Basis Under the Act for Proposed Rule Changes

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes and directs the Board to adopt rules which are

designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Comments Received From Members, Participants or Others on Proposed Rule Changes

Written comments were not solicited or received with respect to the proposed rule changes. However, the Board received oral comments from industry members expressing concern that under rule G-12 a municipal securities dealer may deliver to a contra party a certificate which has been "called" pursuant to a call notice published on or after the trade date, even though other certificates of the same issues have not been called.

Burden on Competition

The Board does not believe that the proposed rule changes will impose any burden on competition.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17976 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 34-14877; Filed No. SR-NYSE-78-37]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed changes to rules 132, 133, 135 through 137, 141, and 152. A summary of the substance of the proposed rule changes is attached as exhibit I.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

On April 7, 1978, the Securities and Exchange Commission approved amendments to rules 132, 133, 135 through 137, 141, and 152.

The purpose of the proposed rule changes set forth in this filing is to: (a) Codify the Exchange's position that a member or member organization can compare a transaction in one clearing agency and settle the same transaction in another clearing agency; (b) make it clear that when an Exchange member or member organization compares a transaction through one qualified clearing agency and elects to settle that transaction in a different clearing agency, each such activity is subject to the applicable rules of each clearing agency; and (c) require that transactions which are not submitted to a qualified clearing agency for comparison, pursuant to the rules of such clearing agency, shall be compared in accordance with the rules of the Exchange; and transactions which are not submitted to a qualified clearing agency for settlement, pursuant to the rules of such clearing agency, shall be settled in accordance with the rules of the Exchange.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The proposed rule changes relate to section 6(b)(5) of the Securities Exchange Act of 1934, as amended ("the Act") in that they would foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

The Exchange has not solicited comments regarding the proposed rule changes and has received none.

BURDEN ON COMPETITION

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange has requested the Commission to exercise its authority under section 19(b)(2) of the Act to approve the proposed rule changes prior to July 31, 1978. Section 19(b)(2) of the Act requires the Commission to find good cause for so doing and to publish its reasons for so finding. The Exchange believes that accelerated approval is necessary in order to cause members' transactions which are submitted to a qualified clearing agency for comparison only to be bound by the Exchange rules governing settlement procedures. The Commission is considering the Exchange's request to approve the proposed rule changes prior to July 31, 1978.

On or before August 3, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-

regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

EXHIBIT I

The text of the proposed rule changes is as follows (italics indicate additions and brackets indicate deletions):

Rule 132

COMPARISON AND SETTLEMENT OF TRANSACTIONS THROUGH A FULLY-INTERFACED OR QUALIFIED CLEARING AGENCY

[Rule 132 (a) Each party to a contract shall submit data regarding its side of the contract ("trade data") to a Fully-Interfaced Clearing Agency or to the same Qualified Clearing Agency for comparison or settlement pursuant to the rules of such Clearing Agency unless (i) it is otherwise stipulated in the bid or offer, (ii) it is otherwise mutually agreed upon by both parties to such contract or (iii) the Fully-Interfaced or Qualified Clearing Agency selected by either party to the contract refuses to act in the matter.

(b) Transactions which are not submitted to a Qualified Clearing Agency for comparison or settlement pursuant to the rules of such Clearing Agency shall be compared and settled in accordance with the Rules of the Exchange.]

* * * * *

Rule 132 (a) *Each party to a contract shall submit data regarding its side of the contract ("trade data") to a Fully-Interfaced Clearing Agency for comparison or settlement, but each party shall be free to select the Fully-Interfaced Clearing Agency of its choice for such purpose. Where the parties to a contract do not choose Fully-Interfaced Clearing Agencies for the comparison of such contract, they shall both submit trade data to the same Qualified Clearing Agency for comparison pursuant to the rules of such clearing agency and where such parties do not choose Fully-Interfaced Clearing Agencies for the settlement of such contract, they shall both submit the same transaction to the same Qualified Clearing Agency for settlement pursuant to the rules of such Clearing Agency; provided, however, that this paragraph (a) shall not apply if (i) it is otherwise stipulated in the bid or offer, (ii) it is otherwise mutually agreed upon by both parties to the contract, or (iii) the Fully Interfaced or Qualified Clearing Agency selected by either party to the contract refuses to act in the matter.*

(b) *Transactions which are not submitted to a Qualified Clearing Agency for comparison pursuant to the rules of such Clearing Agency shall be compared in accordance with the Rules of the Exchange and transactions which are not submitted to a Qualified Clearing Agency for settlement pursuant to the rules of such Clearing Agency shall be settled in accordance with the Rules of the Exchange.*

Rule 133

COMPARISON—NON-CLEARED TRANSACTIONS

Rule 133. Comparisons of transactions in securities which are not submitted to a Qualified Clearing Agency for comparison [or settlement] pursuant to the rules of such Qualified Clearing Agency shall be effected in the following manner:

(1) Each selling member and member organization shall send to the office of the buyer in respect of each sale a comparison form in duplicate on the business day following the day of the transaction, but not later than 1 p.m. on that day;

(2) The party to whom the comparison is presented shall retain the original, if it be correct, and immediately return the duplicate duly signed;

except that transactions for delivery on the business day following the day of the contract shall be compared, in the manner prescribed herein, no later than one hour and a half after the closing of the Exchange on the day of the transaction.

Rule 135

DIFFERENCES AND OMISSIONS—NON-CLEARED TRANSACTIONS (DK'S)

Rule 135. (a) When a comparison of a transaction which is not submitted to a Qualified Clearing Agency for comparison [or settlement] pursuant to the rules of such Qualified Clearing Agency is received and the recipient has no knowledge of the transaction, the comparison shall be stamped "Don't Know," dated and initialed by the person so marking the same, and the comparison form, so stamped, shall be returned immediately to the seller; and

(b) when the buyer has not received a comparison from the seller, or when comparison cannot be made because of a difference, the buyer shall communicate that fact by telephone to the seller as soon as possible, but not later than the opening of the Exchange of the second business day following the day of the transaction; and

(c) when a comparison form has been returned to the seller stamped "Don't Know," or if, for any reason, comparison cannot be made, the parties shall, as soon as possible, but not later than the opening of the Exchange on the second business day following the day of the transaction, report the transaction to the executing Floor broker or brokers; and

(d) the Floor broker or brokers to whom such a transaction is reported shall investigate it immediately; provided, however, that, if the questioned transaction is one for delivery on the business day following the day of the transaction, it shall be handled as provided above and reported to the executing Floor broker or brokers as soon as possible, but in any event prior to the opening of the Exchange on the business day following the day of the transaction.

The provisions of this rule do not apply to transactions which are submitted to a Qualified Clearing Agency for comparison [or settlement] pursuant to the rules of such Qualified Clearing Agency.

* * * * *

Rule 136

COMPARISON—TRANSACTIONS EXCLUDED FROM A CLEARANCE

Rule 136. A transaction which was submitted to a Qualified Clearing Agency for comparison [or settlement] pursuant to the rules of such Qualified Clearing Agency, but which has been excluded for any reason by such Qualified Clearing Agency and has not otherwise been compared through the facilities or pursuant to the rules of such Agency shall be compared, in the manner provided in Rule 133, as promptly as possible after the parties thereto have been advised that the transaction has been excluded.

Rule 137

WRITTEN CONTRACTS

Rule 137. On "seller's option" transactions in stocks, on "seller's option" transactions in bonds for more than seven days, and on all transactions made "when issued" or "when distributed," that are not submitted to a Qualified Clearing Agency for comparison [or settlement] pursuant to the rules of such Qualified Clearing Agency, written contracts shall be exchanged not later than the second business day following the transaction.

* * * * *

Rule 141

"FAIL TO DELIVER" CONFIRMATIONS

Rule 141. If delivery on a contract has not been made on the due date, other than a contract which has been submitted to a Qualified Clearing Agency for [comparison or] settlement pursuant to the rules of such Qualified Clearing Agency, either the buyer or the seller may, while such contract remains open, send to the other party, in duplicate, a "fail to deliver" confirmation.

When a "fail to deliver" confirmation is sent to a member or member organization, the party to whom the confirmation is presented shall retain the original, if it be correct, and promptly return the duplicate stamped and initialed; if such party has no knowledge thereof, the confirmation shall be stamped in the manner provided in Rule 135(a).

Rule 152

FAILURE TO DELIVER

Rule 152. A loan of securities shall become a failure to deliver if the securities are not delivered when due, except that, unless it has been submitted for [comparison or] settlement to a Qualified Clearing Agency pursuant to the rules of such Qualified Clearing Agency, the contract may be cancelled by mutual consent.

[FR Doc. 78-17977 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 34-14884; File No. SR- PCC-78-2]

PACIFIC CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant of section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 16, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is an Interregional Interface Agreement and an Interregional Interface Participants Agreement between Pacific Clearing Corp. ("PCC") and Midwest Clearing Corp. ("MCC"). These agreements, which are very similar to existing interregional interface agreements between clearing corporations, allow participants in one clearing corporation to clear and settle, through interface, transactions with participants in another clearing corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The agreements which are the subject of this filing are designed to provide a framework for an interregional interface between PCC and MCC, and, through completion of interfaces, to further the development of a national system of clearance and settlement.

The proposed rule change, by aiding in the completion of interregional interfaces among all registered clearing agencies, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and contributes to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments from PCC members or participants were neither solicitated nor received.

Pacific Clearing Corp. believes that the proposed rule change will not impose any burden on competition.

On or before August 3, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17978 Filed 6-28-78; 8:45 am]

[8010-01]

[Release No. 14881; SR-PSE-78-8 and SR-CBOE-78-11]

PACIFIC STOCK EXCHANGE INC., AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Changes

JUNE 22, 1978.

On May 9 and 10, 1978, Pacific Stock Exchange, Inc. ("PSE") and the Chicago Board Options Exchange, Inc. ("CBOE") respectively filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder, copies of proposed rule changes which would provide investors with a simple and inexpensive procedure for the arbitration of small claims against member firms. The proposed rules would provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding $2,500.[1]

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Commission releases (Securities Exchange Act Release Nos. 14754 and 14757, May 12 and 15, 1978) and by publication in the FEDERAL REGISTER (43 FR 21763 and 21751, May 19, 1978). All written statements with respect to the proposed rule changes which were filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person were considered and were made available to the public at the Commission's public reference room.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the PSE and the CBOE, and in particular, the requirements of section 6 and the rules and regulations thereunder. The proposed rule changes will provide a more effective, efficient, and economical dispute resolution system for public investors with small claims and thus will protect investors and the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17979 Filed 6-28-78; 8:45 am]

[1] The proposed rules also provide a procedure for interposing related counterclaims. The term "related counterclaim" is to be defined as related to the customer's account(s) with an Exchange member or member organization; the clarification will be reflected in the stated policies, practices, or interpretations of the exchanges, as well as in the arbitration booklet to be distributed to public investors.

[8010-01]

[Rel. No. 10287; 812-9308]

PURITAN FUND, INC. AND FIDELITY MANAGEMENT & RESEARCH CO.

Filing of an Application for an Order of Exemption, Etc.

JUNE 22, 1978.

Notice is hereby given that Puritan Fund, Inc. ("Puritan"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Fidelity Management & Research Co. ("FMR"), investment adviser to Puritan (collectively referred to as "Applicants"), filed an application on May 8, 1978, for an order of the Commission pursuant to section 6(c) of the Act exempting from the provisions of section 22(c), rule 22c-1 and section 22(d) of the Act the proposed exchange of Puritan shares at net asset value without a sales charge and at a price other than the price next determined after receipt of a purchase order for substantially all of the assets of Marr Co. ("Marr"), a personal holding company, and for an order pursuant to section 17(d) of the Act and rule 17d-1 thereunder permitting an agreement between Puritan and FMR calling for Puritan and FMR each to bear one-half of Puritan's out-of-pocket expenses related to the above-proposed exchange of shares up to a maximum of $5,000, and for all of such out-of-pocket expenses in excess of $5,000 to be borne by FMR. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Puritan's shares are currently being offered by Fidelity Distributors Corp., its principal underwriter, for sale to dealers who in turn resell them to the public at public offering prices consisting of the net asset value per share plus varying sales loads described in

Puritan's current prospectus. FMR is an investment adviser registered with the Commission under the Investment Advisers Act of 1940. Since FMR acts as investment adviser to Puritan, it is an affiliated person of Puritan under section 2(a)(3)(E) of the Act.

Based upon representations made by or for Marr, Applicants represent that Marr is a corporation organized and existing under the laws of Colorado. Its common stock, which is its only class of securities outstanding, is held of record by 30 individuals, trusts, estates or nominees for such persons. Puritan represents that there is no connection between it and Marr, no affiliated person of Marr is an affiliated person of Puritan, and no affiliated person of Puritan is an affiliated person of Marr.

Applicants state that Puritan and Marr have entered into an Agreement and Plan of Reorganization (the "Plan") which provides for the transfer of substantially all of the securities owned by Marr to Puritan in exchange for shares of capital stock of Puritan. The shares of Puritan are to be acquired at net asset value without a sales charge. Pursuant to the Plan, Puritan shares having an aggregate net asset value equal to the value of Marr's assets to be acquired shall be issued in exchange therefor (the number of shares to be determined by dividing the aggregate market value of Marr's assets to be acquired by the net asset value per share of Puritan). The net asset value per share of Puritan and the market value of the assets of Marr to be acquired by Puritan will be determined as of the close of business of the New York Stock Exchange on the business day next preceding the closing date. The actual exchange of Marr's assets for shares of Puritan will be on the closing date. If the valuation under the Plan had taken place at the close of business on December 31, 1977, approximately 269,577 shares of Puritan having a net asset value of $10.40 each would have been issued for substantially all of the assets of Marr having an aggregate value of $2,803,602, as of that date. If the proposed transaction had taken place on that date, Puritan would have expected to sell approximately $515,000 (or about 18 percent) of the securities which would have been acquired from Marr within a relatively short period following their acquisition. Included in these securities which would have been sold are municipal bonds with an approximate value of $234,000. The parties anticipate that such municipal bonds will be sold prior to the closing date, and that securities acceptable to Puritan will be purchased with the proceeds.

The Plan also provides for the retention by Marr of an amount of cash not to exceed $50,000 to pay any liabilities of it which have not been paid prior to the closing date. The Plan further provides that, to the extent these expenses are less than the amount of cash so withheld, Marr will invest such excess cash in additional shares of Puritan at the net asset value of such shares next computed after the excess cash is deposited with Puritan.

Applicants state that when received by Marr the shares of Puritan are to be distributed to Marr's shareholders in complete liquidation of Marr, in proportion to their respective stock ownership in Marr. It is a condition to the obligations of Puritan and Marr under the Plan that, prior to the exchange of Marr's assets for Puritan shares, Puritan and Marr shall have received a written ruling from the Internal Revenue Service satisfactory to counsel for Puritan and Marr in form and content, or an opinion from Puritan's and Marr's respective counsel to the effect that the Plan, the acquisition of Marr's assets by Puritan and the receipt of Puritan shares in exchange therefor, and the distribution of such Puritan shares to Marr's shareholders will not result in taxable gains either to Marr or Puritan or to any of their shareholders, although such conditions may be waived by either Marr's or Puritan's board of Directors.

The application states that as of December 31, 1977, the Federal tax cost basis of the Marr securities which are proposed to be transferred was 3,070,582.42 and their market value was $2,853,602.42. The Federal tax cost basis and market value of the securities in Puritan's portfolio was $697,923,850 and $708,567,609, respectively. Because there is no element of unrealized appreciation involved in the Marr assets to be acquired by Puritan the Directors of Puritan have determined that no adjustment to the Marr assets need be made to protect Puritan shareholders against possible tax liability resulting from the eventual disposition by Puritan of Marr assets, and that a net asset value exchange is appropriate under the circumstances. Furthermore, Applicants state that Puritan will recognize no capital loss carry forward as a result of the proposed transaction because Marr currently has no capital loss carry forward.

Section 22(c) of the Act and rule 22c-1 thereunder taken together provide, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security which is next computed as of the close of trading on the New York Stock Exchange next following receipt of an order to purchase such security.

Section 22(d) of the Act provides, in pertinent part, that a registered investment company may sell redeemable securities issued by such company only at the current public offering price described in the prospectus. The current public offering price of the shares of Puritan as described in its prospectus is net asset value plus a sales charge.

Applicants further state that, without an exemption from sections 22(c) and 22(d) of the Act and rule 22c-1 thereunder, Puritan would be prohibited from: (a) Exchanging its shares at net asset value, without a sales charge, for substantially all of the assets of Marr, and (b) effecting the proposed exchange transaction on the closing date based on the market value of the assets of Marr to be transferred and net asset value per share of Puritan, both determined as of the valuation time which is the close of business on the last business day immediately preceding the closing date. Because the closing date and the valuation date will be fixed in advance and in view of the short time span involved, Applicants argue that the possible abuses at which rule 22c-1 is directed will not exist.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision under the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represents that they consider the proposed exchange of shares to be at a fair price, arrived at by arms-length bargaining, and believe that the granting of the requested exemption from the provisions of section 22(c), rule 22c-1 and section 22(d) of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that the proposed acquistion will be beneficial to the shareholders of Puritan for the following reasons:

(1) Those expenses of Puritan which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and, therefore, will be a smaller amount per share to the benefit of existing shareholders;

(2) The proposed exchange of shares will enable Puritan to acquire at one time additional securities for its existing portfolio without affecting the market in such securities; and

(3) Even after offsetting brokerage commissions and approximate principal transaction costs involved in disposition of securities which Puritan does

not expect to retain for any significant period after completion of the proposed exchange of shares, the transfer of portfolio securities to be retained pursuant to the proposed acquisition will cause Puritan less expense than the purchase of securities of the same issuers in the open market.

Applicants have also entered into an agreement calling for Puritan's out-of-pocket expenses related to the above-proposed exchange of shares (excluding State and Federal registration fees applicable to the shares of Puritan to be issued pursuant to the plan, which shall be paid by Puritan), up to a maximum of $5,000, to be borne one-half by Puritan and one-half by FMR, and for all such expenses in excess of $5,000 to be borne by FMR. The estimated expenses of the proposed transaction, other than those being borne by Marr, are expected to be $4,000 or less. Under the agreement, Puritan and FMR would each bear $2,000 of these expenses. Because this agreement may be deemed to be a joint and several transaction by Puritan with an affiliated person of it, applicants state that an order pursuant to the provisions of rule 17d-1 under the act approving the terms of the agreement may be necessary.

As noted above, applicants have determined that Puritan will benefit from the proposed exchange of shares, both from a spreading of fixed expenses over a broader asset base and because of the opportunity to obtain portfolio securities at reduced acquisition costs. On this basis, the directors of Puritan (including a majority of the disinterested directors) concluded that Puritan could properly bear all of the expenses related to the proposed exchange of shares. This being the case, the directors of Puritan (including a majority of the disinterested directors) concluded that an arrangement whereby Puritan would bear only part of such expenses, with a maximum exposure of $2,500, was entirely appropriate.

Rule 17d-1, adopted by the Commission pursuant to section 17(d) of the act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization, or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Puritan represents that its management believes that the granting of the application and the issuance of the requested section 17 order would be consistent with the provisions, policies, and purposes of the act and that, to the extent that the participation of Puritan is different from that of FMR, it would not be less advantageous than FMR's participation because any expenses in excess of $5,000 will be borne by FMR.

Notice is further given that any interested person may, not later than July 17, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17982 Filed 6-28-78; 8:45 am]

[8010-01]

[Rel. No. 20598, 70-6178]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Issuance and Sale at Competitive Bidding of $50,000,000 in First Mortgage Bonds

JUNE 22, 1978.

Notice is hereby given that Southwestern Electric Power Co. ("Swepco"), an electric utility subsidiary of Central & South West Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") designating section 6(b) of the act and rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Swepco proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50, $50,000,000 principal amount of its first mortgage bonds, series O, to be dated August 1, 1978 (the "bonds"), and to mature August 1, 2008.

The proceeds to be derived from the sale of the bonds (exclusive of accrued interest and after deducting expenses of issue) will be used by Swepco toward future construction and fuel exploration and development expenditures and to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures. Approximately $57,000,000 of short-term borrowings are expected to be outstanding as of August 17, 1978, the planned date of issuance of the bonds. No funds generated from the bonds nor any of the borrowings retired thereby will be or have been utilized to pay the cost of facilities which would not be need to provide service to customers of Swepco if it were not part of the Central & South West System. No expenditures will be made by Swepco for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application have been expended. For the purposes of the foregoing representation, it is assumed that none of the facilities construction or acquisition of which would be part of any proposal forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) would be needed to provide service to customers of Swepco if it were not part of the Central & South West System. Swepco's estimated construction and fuel exploration and development expenditures for 1978 through 1980 are as follows:

	1978	1979	1980	Total
Generation	$69,336,000	$75,100,000	$84,226,000	$228,698,000
Transmission	12,561,000	36,602,000	24,446,000	73,609,000
Distribution	19,248,000	17,657,000	21,103,000	58,008,000
Fuel exploration and development.	10,928,000	12,214,000	12,384,000	35,526,000
Total	*112,109,000	141,573,000	142,159,000	395,841,000

*Approximately $35,887,000 of the 1978 estimated total had been expended at Apr. 30, 1978.

The annual interest rate and the redemption prices of the bonds, and the price to be paid to Swepco therefor (which will not be less than 99 percent nor more than 102.75 percent), will be determined through competitive bidding. The bonds will enjoy refunding protection until August 1, 1983, and will be subject to a 1 percent sinking fund beginning in 1979. The bonds will be issued under and secured by the company's indenture, dated February 1, 1940, under which Continental Illinois National Bank & Trust Co. of Chicago and M. J. Kruger are trustees, as amended by the indentures supplemental thereto heretofore executed (the "indenture"), and to be further amended by a proposed supplemental indenture to be dated August 1, 1978.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $170,000 including $29,250 in counsel fees, $18,000 in trustee fees, and $7,500 in accountants fees.

It is stated that the Arkansas Public Service Commission and the Corporation Counsel of Oklahoma have jurisdiction with respect to the issuance and sale of the bonds. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than July 17, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-17983 Filed 6-28-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 86 (Rev.)]

ASSISTANT ADMINISTRATOR, BUREAU FOR DEVELOPMENT SUPPORT

Delegation of Authority Regarding Development Support

Pursuant to the authority delegated to me by delegation of authority No. 104, as amended, dated November 3, 1961 (26 FR 10608), from the Secretary of State and in furtherance of my decision relating to the establishment of a new Bureau for Development Support as announced in the AID general notice dated November 16, 1977, and the AID general notice dated March 15, 1978, I hereby delegate to the Assistant Administrator for Development Support the following authorities:

1. All of the functions and authorities which are specified in any regulation, published or unpublished, manual order, policy determination, manual circular, or circular airgram, or instruction or communication relating to:

a. Administration of centrally funded programs of research and development in the program areas listed in c. below, subject to the prevailing procedures, and instructions of the Administrator of the Agency for International Development concerning the review and approval of such activities;

b. Development of policies, procedures, and programs under section 211(d) of the Foreign Assistance Act of 1961, as amended, with respect to grants to research and educational institutions and implementation of such assistance to the extent subsequently authorized by the Administrator;

c. The conduct of activities in the program areas listed below other than those included in bilateral and regional assistance programs:

(1) Agriculture;
(2) Development administration;
(3) Development information;
(4) Education and human resources;
(5) Energy;
(6) Engineering;
(7) Health;
(8) Housing and housing guaranties;
(9) International training;
(10) Nutrition;
(11) Population and family planning;
(12) Rural development;
(13) Science and technology;
(14) Urban development;

d. The coordination of agency activities concerning the title XII program.

2. The authorities and functions enumerated above shall include the authority to sign or approve program implementation orders and similar implementation authorizations.

3. In connection with participant training program, authority to approve, in accordance with AID regulation 5, the maximum rates of per diem for participants in training in the United States, and to authorize exceptional rates of per diem for distinguished particpants.

4. Delegation of authority No. 36, dated April 8, 1964 (29 FR 5353) as amended is further amended by deleting paragraphs 4 and 9.

5. Delegation of authority No. 88, dated November 4, 1970 (35 FR 17675), as amended is further amended by deleting the title Assistant Administrator for SER and inserting in lieu thereof the title "Assistant Administrator for Development Support."

6. Delegation of authority No. 100, dated December 13, 1976 (42 FR 6942), is further amended by deleting the title "Assistant Administrator for Technical Assistance" and inserting in lieu thereof the title "Assistant Administrator for Development Support."

7. Currently effective redelegations of authority issued by the Assistant Administrator for Technical Assistance, Assistant Administrator for Population and Humanitarian Affairs, Assistant Administrator for Program and Management Services and the Assistant Administrator for Program and Policy Coordination with respect to projects, programs, and activities within the areas of responsibility of the above-named officials are hereby continued in effect according to their terms until modified or revoked by the Assistant Administrator for Development Support.

8. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Development Support.

9. Actions heretofore taken by officials designated herein are hereby ratified and confirmed.

10. This delegation of authority amends and supersedes delegation of authority No. 86, as amended through April 27, 1973.

11. This delegation of authority shall be effective immediately.

Dated: June 13, 1978.

JOHN J. GILLIGAN,
Administrator.

[FR Doc. 78-18107 Filed 6-28-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[78-84]

SHIP STRUCTURE COMMITTEE

Notice of Renewal

The Charter for the Ship Structure Committee has been renewed by the Secretary of Transportation for a two-year period commencing July 1, 1978, through June 30, 1980. The Secretary has determined that this renewal is in the public interest.

The purpose of the Committee is to conduct an aggressive research program which will, in the light of changing technology in marine transportation, improve the design, materials, and construction of the hull structure of ships and marine platforms by an extension of knowledge in these fields for the ultimate purpose of increasing the safe and efficient operation of all marine structures.

The Committee is composed of the following ex-officio members:

Commandant, U.S. Coast Guard, Department of Transportation;

Commander, Naval Sea Systems Command, Department of the Navy;

Commander, Military Sealift Command, Department of the Navy;

Assistant Secretary for Maritime Affairs, Department of Commerce;

Director, U.S. Geological Survey, Department of the Interior;

President, Amercian Bureau of Shipping.

The above members have designated the following ex-officio members as their representatives:

Chief, Office of Merchant Marine Safety, U.S. Coast Guard;

Assistant for Structures, Naval Ship Engineering Center;

Chief Engineer, Military Sealift Command;

Assistant Administrator for Commercial Development, Maritime Administration;

Chief, Branch of Marine Oil and Gas Operations, U.S. Geological Survey;

Vice President, American Bureau of Shipping.

Interested persons may seek additional information by writing LCDR T. H. Robinson, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters (G-M/82), Washington, D.C. 20590.

This notice is issued under the authority of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) of October 6, 1972.

Dated: June 19, 1978.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-18159 Filed 6-28-78; 8:45 am]

[4910-13]

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held July 18 through July 21, 1978, from 9 a.m. e.d.t. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 6A and B at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

F. L. CUNNINGHAM,
Executive Director.

[FR Doc. 78-17888 Filed 6-28-78; 8:45 am]

[4910-13]

RTCA SPECIAL COMMITTEE 135—ENVIRONMENTAL CONDITIONS AND TEST PROCEDURES FOR ELECTRONIC/ELECTRICAL EQUIPMENT AND INSTRUMENTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Electronic/Electrical Equipment and Instruments to be held July 25 through 28, 1978, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's opening comments; (2) approval of minutes for first meeting held January 17, 1978; (3) discuss the inclusion of "Fluid Testing" in update of RTCA document DO-160, environmental conditions and test procedures for electronic/electrical equipment and instruments; and (4) consideration of proposed changes to RTCA document DO-160.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006, 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 23, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-17887 Filed 6-28-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 9]

DECISION-NOTICE

JUNE 15, 1978.

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 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 upon 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 which 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, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority. Also, where authority has been sought within a single-State, authority to provide such service has been deleted where there has been no showing that such service would be other than intrastate in nature.

We find preliminarily that, with the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional 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 within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

NANCY L. WILSON,
Acting Secretary.

MC 1824 (Sub-No. 81F), filed May 17, 1978. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Frank V. Klein (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, dairy products,* and articles distributed by meat-packing houses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Smithfield, VA, to points in CT, MA, MD, NJ, NY, PA, RI, and DC. (Hearing site: Washington, DC.)

MC 9726 (Sub-No. 11F), filed June 1, 1978. Applicant: T. F. DUNLAP TRUCKING CO., INC., 1280 Hicks Boulevard, Fairfield, OH 45014. Representative: James R. Stiverson, 1396 West 5th Avenue, Columbus, OH 43212. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and building materials,* between Findley, OH on the one hand and, on the other, points in the United States (except AK, HI, and OH), under a continuing contract, or contracts, with Pease Co. of Hamilton, OH. (Hearing site: Washington, DC or Columbus, OH.)

MC 41404 (Sub-No. 145F), filed May 26, 1978. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, TN 38237. Representative: Mark L. Horne (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AL, AR, FL, GA, IA, IL, IN, KY, LA, MI, MN, MO, NC, OH, SC, TN, and WI. (Hearing site: New Orleans, LA or Chicago, IL.)

MC 42011 (Sub-No. 39F), filed May 8, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115. Representative: Thomas L. Cook, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Pallets and containers* (except in bulk), and (2) *material* used in the manufacture of the articles named in (1) above (except in bulk), between Tulsa, OK on the one hand and, on the other, points in LA and TX. (Hearing site: Tulsa, OK or Dallas, TX.)

MC 52704 (Sub-No. 171F), filed May 25, 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 Mundelein, IL, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-No. 173F), filed May 30, 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: *Metal containers, metal container ends, shrouds, pallets, chipboard, and dunnage,* between Winston-Salem, NC on the one hand and, on the other, Memphis, TN and Tampa, FL. (Hearing site: Atlanta, GA.)

MC 73165 (Sub-No. 451F), filed May 18, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel roof decking and steel coils,* from the facilities of Merco Manufacturing, Inc., at or near Little Rock, AR, to points in the United States (except AK and HI). (Hearing site: Little Rock, AR or Dallas, TX.)

MC 78228 (Sub-No. 85F), filed May 26, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alloys and silicon metals,* between points in Montgomery County, AL, on the one hand, and, on the other, points in the United States in and east of LA, AR, MO, IA, and

MN. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 82079 (Sub-No. 64F), filed May 30, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and foodstuffs* (except commodities in bulk), in mechanically refrigerated vehicles, from the facilities of Standard Brands, Inc., at Chicago and Bensonville, IL, to points in MI, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Lansing, MI or Chicago, IL.)

MC 95540 (Sub-No. 1022F), filed May 11, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint* (except in bulk, in tank vehicles), from Houston, TX, to Denver, CO, and points in WY and MT. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 98399 (Sub-No. 6F), filed May 24, 1978. Applicant: SHULL TRUCK LINE CO., INC., P.O. Box A; Savannah, TN 38372. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of the Yellow Creek Nuclear Plant, in Tishomingo County, MS, as an off-route point in connection with carrier's regular-route authority. (Hearing site: Nashville, TN.)

MC 100666 (Sub-No. 400F), filed June 1, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in AL, AR, LA, MS, MO, OK, TN, and TX to points in CA. (Hearing site: Little Rock, AR.)

MC 102616 (Sub-No. 948F), filed June 2, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquified petroleum gas*, in tank vehicles, from (a) Lawrenceville, IL, to Bicknell, IN; (b) Conway, KS, and Jasper, MO, to Grafton, WI; Winchester, KY; Mason and Cincinnati, OH; and Atlanta, GA; (c) Todhunter, OH, to points in IN, IL, KY, and TN; (d) Painesville, OH, to points in MI, IN, and KY; (e) Toledo, OH, to points in MI and IN; (f) Oakland City, IN, to points in IL, OH, KY, and TN; (g) Woodhaven, MI, to points in KY; (h) Mont Belvieu, TX, and Hattiesburg, MS, to points in IN, IL, KY, MI, OH, PA, TN, VA, WV, and WI; and (i) Silome, KY, to points in IN, IL, MI, OH, PA, TN, VA, WV, and WI; and (2) *petroleum and petroleum products*, in bulk, in tank vehicles, from (a) Warren, PA, to points in OH, and (b) Niles, OH, to points in Venango County, PA. (Hearing site: Chicago, IL or Columbus, OH.)

MC 103498 (Sub-No. 52F), filed May 22, 1978. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and material* used in the installation of plastic pipe, from the facilities of Johns-Manville Sales Corp. at or near Jackson, TN, to points in AR, IA, KS, LA, MO, OK, and TX. (Hearing site: Memphis, TN or Dallas, TX.)

MC 103926 (Sub-No. 71F), filed June 1, 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 granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel piling and pile driving and construction equipment*, between the facilities of Mississippi Valley Equipment Co., at or near Jacksonville, FL on the one hand, and, on the other, points in AL, AK, FL, GA, KY, LA, MS, MO, NC, SC, TN, VA, and WV. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 105566 (Sub-No. 170F), filed June 2, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1122, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles and materials* (except in bulk), from the facilities of Brockway Glass Co., Inc., Plastic Division, at Nashua, NH, to points in AZ, AR, CA, CO, ID, KS, MT, NE, NM, OK, OR, TX, UT, WA, and WY; (2) *plastic containers, container accessories, and glassware* (except in bulk), from the facilities of Brockway Glass Co., Inc., in Jefferson, Clearfield, and Washington Counties, PA; Monmouth County, NJ, Muskingum County, OH, Harrison County, WV; and Madison County, IN, to points in AR, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 107515 (Sub-No. 1150F), filed May 22, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, Ga 30326. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from the facilities of Royal Packing Co., at or near East St. Louis, IL, to Memphis, TN. (Hearing site: St. Louis, MO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 126436 (Sub 2) and various subs.

MC 111289 (Sub-No. 8F), filed June 2, 1978. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, (a) from points in Derry Township (Dauphin County), PA, to points in OH on, south, and east of a line beginning at the OH–IN State Line and extending along Interstate Hwy 70 to its junction with U.S. Hwy 68, then along U.S. Hwy 68 to the OH–KY State Line, (b) between Louisville, KY, and Lebanon, PA; and (2) *materials and supplies* used in the production of foodstuffs (except commodities in bulk), from Middletown and Hamilton, OH, to Lebanon, PA, under a continuing contract or contracts in (1) and (2) above, with San Giorgio Macaroni, Inc., of Lebanon, PA, and Hershey Foods Corp., of Hershey, PA. (Hearing site: Harrisburg, PA or Washington, DC.)

MC 113362 (Sub-No. 331F), filed May 22, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove. IA 50533. Representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, MN 55912. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper articles and pulpboard*, from the facilities of the American Can Co. at Choctaw

County, AL, to points in IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, SC, VA, WV, WI, and DC, restricted to the transportation of shipments originating at and destined to the indicated points. (Hearing site: Mobile, AL or Washington, DC.)

MC 113908 (Sub-No. 441F), filed May 26, 1978. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S., Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, wine and vermouth,* in bulk, (1) from Pekin, IL, to Hartford, CT, and (2) from Philadelphia, PA, to Paducah, KY, restricted in parts (1) and (2) against transportation in foreign commerce. (Hearing site: Kansas City, MO or Washington, DC.)

MC 114273 (Sub-No. 376F), filed May 19, 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: *Hides and pelts: and cattle and horse switches and tails,* from Redwood Falls, and Mankato, MN, to Milwaukee, WI, and Chicago, IL. Condition: In view of the findings in No. MC 114273 (Sub-No. 252), the certificate is to be limited to a 2-year term at which time it will expire, unless 20 months after issuance applicant petitions for extension of the certificate, or removal of the term, showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-No. 392F), filed May 23, 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: *Furnace pipe and fittings, and fibre glass duct board,* from Indianapolis, IN, to points in CO. Condition: In view of the findings in No. MC 114273 (Sub-No. 252), the certificate is to be limited to a 2-year term at which time it will expire, unless 20 months after issuance applicant petitions for extension of the certificate, or removal of the term, showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-No. 393F), filed May 23, 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: *Farm equipment, feed, feed supplements, medicinal feed additives, agricultural chemicals, and materials and supplies used in the production and distribution of the foregoing commodities* (except commodities in bulk, in tank vehicles), between Cedar Rapids, IA, on the one hand, and, on the other, Marion, OH. Condition: In view of the findings in No. MC 114273 (Sub-No. 252), the certificate is to be limited to a 2-year term at which time it will expire, unless 20 months after issuance applicant petitions for extension of the certificate, or removal of the term, showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-No. 394F), filed May 23, 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: *Nylon piece goods,* from East Rutherford, N.J., to Des Moines, IA. Condition: In view of the findings in No. MC 114273 (Sub-No. 252), the certificate is to be limited to a 2-year term at which time it will expire, unless 20 months after issuance applicant petitions for extension of the certificate, or removal of the term, showing that it has been in full compliance with applicable rules and regulations. (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.

MC 114632 (Sub-No. 165F), filed May 16, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizing compounds, ice melting compounds, and vermiculite,* from Kenosha, WI, to points in the United States (except AK, HI, and WI). (Hearing site: Milwaukee, WI or Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 129706.

MC 115826 (Sub-No. 316F), filed May 31, 1978. Applicant: W. J. DIGBY, INC., 1960-31st Street, P.O. Box 5088 T.A., Denver, CO 80217. Representative: Howard Gore (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mechanical refrigeration units, evaporators, compressors, and parts, materials, and accessories* for the foregoing commodities from Louisville, LA, and ports of entry in TX and LA, to points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Denver, CO.)

MC 116457 (Sub-No. 34F), filed May 22, 1978. Applicant: GENERAL TRANSPORTATION, INC., 1804 South 27th Avenue, Phoenix, AZ 85005. Representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Waste paper, waste cardboard, waste newsprint, and waste paper products,* for reuse or recycling, (except commodities in bulk, in tank vehicles), (except commodities in bulk, in tank vehicles), (1) between points in AZ, CA, NV, UT, CO, NM, and OK, and (2) between ports of entry on the International Boundary line between the United States and Mexico, at points in CA, AZ, NM, and TX, and points in AZ, CA, NV, UT, CO, NM, TX, and OK. (Hearing site: Phoenix, AZ.)

MC 116457 (Sub-No. 35F), filed May 22, 1978. Applicant: GENERAL TRANSPORTATION, INC., 1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated exterior wall panels,* from points in AZ to points in CA, NV, UT, CO, NM, and TX. (Hearing site: Phoenix, AZ.)

MC 116915 (Sub-No. 61F), filed May 30, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition board* (1) from Alpena and Coldwater, MI, and Jacksonville, TX, to points in the United States (except AK and HI), and (2) from points in MI and AR to Coldwater, MI. (Hearing site: Detroit MI or Chicago, IL.)

MC 117119 (Sub-No. 692F), filed May 30, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: M. M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals, paints, dyes, pigments,* and *personal safety devices,* (except commodities in bulk), from the facilities of American Cyanamid Co., at Bound Brook, NJ, to Memphis, TN, restricted to traffic originating at and destined

to the named points. (Hearing site: Washington, DC.)

MC 117344 (Sub-No. 274F), filed May 22, 1978. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. 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: *Iron oxide*, in bulk, in tank and hopper-type vehicles, from Ashland, KY to Norfolk, NE. (Hearing Site: Washington, DC.)

MC 118159 (Sub-No. 262F), filed June 1, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air conditioning and heating equipment*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in Davidson County, TN, to points in AZ, CA, CO, IA, MT, NE, NV, ND, OK, OR, SD, TX, UT, and WA. (Hearing site: Chicago, IL.)

MC 118535 (Sub-No. 122F), filed May 22, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, dry ammonium nitrate, dry fertilizer, and dry fertilizer ingredients*, (1) from Kansas City, MO to points in IA, KS, MO, NE, and OK; and (2) from the facilities of Brunswick River Terminal, Inc., at or near Brunswick, MO, to points in IA, KS, NE, and OK. (Hearing site: Kansas City, MO.)

MC 118959 (Sub-No. 170F), filed May 24, 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 granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from the facilities of Sonoco Products Co., at or near Henderson, KY, to points in the United States (except AK and HI). (Hearing site: Lousiville, KY 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 125664.

MC 119399 (Sub-No. 78F), filed May 23, 1978. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plstic containers, glassware, and container accessories*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from the facilities of Brockway Glass Co., Inc., in Washington County, PA, Muskingum County, OH, Harrison County, WV, and Madison County, IN, to points in AR, OK, TX, and KS. (Hearing site: Washington, DC.)

MC 119702 (Sub-No. 57F), filed May 16, 1978. Applicant: STAHLY CARTAGE CO., a corporation, 119 South Main Street, P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid feed supplements*, in bulk, in tank vehicles, from the facilities of Occidental Chemical Co., at Helton Station, MO (near Palmyra, MO), to points in IL and LA. (Hearing site: St. Louis, MO or Washington, DC.)

MC 119702 (Sub-No. 58F), filed May 19, 1978. Applicant: STAHLY CARTAGE CO., a corporation, 119 South Main Street, P.O. Box 486, Edwardsville, IL 62025. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority granted 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 IL, IN, KS, MO, and MI. (Hearing site: St. Louis, MO.)

MC 119726 (Sub-No. 132F), filed June 1, 1978. Applicant: N.A.B. TRUCKING CO, INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising matter, and materials and supplies* used in the manufacture and distribution of malt beverages, between points in the United States in and east of MN, IA, MO, OK, and TX, on the one hand, and, on the other, points in Houston County, GA. (Hearing site: Atlanta, GA or Jacksonville, FL.)

MC 119789 (Sub-No. 474F), filed May 30, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Richmond Lumber, Inc., at or ner Union City, GA, to points in AL, AR, FL, CA, IL, IN, MI, NJ, NC, KY, TN, MO, OH, OK, TX, and VA. (Hearing site: Atlanta, GA.)

MC 119917 (Sub-No. 50F), filed May 26, 1978. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Drive SE., Atlanta, GA 30316. 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: *Foodstuffs, and materials, supplies, and equipment used in the manufacture of foodstuffs*, (except commodities in bulk), between the facilities of Keebler Company, at or near Grand Rapids, MI, Cincinnati, OH, and Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, OH, and WI, restricted to the transportation of shipments originating at or destined to the named facilities. (Hearing site: Washington, DC.)

MC 119988 (Sub-No. 146F), filed May 22, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, compressed sawdust-wax impregnated fireplace logs, and materials, equipment, and supplies* used in the sale and distribution of the foregoing commodities (except commodities in bulk), between Jacksonville and Dallas, TX, on the one hand, and, on the other, points in the United States in and west of MI, OH, KY, TN, and AL (except AK, HI, and TX). (Hearing site: Dallas, TX.)

MC 121108 (Sub-No. 3F), filed May 22, 1978. Applicant: MICHAEL L. GORDON, 136 North Washington, Dillon, MT 59725. Representative: W. G. Gilbert III, 15 South Idaho Street, Dillon, MT 59725. 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), (1) between the junction of U.S. Hwy 10 and MT Hwy 41 and Twin Bridges, MT, over MT Hwy 41, (2) between the junction of

U.S. Hwy 10 and MT Hwy 55 and the junction of MT Hwy 55 and MT Hwy 41, over MT Hwy 55, (3) between Twin Bridges and Dillon, MT, over MT Hwy 41, (4) between Twin Bridges, MT, and the junction of U.S. Hwy 10 and U.S. Hwy 287: From Twin Bridges over MT Hwy 287 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction U.S. Hwy 10, (5) between Harrison and Pony, MT, over unnumbered Hwys, (6) between Harrison and Cardwell, MT: From Harrison over U.S. Hwy 287 to junction MT Hwy 359, then over MT Hwy 359 to Cardwell, MT, (7) between the junction of U.S. Hwy 287 and MT Hwy 287 and Raynolds Pass: From junction U.S. Hwy 287 and MT Hwy 287 over U.S. Hwy 287 to junction MT Hwy 87, then over MT Hwy 87 to Raynolds Pass, MT, and (8) between the junction of U.S. Hwy 10 and U.S. Hwy 287 and Butte, MT, as an alternate route for operating convenience only: From junction U.S. Hwy 10 and U.S. Hwy 287 over U.S. Hwy 10 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Butte, and return over the same route in (1) through (8), serving all intermediate points and the off-route points of Waterloo and Cliff Lake, MT, in (1) through (7), and serving no intermediate points in (8).

MC 123407 (Sub-No. 457F), filed May 22, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings, broken down, and parts for the foregoing commodity*, from El Paso, IL, to points in CO, CT, DE, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, and WI; and (2) *materials and supplies* used in the manufacture of metal buildings (except commodities in bulk), in the reverse direction. (Hearing site: Houston, TX.)

MC 123819 (Sub-No. 60F), filed June 1, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except in bulk), from the facilities of Joan of Arc Co., Inc., at or near Hoopeston and Princeville, IL, and Mayville, WI, to points in AL, AR, LA, MS, MO, and TN. (Hearing site: Chicago, IL.)

MC 124170 (Sub-No. 93F), filed June 2, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, IL 60521. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in temperature controlled vehicles, from the facilities of J. H. Filbert, Inc., at or near Baltimore, MD, and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, to points in CT, DE, DC, IL, IN, KY, ME, MA, MI, MO, NJ, NY, OH, PA, RI, VT, VA, WV, and WI. (Hearing site: Washington, DC.)

MC 124813 (Sub-No. 186F), filed May 23, 1978. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Representative: Thomas E. Leahy, Jr. 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Kansas City, MO, Minneapolis, MN, and East Chicago, IN, to the facilities of L.C. Spencer Steel, at or near Clarion, IA, restricted to the transportation of shipments originating at and destined to the named points. (Hearing site: Minneapolis, MN or Omaha, NE.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority in MC 118468 and various subs.

MC 124979 (Sub-No. 6F), filed May 22, 1978. Applicant: CONRAD BERG, d.b.a. BERG CO., Route 1, Box 185A, Saginaw, MN 55779. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, dry, in bulk*, from Grand Forks, ND, to points in MN and ND. (Hearing site: St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 135688.

MC 125023 (Sub-No. 65F), filed May 23, 1978. Applicant: SUGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority granted 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., a division of J.J. Heinz Co., at Fremont and Toledo, OH, to points in MA, CT, RI, ME, NH, and points in NY on the east of Interstate Hwy 81, points in NJ on and north of NJ Hwy 33, and points in PA on the east of Interstate Hwy 81, restricted to the transportation of shipments originating at the named facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 125254 (Sub-No. 43F), filed May 26, 1978. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, (1) from Louisville, KY, to Iowa City, IA, and (2) from Vandalia, IL, to Oklahoma City, OK. (Hearing site: Kansas City, MO or Des Moines, IA.)

MC 126489 (Sub-No. 33F), filed May 30, 1978. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, KS 67501. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed grain and soybean products*, from Hutchinson, KS, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. (Hearing site: Kansas City, MO.)

MC 126822 (Sub-No. 47F), filed May 19, 1978. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 812 South Silver, P.O. Box 401, Paola, KS 66071. Representative: Kenneth E. Smith (same address as above). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and fluid coolers, parts of cooling towers and fluid coolers, and materials and supplies used in the construction or installation of cooling towers or fluid coolers*, from the facilities of the Marley Co., at or near Olathe, KS, to points in the United States (except AK, HI, and KS). (Hearing site: Kansas City, MO.)

MC 127049 (Sub-No. 16F), filed May 30, 1978. Applicant: KRUEPKE TRUCKING, INC., 4811 Highway 45, Jackson, WI 53037. Representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Fans, heaters, heat recyclers, vacuum cleaners, household compactors, door chimes, range hoods, range splash plates, and roof cappings*, and (2) *parts, accessories, and exhibition booths* for the commodities in (1) above, (a) from Hartford, WI, to points in the United States in and east of ND, SD, WY, CO, and NM, and (b) between Hartford, WI, and Old Forge, PA, and (B) *materials and supplies*, used in the manufacture of the commodities named in (A) (1) and (2) above, (a) from points in the United

States in and east of ND, SD, WY, CO, and NM, to Hartford, WI, and (b) between Hartford, WI, and Old Forge, PA, under a continuing contract or contracts with Broan Manufacturing Co., Inc., of Hartford, WI. (Hearing site: Milwaukee, WI or Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission, or do not require Commission approval.

MC 127811 (Sub-No. 13F), filed May 11, 1978. Applicant: BRYNWOOD TRANSFER, INC., 175 Eighth Avenue SW., New Brighton, MN 55118. 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: *Epoxy coated, reinforcing, iron or steel bars*, from the facilities of Simcote, Inc., at St. Paul, MN, to points in WI, ND, SD, NE, IA, IL, KY, IN, and MO. (Hearing site: St. Paul, MN.)

MC 128007 (Sub-No. 122F), filed May 18, 1978. Applicant: HOFER, INC., 20th and Bypass, P.O. Box 583, Pittsburg, KS 66762. 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: *Meat and bone meal*, in bulk, (1) from points in KS, to points in IN, and (2) from points in IA, MO, and NE, to points in IL and IN. (Hearing site: Kansas City, MO.)

MC 128404 (Sub-No. 11F), filed May 12, 1978. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., P.O. Box 3037, Knoxville, TN 37917. Representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, and sign poles*, and (2) *parts and accessories* for the commodities named in (1) above, from Knoxville, TN, on the one hand, and, on the other, points in the United States (except AK, HI, and TN). (Hearing site: Knoxville or Nashville, TN.)

MC 129032 (Sub-No. 50F), filed May 16, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, 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 AL, AZ, AR, CA, CO, ID, 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, restricted to the transportation of shipments originating at and destined to the indicated points. (Hearing site: Los Angeles or San Francisco, CA.)

MC 133099 (Sub-No. 10F), filed May 31, 1978. Applicant: THE GLASGOW & DAVIS CO., a corporation, Box 1717 South Division Street, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, NC, to points in those parts of MD and VA east of the Chesapeake Bay and south of the Delaware Canal. (Hearing site: Salisbury, MD.)

MC 133542 (Sub-No. 14F), filed May 18, 1978. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, IL to Marshall, MN, under a continuing contract, or contracts, with Grong Sales Co., of Marshall, MN. (Hearing site: Minneapolis or St. Paul, MN.)

MC 133591 (Sub-No. 42), filed May 8, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals*, (2) *parts, accessories, and attachments* for the commodities described in (1) above, and (3) *materials, equipment, and supplies* used in manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk), between the facilities of Baldor Electric Co., at or near Fort Smith, AR on the one hand and, on the other, points in the United States (except AK, HI, and AR). (Hearing site: 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 134494 (Sub-No. 7).

MC 134599 (Sub-No. 160F), filed may 26, 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: (1) *Plastic material liquids and pesticides*, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk or those which because of size or weight require special handling or equipment), between Gastonia, NC on the one hand and, on the other, points in United States (except AR, CA, KY, LA, MD, MS, MO, MN, VA, WV, KS, OK, NC, MT, AK, and HI), under a continuing contract or contracts with Uniroyal, Inc., of Middlebury, CT. (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.

MC 134645 (Sub-No. 23F), filed May 17, 1978. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Ave. South, St. Cloud, MN 56301. 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: *Fresh meat and frozen foods* (except in bulk), from Seattle and Spokane, WA, Caldwell and Heyburn, ID, Chicago, IL, Ft. Atkinson, Green Bay, and Milwaukee, WI, to St. Cloud, MN, restricted to traffic originating at the named origins and destined to the facilities of Apperts Frozen Foods, at St. Cloud, MN.

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority in MC 124071 and various subs.

MC 135078 (Sub-No. 25F), filed May 26, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Respresentative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber for manufacturing furniture parts*, from points in PA to Ft. Smith and Searcy, AR, and Taylor and San Marcos, TX. (Hearing site: Omaha, NE 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 135007.

MC 135797 (Sub-No. 119F), Filed May 17, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials, and supplies*, used in the distribution and repair of electrical and gas appliances, from Evansville, IN, and Clyde, Marion, and Findlay, OH, to

points in AL, AR, FL, GA, KS, LA, MO, NB, MS, OK, TN, and TX. (Hearing site: Chicago, IL.)

MC 136291 (Sub-No. 9F), filed May 5, 1978. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 NW. 82nd Avenue, Miami, FL 33166. Representative: Francis W. McInerny, 1000 Sixteenth St. NW., No. 502, Washington, DC 20036. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen, and liquid oxygen,* in bulk, in tank vehicles, from Baltimore, MD, to points in DE, DC, NJ, PA, and VA, under a continuing contract, or contracts, with Union Carbide Corp., of New York, NY. (Hearing site: Washington, DC.)

NOTE.—To the extent the authority granted in this decision authorizes the transportation of compressed gases, the certificate will expire 5 years from the date of issuance.

MC 136605 (Sub-No. 59F), filed May 22, 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: *Plastic pipe, plastic pipe fittings, and accessories used in the installation of plastic pipe* (except commodities in bulk, in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and byproducts), from the facilities of Crestline Plastic Pipe Co., Inc., at or near Council Bluffs, IA, to points in CO, ID, KS, MI, MN, MT, NE, ND, OK, SD, WI, WY, and UT. (Hearing site: Billings, MT.)

MC 136981 (Sub-No. 8F), filed May 2, 1978. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, P.O. Box 52, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Litharge, nepheline synenite, soda ash, glass bulbs, glass rods and tubing, glassware, metal racks, cullet, electric lamps, batteries, battery chargers, lighting fixtures, holiday decorations, packaging materials, and steel nestainers,* between points in AR, FL, GA, KY, MN, MO, TN, and WI; and (2) *lamp ballast, sand, potash, metals, displays, advertising, borax, borax products, paints, dolomite, lamp bases, compressed gases in cylinders, nitrate,* and (3) *materials and supplies* used in the manufacture and distribution of the commodities named in (2) above, between Buffalo, NY, points in AR, FL, GA, IN, IL, KY, MI, MN, MO, OH, TN, and WI, and those in that portion of PA north and west of a line beginning at the WV-PA State line and extending along Interstate Hwy 70 to the junction of Interstate Highway 76, then along Interstate Hwy 76 to the PA-OH State line; under a continuing contract, or contracts in (1) and (2) above with General Electric Co., of Cleveland, OH. (Hearing site: Cleveland, OH.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134798.

MC 136981 (Sub-No. 9F), filed May 3, 1978. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, P.O. Box 52, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from the plantsite of the Clorox Co., at or near Chicago, IL, to Cleveland, OH, and points in IN, and (2) *animal litter,* from Kansas City, MO, to Chicago, IL, under a continuing contract, or contracts, with the Clorox Co. of New York, NY. (Hearing site: Cleveland, OH.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134798.

MC 138438 (Sub-No. 24F), filed May 25, 1978. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bricks,* from Phoenixville, PA, to points in MD, VA, DE, WV, OH, NJ, NY, CT, MA, VT, NH, RI, ME, and DC. (Hearing site: Philadelphia, PA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 117613.

MC 139193 (Sub-No. 81F), filed May 23, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. Representative: Jacob P. Billig, 2033 K Street NW., Washington, DC 20006. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts, and articles distributed by meatpacking 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), (a) from the facilities of John Morrell & Co., at Fort Smith, AR, to points in CT, DE, DC, IN, ME, MD, MA (except Boston and Marlboro), MI (except Detroit and Livonia), NH, NJ (except Woodbridge), NY (except New York City), OH (except Cincinnati, Cleveland, and Salem), PA (except Philadelphia), RI, VT, VA (except Mechanicsville and Richmond), and WV, and (b) from the facilities of John Morrell & Co., at Shreveport, LA, to points in CT, DE, DC, IN, ME, MD (except Baltimore and Landover), MA (except Boston), MI (except Detroit and Livonia), NH, NJ (except Elizabeth, Florence, South Kearney, and Woodbridge), NY (except Cortland, Mount Kisco, New York City, Syracuse, and Waterford), OH (except Cincinnati, Cleveland, Columbus, and Salem), PA (except Philadelphia and Pittsburgh), RI, VT, VA (except Hampton, Mechanicsville, Richmond, Roanoke, and Salem), and WV, and (2) *such commodities* as are used by meatpackers in the conduct of their business, *Descriptions case, supra,* from the destination to the origin points in (1) (a) and (b) above, under a continuing contract, or contracts, with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC, or Chicago, IL.)

MC 139193 (Sub-No. 82F), filed May 23, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. Representative: Jacob P. Billing, 2033 K Street NW., Washington, DC 20006. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts, and articles distributed by meatpacking 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), (a) from the facilities of John Morrell & Co., at Fort Smith, AR, to points in AL (except Mobile and Montgomery), FL (except Jacksonville, Miami Plant City, Pompano Beach, and Tampa), GA (except Atlanta), KY, LA, MS, NC (except Charlotte and Raleigh), SC (except Charleston and Fort Jackson), and TN (except Memphis and Whites Creek), and (b) from the facilities of John Morrell & Co., at Shreveport, LA, to points in AL (except Birmingham, Dothan, Mobile, and Montgomery), FL (except Hialeah, Jacksonville, Miami, Panama City, Pensacola, Plant City, Pompano Beach, and Tampa), GA (except Atlanta, Augusta, Fort McPherson, and Quitman), KY (except Louisville), MS (except Biloxi, Gulfport, Jackson, and Tupelo), NC (except Charlotte, Fort Bragg and Raleigh), SC (except Charleston), and TN (except Knoxville, Memphis, Nashville, and Whites Creek), and (2) *such commodities as are used by meatpackers in the conduct of their busi-*

ness, Descriptions case, supra (except hides and commodities in bulk), from the named destination points in (1) (a) and (b) above, to the facilities of John Morrell & Co., at Fort Smith, AR, and Shreveport, LA, under a continuing contract, or contracts with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC or Chicago, IL.)

MC 139193 (Sub-No. 83F), filed May 23, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. Representative: Jacob P. Billig, 2033 K Street NW., Washington, DC 20006. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *Meats, meat products and meat byproducts, and articles distributed by meatpacking 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), (a) from the facilities of John Morrell & Co., at Estherville and Sioux City, IA, to those points in CA north of San Luis Obispo, Kern, and San Bernardino Counties, and (b) from the facilities of John Morrell & Co., at Worthington, MN, to points in CA, and (2) *such commodities as are used by meatpackers in the conduct of their business, descriptions case, supra* (except hides and commodities in bulk), from the destination points in (1) (a) and (b) above, to the facilities of John Morrell & Co., at Estherville and Sioux City, IA, and Worthington, MN, under a continuing contract, or contracts with John Morrell & Co., of Chicago, IL. (Hearing site: Washington, DC or Chicago, IL.)

MC 139906 (Sub-No. 11F), filed May 31, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, 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 *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Strollers, folding chairs, baby carseats, playpens, bassinettes, swings*, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk and those which because of size or weight require special equipment), from the facilities of Strolee of California, in Compton, CA, to points in ME, VT, NH, MA, NJ, MI, IL, and VA. (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 134599.

MC 140159 (Sub-No. 7F), filed June 1, 1978. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona PA 16601. Representative: Thomas M. Mulroy, 800 Lawyers Building, Pittsburgh, PA 15219. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Barton, MD, to points in Blair County, PA. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 140549 (Sub-No. 11F), filed May 22, 1978. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. 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: *Dry fertilizer*, in bulk, from Willmar, MN, to points in ND and SD. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 118739.

MC 140829 (Sub-No. 95F), filed May 15, 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: *Auto accessories, motor oil, grease, and lighter fluid* (except commodities in bulk, in tank vehicles), (1) from Camden, NJ, to points in MI, MN, MO, OH, and WI, and (2) from Grand Prairie, TX, to points in CA, CO, MN, and MO, restricted in (1) and (2) above to shipments originating at the named origins and destined to the indicated destinations. (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.

MC 140829 (Sub-No. 98F), filed May 22, 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: *Frozen foods*, (except commodities in bulk), from Plover, WI, to points in AL, AR, DE, FL, GA, IA, KY, LA, MD, MA, MS, MO, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VA, WV, DC, and Kansas City, KS, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (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.

MC 140829 (Sub-No. 99F), filed May 22, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of the Charter Oaks Shippers Cooperative Association, Inc., at Berlin, CT, to points in CO, IL, and TX, restricted to the transportation of shipments originating at the named origin and destined to points in the indicated destinations. (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.

MC 140829 (Sub-No. 101F), filed May 30, 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: *Frozen foods* (except frozen meats), from the facilities of Campbell Soup Co., at or near Omaha, NE, to Denver and Grand Junction, CO. (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.

MC 140829 (Sub-No. 102F), filed May 30, 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: (1) *Television sets, radios, phonographs, stereo systems, recorders and players, speaker systems*, and *audio equipment*, and (2) *accessories, components, and parts* for the commodities in (1) above, from Bloomington and Indianapolis, IN, to points in AZ, AR, CO, FL, IL, IA, KS, LA, MN, MO, NE, NM, ND, OK, SD, TX, and WI. (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.

MC 142559 (Sub-No. 23F), filed May 30, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH

43215. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic articles* and *paper products,* from Carthage and Gladewater, TX, to points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH or Dallas, TX.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 139254.

MC 142559 (Sub-No. 24F), filed May 30, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Pabst, GA, to points in OH, IL, WI, IN, and MI. (Hearing site: Columbus, OH or 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 139254.

MC 142831 (Sub-No. 8F), filed May 5, 1978. Applicant: HAMRIC TRANSPORTATION, INC., 3318 East Jefferson, P.O. Box 1124, Grand Prairie, TX 75050. Representative: Lawrence A. Winkle, 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: *Iron and steel articles,* (1) from the facilities of Zelrich Steel Co., at Houston, TX, to points in OK, KS, AR, MO, TN, NM, LA, MS, and AL, (2) from the facilities of Zelrich Steel Co., at Dallas, TX, to points in OK, KS, MO, and TN, and (3) from the facilities of Zelrich Steel Co., at Memphis, TN, to points in TX, OK, KS, AR, MO, and AL. (Hearing site: Dallas, TX.)

MC 143085 (Sub-No. 2F), filed May 11, 1978. Applicant: THE DANIEL CO., a corporation, 419 East Kearney, Springfield, MO 65803. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals,* (2) *parts, accessories, and attachments* for the commodities in (1), and (3) *materials, equipment, and supplies,* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), between the facilities of Baldor Electric Co., at or near Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AK, HI, and AR). (Hearing site: 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 139274.

MC 143437 (Sub-No. 1F), filed May 25, 1978. Applicant: JRB, INC., 101 Wheatley Road, Ashland, KY 41101. 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: *Steel buildings, knocked down, fabricated metal products, and equipment, material, and supplies* used in the manufacture of steel buildings and fabricated metal products (except commodities in bulk), between Washington Court House, OH, on the one hand, and, on the other, points in KY, TN, NC, SC, GA, and AL. (Hearing site: Columbus, OH.)

MC 143506 (Sub-No. 2F), filed June 2, 1978. Applicant: BOWMAN READY MIX, INC., 365 West 300 South, Huntington, UT 84528. Representative: Kenneth L. Rothey, 2275 South West Temple, Salt Lake City, UT 84115. Authority granted to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Refined oil products,* (except gasoline), in containers, from Pocatello, ID, to points in UT. (Hearing site: Salt Lake City, UT.)

MC 143687 (Sub-No. 2F), filed May 25, 1978. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin Street, West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of plastic articles, (except commodities in bulk), between points in Wayne, Monroe, and Ontario Counties, NY, on the one hand, and, on the other, points in the United States (except NY, AK, and HI), under a continuing contract, or contracts, with Mobil Chemical Co., Plastics Division, at Macedon, NY. (Hearing site: Boston, MA or Buffalo, NY.)

MC 144041 (Sub-No. 13F), filed May 2, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, GA 30345. Representative: Kim G. Meyer, P.O. Box 872, 235 Peachtree Street NE., Atlanta, GA 30303. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulating materials,* (except commodities in bulk), from the facilities of Callaway Insulation Co., in Clayton County, GA, to points in AR, AL, FL, LA, SC, NC, VA, KY, TN, and MS; and, (2) *materials, supplies and equipment* used in the manufacture of insulation and insulating materials (except commodities in bulk), from points in AR, AL, CA, FL, LA, SC, NC, VA, KY, TN, and MS, to the facilities of Callaway Insulation Co., in Clayton 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 under MC 140883.

MC 144228 (Sub-No. 4F), filed May 26, 1978. Applicant: BAGLE TRANSPORT LINES, INC., 9632 Palo Pinto Road, Fort Worth, TX 76116. Representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Heat sentrys, attic fans, louver vents, and parts and machinery* used in the manufacture of the foregoing commodities, between the facilities of Henry N. Butler Co., at or near Mineral Wells, TX, on the one hand, and, on the other, points in the United States (except AK, HI, and TX), under a continuing contract or contracts, with Henry N. Butler Co., of Mineral Wells, TX. (Hearing site: Fort Worth or Dallas, TX.)

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.

MC 144255 (Sub-No. 1F), filed May 25, 1978. Applicant: JIM & RON'S SERVICE, INC., 1900 West 12th Street, Sioux Falls, SD 57104. Representative: M. Mark Menard, P.O. Box 480, Sioux Falls, SD 57101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Disabled, stolen, or repossessed vehicles,* in truckaway service by use of wrecker equipment only, between points in SD, IA, MN, NE, and ND. (Hearing site: Sioux Falls, SD or Sioux City, IA.)

MC 144455 (Sub-No. 2F), filed May 23, 1978. Applicant: GAYLORD HAUSSERMAN, d.b.a. HAUSSERMAN TRUCKING CO., 33 Lovell Court, Ionia, MI 48846. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen potato products,* between the facilities of Mid-America Potato Co., at or near Grand Rapids, Lake Odessa and Martin, MI, on the one hand, and, on the other, points in NY, CT, MA, WV, PA, NJ, MD, and VA. (Hearing site: Grand Rapids or Lansing, MI.)

MC 144559 (Sub-No. 2F), filed May 18, 1978. Applicant: BEELER BROS., INC., d.b.a. BEELER FARMS, P.O. Box 7, Tolleson, AZ 85353. Representative: George Beeler (same address as applicant). Authority granted to oper-

ate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dry feed meals and feed ingredients,* in bulk, between points in AZ, on the one hand, and, on the other, points in CO, under a continuing contract or contracts with Allmendinger Commodities, of Colorado Springs, CO. (Hearing site: Denver, CO or Phoenix, AZ.)

MC 144603 (Sub-No. 4F), filed May 23, 1978. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. 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 the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the named facilities. (Hearing site: St. Louis, MO.)

NOTE.—The carrier must satisfy the Commission, that its operations, will not result in objectionable dual operations, because of its authority in MC 139206 and various subs.

MC 144740F, filed May 11, 1978. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Jacob P. Billig, 2033 K Street NW., Washington, DC 20006. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), *display items, and promotional material,* in vehicles equipped with mechanical refrigeration, from the facilities of Whitman's Chocolates Division, Pet Inc., at Philadephia, PA, to points in AZ, AK, CA, CO, ID, LA, NM, NV, OK, OR, TX, UT, WA, and those in Shelby County, TN, under a continuing contract, or contracts, with Whitman's Chocolates Division, Pet Inc., of Philadelphia, PA. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission or do not require Commission approval.

PASSENGER AUTHORITY

MC 138829 (Sub-No. 2F), filed May 30, 1978. Applicant: ALLAN J. Mc DONALD, LTD., 1602 Jane Street, Cornwall, ON, Canada. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. 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 round-trip charter and special operations, beginning and ending at Massena, Brasher, Potsdam, Canton, and Stockholm, in St. Lawrence County, NY, and extending to points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Massena, NY.)

[FR Doc. 78-17647 Filed 6-28-78; 8:45 am]

[7035-01]

[Volume No. 99]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

JUNE 19, 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 particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. 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 decision 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.

MC 11207 (Sub-No. 424F), filed April 5, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* between Newport and Wilder, KY, on the one hand, and, on the other, points in AL, AR, LA, MS, and those in GA and TN on and west of Interstate Hwy 75. (Hearing site: Cincinnati, OH or Louisville, KY.)

MC 19311 (Sub-No. 43F), filed April 3, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Expanded plastic materials or products* (except in bulk), from Detroit and Port Huron, MI, and Buffalo, NY, to points in IL, IN, IA, KY, MI, MN, MO, OH, WV, WI, and that portion of NY and PA on and east of U.S. Hwy 210 and NY Hwy 78. (Hearing site: Detroit, MI.)

NOTE.—Common Control may be involved.

MC 25798 (Sub-No. 311F), filed March 31, 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 sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, 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 facilities of John Morrell & Co., at Shreveport, LA, to points in AL, FL, GA, NC, and SC. Restricted to traffic orginating at the facilities of John Morrell & Co. at the above-named origin and destined to the above-named destinations. (Hearing site: New Orleans, LA.)

NOTE.—Common control may be involved.

MC 26396 (Sub-No. 173F), Filed March 31, 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 sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Burns Harbor and Gary, IN, to Casper and Mills, WY. (Hearing site: Denver, CO.)

MC 31389 (Sub-No. 245F), filed March 31, 1978. Applicant: McLEAN TRUCKING CO., a corporation, 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eastalco, at or near Buckeystown, MD, as an off-route point in conjunction with applicant's regular-route operations. (Hearing site: Washington, DC.)

Note.—Common control may be involved.

MC 55896 (Sub-No. 72F), filed April 5, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Port Clinton, OH, to Allegan, MI. (Hearing site: Detroit, MI.)

Note.—The purpose of this application is to substitute single line for joint line service. Common control may be involved.

MC 59150 (Sub-No. 128F), filed April 5, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, and accessories for plastic pipe*, from Greensboro, GA to points in NC, SC, VA, TN, AL, MS, LA, and FL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

MC 59856 (Sub-No. 79F), filed March 31, 1978. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, WY 82602. Representative: John R. Davidson, Rm. 805, Midland Bank Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive materials*, from points in WY to Metropolis, IL and Gore, OK. (Hearing site: Casper, WY or Cheyenne, WY.)

MC 61264 (Sub-No. 30F), filed March 31, 1978. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, NC 27102 Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. 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): (1) Between West Point, GA and Richmond, VA, from West Point over U.S. Hwy 29 to Altanta, GA, then over U.S. Hwy 78 to Athens, GA, then over U.S. Hwy 29 (also from junction U.S. Hwy 29 over alternate U.S. Hwy 29) to Lexington, NC, then over U.S. Hwy 52 to Winston-Salem, NC, then over U.S. Hwy 158 to Reidsville, NC, then over U.S. Hwy 29 to Danville, VA, then over U.S. Hwy 58 to South Boston, VA, then over VA Hwy 304 to junction U.S. Hwy 360, then over U.S. Hwy 360 to Richmond, and return over the same route; (2) between West Point, GA and Reidsville, NC, from West Point as specified above to Lexington, NC, then over U.S. Hwy 70 to Greensboro, NC, then over U.S. Hwy 29 to Reidsville, and return over the same route; (3) between Savannah, GA and Charlotte, NC, from Savannah over U.S. Hwy 17 to Hardeeville, SC, then over U.S. Hwy 321 to juction U.S. Hwy 21, then over U.S. Hwy 21 to Charlotte, and return over the same route; (4) between Columbia, SC and Twin Oaks, NC, from Columbia over U.S. Hwy 321 to junction U.S. Hwy 221 at or near Blowing Rock, NC, then over U.S. Hwy 221 to Twin Oaks, and return over the same route; (5) between Winstom-Salem, NC and Roanoke, VA, from Winston-Salem over U.S. Hwy 311 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Roanoke, and return over the same route; (6) between Savannah, GA and Junction U.S. Hwy 130 and Interstate Hwy 276, from Savannah over U.S. Hwy 17 to junction U.S. Hwy 13, then over U.S. Hwy 13 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction Interstate Hwy 276, and return over the same route; (7) between columbus, GA and Chattanooga, TN, from Columbus over GA Hwy 85 (also from Columbus over alternate U.S. Hwy 27 to junction GA Hwy 85) to Atlanta, GA, then over U.S. Hwy 41 to Chattanooga, and return over the same route; (8) between Chattanooga, TN and Roanoke, VA, from Chattanooga over U.S. Hwy 11 to Knoxville, TN, then over U.S. Hwy 11W to Bristol, VA, then over U.S. Hwy 11 to Roanoke, and return over the same route: (9) between Danville, VA and Washington, DC, from Danville over U.S. Hwy 29 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington and return over the same route; (10) between Windsor, NC and Winchester, VA, from Windsor over U.S. Hwy 17 to Fredericksburg, VA, then over U.S. Hwy 17 to Paris, VA, then over U.S. Hwy 50 to Winchester, and return over the same route; (11) between New Market, VA and Junction U.S. Hwy 11 and Interstate Hwy 70 near Hagerstown, MD, from New Market over U.S. Hwy 211 to Washington, DC, then over Interstate Hwy 270 to junction Interstate Hwy 70, near Frederick, MD, then over Interstate Hwy 70 (also over U.S. Hwy 40) to junction U.S. Hwy 11, near Hagerstown, and return over the same route; (12) between Durham, NC and Norfork, VA, from Durham over NC Hwy 98 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Rocky Mount, NC then over NC Hwy 97 to junction U.S. Hwy 258, then over U.S. Hwy 258 to Franklin, VA then over U.S. Hwy 58 to Norfolk, and return over the same route; (13) between Wilmington, NC and Petersburg, VA, from Wilmington over U.S. Hwy 117 to junction U.S. Hwy 301, then over U.S. Hwy 301 to Petersburh, and return over the same route; (14) between Rockingham, NC and junction U.S. Hwy 52 and 11, near Graham's Forge, VA, from Rockingham over U.S. Hwy 220 to junction U.S. Hwy 311, then over U.S. Hwy 311 to Winston-Salem, NC, then over U.S. Hwy 52 to junction U.S. Hwy 11, and return over the same route; (15) between Bristol, VA and Wilmington, NC, from Bristol over U.S. Hwy 421 to Wilmington, and return over the same route; (16) between Asheville, NC and Wilmington, NC, from Asheville, NC over U.S. Hwy 74 to Wilmington, NC and return over the same route; (17) between Charlotte, NC and Spring Hope, NC from Charlotte over NC Hwy 49 to Asheboro, NC, then over U.S. Hwy 64 to Spring Hope, and return over the same route; (18) between Laurinburg, NC and Henderson, NC, from Laurinburg over U.S. Hwy 401 to Raleigh, NC, then over U.S. Hwy 1 to Henderson, and return over the same route (19) beween Charlotte, NC and Hickory, NC, from Charlotte over NC Hwy 16 to Newton, NC, then over U.S. Hwy 321 to Hickory, and return over the same route; (20) between Charleston, SC and Statesville, NC, from Charleston over U.S. Hwy 52 to Salisbury, NC, then over U.S. Hwy 70 to Statesville, and return over the same route; (21) between Nags Head,

NC and Savannah, GA, from Nags Head over U.S. Hwy 64 to junction NC Hwy 42, then over NC Hwy 42 to Wilson, NC, then over U.S. Hwy 301 to junction U.S. Hwy 15, then over U.S. Hwy 15 to Walterboro, SC, then over Alternate U.S. Hwy 17 to junction U.S. Hwy 17, then over U.S. Hwy 17 to Savannah (also over U.S. Hwy 17 to junction Alternate U.S. Hwy 17 and then over Alternate U.S. Hwy 17 to Savannah), and return over the same route; (22) between Columbus, GA and Thomson, GA, from Columbus over U.S. Hwy 80 to Macon, GA, then over GA Hwy 49 to Milledgeville, GA, then over Ga Hwy 22 to Sparta, GA, then over GA Hwy 16 to Warrenton, GA, then over U.S. Hwy 278 to Thomson, and return over the same route: (23) Between Junction U.S. Hwy 378 and 78 and Myrtle, Beach, SC, from junction U.S. Hwy 378 and 78 over U.S. Hwy 378 to Conway, SC, then over U.S. Hwy 501 to Myrtle Beach, and return over the same route.

(24) Between Swainsboro, GA and Greenville, SC, from Swainsboro over U.S. Hwy 1 to Augusta, GA, then over U.S. Hwy 25 to Greenville, and return over the same route; (25) between Macon, GA and Athens, GA; from Macon over U.S. Hwy 129 to Athens, and return over the same route; (26) between Calhoun, GA and Charleston, SC, from Calhoun over GA Hwy 53 to Gainesville, GA, then over U.S. Hwy 129 to Athens, GA, then over U.S. Hwy 78 to Charleston, and return over the same route; (27) between Winston-Salem, NC and Cleveland, TN, from Winston-Salem over U.S. Hwy 158 to Mocksville, NC, then over U.S. Hwy 64 to Statesville, NC, then over U.S. Hwy 70 to Asheville, NC, then over U.S. Hwy 19 to Lake Junaluska, NC, then over U.S. Hwy 19A to junction U.S. Hwy 19, then over U.S. Hwy 19 to Murphy, NC, then over U.S. Hwy 64 to Cleveland, and return over the same route; (28) between Winston-Salem, NC and junction U.S. Hwys 70 and 11W near Knoxville, TN, from Winston-Salem as specified above to Asheville, NC then over U.S. Hwy 70 to junction U.S. Hwy 11W, and return over the same route; (29) between Charleston, SC and Atlanta, GA, from Charleston over U.S. Hwy 176 to Columbia, SC, then over U.S. Hwy 76 to Clinton, SC then over U.S. Hwy 276 to Greenville, SC, then over U.S. Hwy 123 to Cornelia, GA, then over U.S. Hwy 23 to Atlanta, and return over the same route; (30) between Winston-Salem, NC and Baltimore, MD, from Winston-Salem over U.S. Hwy 421 to Greensboro, NC, then over U.S. Hwy 70 to Durham, NC, then over U.S. Hwy 15 to Oxford, NC, then over U.S. Hwy 158 to Henderson, NC (also from junction U.S. Hwys 15 and BYP 158 over BYP 158 to junction U.S. Hwy 1), then over U.S. Hwy 1 to Baltimore, and return over the same route; (31) between Philadelphia, PA and Winston-Salem, NC, from Philadelphia over U.S. Hwy 13 to Wilmington, DE, then over U.S. Hwy 40 to Baltimore, MD, then over U.S. Hwy 1 to Henderson, NC, then over U.S. Hwy 158 to Oxford, NC (also from junction U.S. Hwys 1 and BYP 158 over BYP 158 to junction U.S. Hwy 15), then over U.S. Hwy 15 to Durham, NC, then over U.S. Hwy 70 to Greensboro, NC, then over U.S. Hwy 421 to Winston-Salem, and return over the same route; (32) between Lindley, NY and Walterboro, SC, from Lindley over U.S. Hwy 15 to Walterboro, and return over the same route; (33) between Waverly, NY and Port Jervis, NJ, from Waverly over U.S. Hwy 220 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Port Jervis, and return over the same route; (34) between Binghamton, NY and Columbus, GA, from Binghamton, NY over U.S. Hwy 11 to junction U.S. Hwys 11W and 11E, then over U.S. Hwy 11W (also U.S. Hwy 11E) to junction U.S. Hwy 11, then over U.S. Hwy 11 to Chattanooga, TN, then over U.S. Hwy 27 to Columbus (also from junction U.S. Hwys 27 and Alternate 27 over Alternate U.S. Hwy 27) and return over the same route; (35) between Binghamton, NY and junction Interstate Hwy 81 and U.S. Hwy 11 near Carlisle, PA, from Binghamton over Interstate Hwy 81 to junction U.S. Hwy 11 near Carlisle, and return over the same route; (36) between Scranton, PA and junction Interstate Hwys 380 and 80, from Scranton over Interstate Hwy 380 to junction Interstate Hwy 80, and return over the same route; (37) between junction Interstate Hwy 81 and PA Hwy 9 near Scranton, PA, and junction PA Hwy 9 and Interstate Hwy 276, from junction Interstate Hwy 81 over PA Hwy 9 to junction Interstate Hwy 276, and return over the same route; (38) between Tunkhannock, PA and Philadelphia, PA, from Tunkhannock over U.S. Hwy 6 to junction PA Hwy 309, then over PA Hwy 309 to junction PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route; (39) between Scranton, PA and Shickshinny, PA, from Scranton over U.S. Hwy 6 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction PA Hwy 315, then over PA Hwy 315 to junction PA Hwy 115, then over PA Hwy 115 to PA Hwy 309, then over PA Hwy 309 to junction unnumbered PA Hwy, then over unnumbered PA Hwy to junction PA Hwy 239, then over PA Hwy 239 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Shickshinny, and return over the same route; (40) between Tunkhannock, PA and Pittston, PA, from Tunkhannock, PA over U.S. Hwy 6 to junction PA Hwy 92, then over PA Hwy 92 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Pittston, and return over the same route.

(41) Between Scranton, PA and Philadelphia, PA; from Scranton over U.S. Hwy 11 to junction Interstate Hwy 380 to junction PA Hwy 435, then over PA Hwy 435 to junction PA Hwy 507, then over PA Hwy 507 to junction Interstate Hwy 380, then over Interstate Hwy 380 to junction PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route; (42) between junction U.S. Hwys 209 and 11 near Millersburg, PA and Port Jervis, NJ; from Millersburg over U.S. Hwy 209 to Port Jervis, and return over the same route; (43) between Harrisburg, PA and Baltimore, MD; from Harrisburg over Interstate Hwy 83 to Baltimore, and return over the same route; (44) between Pipersville, PA and junction PA Hwy 413 and U.S. Hwy 130 near Burlington, NJ; from Pipersville over PA Hwy 413 to junction NJ Hwy 413, then over NJ Hwy 413 to junction U.S. Hwy 130, and return over the same route; (45) between Trenton, NJ and Miami, FL; from Trenton over U.S. Hwy 1 to Miami, and return over the same route; (46) between junction Interstate Hwy 80 and PA Hwy 33 and Easton, PA; from junction Interstate Hwy 80 over PA Hwy 33 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Easton and return over the same route; (47) between junction PA Hwy 145 and U.S. Hwy 22 near Allentown, PA and Philadelphia, PA and junction PA Hwys 3 and 611; from junction PA Hwy 145 and U.S. Hwy 22 near Allentown over unnumbered PA Hwy to PA Hwy 29, then over PA Hwy 29 to junction PA Hwy 100, then over PA Hwy 100 to junction PA Hwy 3, then over PA Hwy 3 to Philadelphia, and return over the same route; (48) between Hereford, PA and Collegeville, PA; from Hereford over PA Hwy 29 to Collegeville, and return over the same route; (49) between junction U.S. Hwy 11 and PA Hwy 61 near Northumberland, PA and Philadelphia, PA; from junction U.S. Hwy 11 over PA Hwy 61 to junction U.S. Hwy 222, then over U.S. Hwy 222 to junction U.S. Hwys 222/422, then over U.S. Hwys 222/422 to junction U.S. Hwys 222 and 422, then over U.S. Hwy 422 to Philadelphia, and return over the same route; (50) between Philadelphia, PA and Harrisburg, PA; from Philadelphia over U.S. Hwy 422 to junction U.S. Hwy 322, then over U.S. Hwy 322 to Harrisburg, and return over the same route; (51) between junction U.S. Hwys 322 and 130 near Bridgeport, NJ and Harrisburg, PA; from junction U.S. Hwy 130 over U.S. Hwy 322 to Harrisburg, and return over the same route; (52) between junction Interstate Hwys 81 and 83 at Harrisburg, PA and junction Interstate Hwys 283 and 76;

from junction Interstate Hwy 81 over Interstate Hwy 83 to junction Interstate Hwy 283, then over Interstate Hwy 283 to junction Interstate Hwy 76 and return over the same route; (53) between Phillipsburg, NJ and Harrisburg, PA; from Phillipsburg over U.S. Hwy 22 to Harrisburg and return over the same route; (54) between junction U.S. Hwys 22/322 at M. Harvey Taylor Bridge, Harrisburg, PA to junction U.S. Hwys 11 and 15; from junction U.S. Hwys 22/322 over unnumbered Hwy to junction U.S. Hwys 11/15 and return over the same route; (55) between junction U.S. Hwys 30 and 130 near Camden, NJ and Chambersburg, PA; from junction U.S. Hwy 130 over U.S. Hwy 30 to Chambersburg and return over the same route; (56) between junction PA Hwy 309 and U.S. Hwy 222 near Allentown, PA and junction U.S. Hwys 222 and 40 near Havre De Grace, MD; from junction PA Hwy 309 over U.S. Hwy 222 to junction U.S. Hwy 40 and Return over the same route; (57) between junction Interstate Hwy 283 and PA Hwy 283 at Harrisburg, PA and Lancaster, PA; from junction Interstate Hwy 283 over PA Hwy 283 to Lancaster, and return over the same route; (58) between junction Interstate Hwy 84 and U.S. Hwy 6 near Port Jervis, NJ and junction Interstate Hwys 84 and 380 near Scranton, PA; from junction U.S. Hwy 6 over Interstate Hwy 84 to junction PA Hwy 348, then over PA Hwy 348 to junction PA Hwy 435, then over PA Hwy 435 to junction Interstate Hwy 380, and return over the same route; (59) between junction Interstate Hwy 80 and NJ Hwy 94 near Columbia, NJ and junction Interstate Hwy 80 and U.S. Hwy 15 near New Columbia, PA; from junction NJ Hwy 94 over Interstate Hwy 80 to junction U.S. Hwy 15 and return over the same route; (60) between junction Interstate Hwy 176 and U.S. Hwy 1 near Oxford, PA; from junction U.S. Hwy 422 over Interstate Hwy 176 to junction PA Hwy 10, then over PA Hwy 10 to junction U.S. Hwy 1, and return over the same route; (61) between Easton, PA and junction Interstate Hwys 78 and 81 near Ono, PA; from Easton over Interstate Hwy 78 to junction Interstate Hwy 81, and return over the same route; (62) between junction U.S. Hwy 209 and PA Hwy 248 near Weissport, PA and Allentown, PA; from junction U.S. Hwy 209 over PA Hwy 248 to junction PA Hwy 145, then over PA Hwy 145 to Allentown, and return over the same route; (63) between junction PA Hwys 611 and 512 near Mount Bethel, PA and Center Valley, PA; from junction PA Hwy 611 over PA Hwy 612 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 378, then over PA Hwy 378 to Center Valley, and return over the same route; (64) between junction PA Hwys 309 and 93 and junction PA Hwy 309 and Interstate Hwy 81; from junction PA Hwy 309 over PA Hwy 93 to junction Interstate Hwy 81, and return over the same route; (65) between junction Interstate Hwys 76 and 295 and junction Interstate Hwy 76 and Interstate Hwy 81; from junction Interstate Hwy 295 over Interstate Hwy 76 to junction Interstate Hwy 81, and return over the same route; (66) between junction U.S. Hwys 202 and 1 and junction U.S. Hwy 202 and Interstate Hwy 95; from junction U.S. Hwy 1 over U.S. Hwy 202 to junction Interstate Hwy 95, and return over the same route.

(67) Between junction PA Hwys 611 and 291 and junction PA unnumbered Hwy and U.S. Hwy 13, from junction PA Hwy 611 over PA Hwy 291 to junction unnumbered Hwy , then over unnumbered Hwy to U.S. Hwy 13, and return over the same route; (68) between junction Interstate Hwy 95 and U.S. Hwy 1 in PA and Savannah, GA, from junction U.S. Hwy 1 over Interstate Hwy 95 to junction Interstate Hwy 695, then over Interstate Hwy 695 to junction Interstate Hwy 95 to Savannah, GA and return over the same route; (69) between junction PA Hwy 32 and U.S. Hwy 202 near New Hope, PA and junction U.S. Hwys 202 and 30, from junction PA Hwy 32 over U.S. Hwy 202 to junction U.S. Hwy 3, and return over the same route; (70) between junction Interstate Hwys 76 and 276 and junction Interstate Hwy 276 and U.S. Hwy 130, from junction Interstate Hwy 276 over Interstate Hwy 76 to junction U.S. Hwy 130, and return over the same route; (71) between Buckingham, PA and Philadelphia, PA, from Buckingham, PA over PA Hwy 263 to junction PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route; (72) between Hillsville, VA and junction VA Hwy 100 and U.S. Hwy 11, from Hillsville over VA Hwy 100 to junction U.S. Hwy 11, and return over the same route; (73) between junction U.S. Hwy 40 and U.S. Hwy 11, from junction U.S. Hwy 130 over U.S. Hwy 40/Interstate Hwy 295 to junction U.S. Hwy 40 and Interstate Hwy 295, then over U.S. Hwy 40 to junction U.S. Hwy 11, and return over the same route; (74) between Bristol, VA and U.S. Hwy 80, from Bristol, VA over U.S. Hwy 19 to junction U.S. Hwy 19W, then over U.S. Hwy 19W to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 80, and return over the same route; (75) between junction U.S. Hwy 311 and 220 near Madison, NC and Greensboro, NC, from junction U.S. Hwy 311 over U.S. Hwy 220 in Greensboro, and return over the same route; (76) between Columbia, SC and junction Interstate Hwys 26 and 95, from Columbia over Interstate Hwy 26 to junction Interstate Hwy 95, and return over the same route; (77) between junction Interstate Hwys 270 and 495 to junction Interstate Hwys 495 and 95 south of Washington, DC, from junction Interstate Hwy 270 over Interstate Hwy 495 to junction Interstate Hwy 95, and return over the same route; (78) between junction Interstate Hwys 395 and 495 (Washington, DC) and junction Interstate Hwys 395/95, from junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 395, and return over the same route; (79) between junction Interstate Hwys 95 and 695 (Baltimore, MD) and junction Interstate Hwy 695 and Baltimore-Washington Parkway, from junction Interstate Hwy 95 over Interstate Hwy 695 to junction Baltimore-Washington Parkway, and return over the same route; (80) between Baltimore-Washington Parkway and junction Interstate Hwy 695 and junction Baltimore-Washington Parkway and Interstate Hwy 95, from junction Interstate Hwy 695 over Baltimore-Washington to junction Interstate Hwy 95, and return over the same route; (81) between Baltimore, MD and Culpeper, VA, from Baltimore, over U.S. Hwy 29 to Culpeper, and return over the same route; (82) between junction U.S. Hwy 13 and VA Hwy 32 and Sunbury, NC, from junction U.S. Hwy 13 over VA-NC Hwy 32 to Sunbury, and return over the same route; (83) between junction U.S. Hwy 50 and George Washington Memorial Parkway and junction U.S. Hwys 29/211, from junction U.S. Hwy 50 over the George Washington Memorial Parkway to junction U.S. Hwys 29/211, and return over the same route; (84) between junction U.S. Hwy 221 and U.S. Hwy 58 near Hillsville, VA and Norfolk, VA, from junction U.S. Hwy 221 over U.S. Hwy 58 to Norfolk, and return over the same route; (85) between Winchester, VA and Washington, DC, from Winchester over U.S. Hwy 50 to Washington, and return over the same route; (86) between junction Interstate Hwys 95 and 395 and junction VA Hwy 27 and U.S. Hwy 50, from junction Interstate Hwy 95 over Interstate Hwy 395 to junction VA Hwy 27, then over VA Hwy 27 to junction U.S. Hwy 50, and return over the same route.

(87) Between Interstate Hwys 66 and 495 and Strasburg, VA, from junction Interstate Hwy 495 over Interstate Hwy 66 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction VA Hwy 55, then over VA Hwy 55 to junction Interstate Hwy 66, then over Interstate Hwy 66 to junction VA Hwy 55, then over VA Hwy 55 to junction U.S. Hwy 522, then over U.S. Hwy 522 to junction Interstate Hwy 66, then over Interstate Hwy 66 to Strasburg, and return over the same route; (88) between junction U.S. Hwy 15 and U.S. Hwy 340 near Jefferson, MD and junc-

tion U.S. Hwy 340 and Front Royal, VA, from junction U.S. Hwy 15 over U.S. Hwy 340 to Front Royal, VA, and return over the same route; (89) between Winchester, VA and Powhatan, VA, from Winchester over U.S. Hwy 522 to Powhatan, and return over the same route; (90) between Harrisonburg, VA and Richmond, VA, from Harrisonburg over U.S. Hwy 33 to Richmond, and return over the same route; (91) between Staunton, VA and Richmond, VA, from Staunton over U.S. Hwy 250 to Richmond, and return over the same route; (92) between junction va Hwy 3 and U.S. Hwy 1 and junction VA Hwy 20 and U.S. Hwy 15, from junction U.S. Hwy 1 over VA Hwy 3 to junction VA Hwy 20, then over VA Hwy 20 to junction U.S. Hwy 15, and return over the same route; (93) between junction U.S. Hwy 460 and 11 near Roanoke, VA and Suffolk, VA, from junction U.S. Hwy 11 over U.S. Hwy 460 to Suffolk, and return over the same route; (94) between junction U.S. Hwy 17 and 258 and Franklin, VA, from junction U.S. Hwy 17 over U.S. Hwy 258 to Franklin, and return over the same route; (95) between junction U.S. Hwy 220 and VA Hwy 687 and junction VA Hwy 687 and U.S. Hwy 58 near Martinsville, VA, from junction U.S. Hwy 220 over VA Hwy 687 to U.S. Hwy 58, and return over the same route; (96) between junction U.S. Hwy 209 and PA Hwy 147 and junction PA Hwy 147 and U.S. Hwys 22/322, from junction U.S. Hwy 209 over PA Hwy 147 to junction U.S. Hwys 22/322, and return over the same route; (97) between junction U.S. Hwys 301 and 13 near Wilmington, DE and Petersburg, VA, from junction U.S. Hwy 13 over U.S. Hwy 301 (and 301N and 301S) to Petersburg, and return over the same route; (98) between Esom Hill, GA and Warrenton, GA, from Esom Hill over U.S. Hwy 278 to Warrenton, and return over the same route; (99) between Jacksonville, FL and Lake City, FL, from Jacksonville over U.S. Hwy 90 to Lake City, and return over the same route; (100) between Atlanta, GA and Savannah, GA, from Atlanta over U.S. Hwy 23 to Macon, then over U.S. Hwy 80 to Savannah, and return over the same route; (101) between Summerton, SC and Lexington, VA, from Summerton over U.S. Hwy 15 to Durham, NC, then over U.S. Hwy 501 to Lexington, and return over the same route; (102) between Georgetown, SC and Wytheville, VA, from Georgetown over U.S. Hwy 521 to Pineville, NC, then over U.S. Hwy 21 to Wytheville, and return over the same route; (103) between Kershaw, SC and Mount Airy, NC, from Kershaw over U.S. Hwy 601 to Mount Airy, and return over the same route; (104) between Greenville, SC and junction U.S. Hwys 25E and 11W, from Greenville over U.S. Hwy 25 to Newport, TN, then over U.S. Hwy 25E to junction U.S. Hwy 11W, and return over the same route; (105) between Durham, NC and Atlantic, NC, from Durham over U.S. Hwy 70 to Atlantic, and return over the same route; (106) between Augusta, GA and Raleigh, NC, from Augusta over U.S. Hwy 1 to Raleigh, and return over the same route; (107) between Statesboro, GA and junction U.S. Hwys 15 and 301, from Statesboro over U.S. Hwy 301 to junction U.S. Hwy 15, and return over the same route; (108) between Georgetown, SC and Smithfield, NC, from Georgetown over U.S. Hwy 701 to Smithfield, and return over the same route; (109) between Reidsville, NC and Nags Head, NC, from Reidsville over U.S. Hwy 158 to Nags Head, and return over the same route; (110) between Roanoke, VA and junction U.S. Hwys 80 and 221,, from Roanoke over U.S. Hwy 221 to junction U.S. Hwy 80, and return over the same route; (111) between Lexington, VA and junction U.S. Hwy 158 and NC Hwy 168, from Lexington over U.S. Hwy 60 to junction VA Hwy 168, then over VA Hwy 168 to the VA-NC State Line, then over NC Hwy 168 to junction U.S. Hwy 158, and return over the same route; (112) between Asheville, NC and Athens, GA, from Asheville over U.S. Hwy 441 to Athens, and return over the same route.

(113) Between Dalton, GA and Wilmington, NC, from Dalton over GA Hwy 52 to junction U.S. Hwy 76, then over U.S. Hwy 76 to Wilmington, and return over the same route; (114) between Savannah, GA and Jacksonville, FL, from Savannah over Interstate Hwy 16 to junction Interstate 95, then over Interstate Hwy 95 (also from Savannah over U.S. Hwy 17) to Jacksonville, and return over the same route; (115) between Statesboro, GA and Jacksonville, FL, from Statesboro over U.S. Hwy 301 to junction U.S. Hwy 1 near Folkston, GA then over U.S. Hwy 1 to Jacksonville, and return over the same route; (116) between Jacksonville, FL and St. Petersburg, FL, from Jacksonville over U.S. Hwy 17 to junction Interstate Hwy 4 (also from Jacksonville over Interstate Hwy 95 to junction Interstate Hwy 4), then over Interstate Hwy 4 to St. Petersburg, and return over the same route; (117) between junction U.S. Hwys 1 and 301 near Callahan, FL, and junction U.S. Hwy 301 and Interstate Hwy 4, about 2 miles east of Tampa, from junction U.S. Hwy 1 over U.S. Hwy 301 to junction U.S. Hwy 301 and Interstate Hwy 4, and return over the same route; (118) between Palatka, FL and Gainesville, FL, from Palatka over FL Hwy 20 to Gainesville, and return over the same route; (119) between Waldo, FL and junction FL Hwy 24 and Interstate Hwy 75, at or near Gainesville, FL, from Waldo over FL Hwy 24 to junction Interstate Hwy 75, near Gainesville, and return over the same route; (120) between Miami, FL and junction of Interstate Hwys 95 and 4, near Daytona Beach, FL, from Miami over Interstate Hwy 95 to junction Interstate Hwys 95 and 4, and return over the same route; (121) between Rome, GA and junction U.S. Hwy 411 and Interstate Hwy 75, from Rome over U.S. Hwy 411 to junction Interstate Hwy 75, and return over the same route; (122) between junction of Interstate Hwy 75 and FL Turnpike (Sunshine State Parkway), at or near Wildwood, FL and junction FL Turnpike (Sunshine State Parkway) and Interstate Hwy 95 at or near North Miami Beach, FL, from junction of Interstate Hwy 75 over FL Turnpike (Sunshine State Parkway) to the junction of Interstate Hwy 95, at or near North Miami Beach, and return over the same route; (123) between junction FL Turnpike (Sunshine State Parkway) and U.S. Hwy 17, near Taft, FL and Kissimmee, FL, from junction FL Turnpike (Sunshine State Parkway) over U.S. Hwy 17 to Kissimmee, and return over the same route; (124) Between Charlotte, NC and Atlanta, GA, from Charlotte over Interstate Hwy 85 to Atlanta, and return over the same route; (125) between Atlanta, GA and Tampa, FL, from Atlanta over Interstate Hwy 75 (also over Interstate Hwy 475) to Tampa, and return over the same route; (126) between Atlanta, GA and junction U.S. Hwy 41, Interstate Hwy 75 near Bolingbroke, GA, from Atlanta over U.S. Hwy 41 to junction Interstate Hwy 75, near Bolingbroke, and return over the same route; (127) between Wadley, GA and junction U.S. Hwy 319 and Interstate Hwy 75, near Tipton, GA, from Wadley over U.S. Hwys 319 and 441 to McRae, GA, then over U.S. Hwy 441 to junction U.S. Hwy 319, then over U.S. Hwy 319 to Interstate Hwy 75 and return over the same route; (128) between Tampa, FL and Miami, FL, from Tampa over U.S. Hwy 41 to Miami, and return over the same route; (129) between Belleview, FL and Miami, FL, from Belleview over U.S. Hwy 27 to Miami, and return over the same route; (130) between junction U.S. Hwy 17 and Interstate Hwy 4 and Punta Gorda, FL, from junction Interstate Hwy 4 over U.S. Hwy 17 to Punta Gorda, and return over the same route; (131) between Alachua, FL and junction U.S. Hwy 301, from Alachua, FL over U.S. Hwy 441 to junction U.S. Hwy 441/301, and return over the same route; (132) between Fort Myers, FL and junction U.S. Hwy 441 and U.S. Hwy 1 near Palm Beach, FL, from Fort Myers, over FL Hwy 80 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 441, then over U.S. Hwy 441 to junction U.S. Hwy 1 and return over the same route; (133) be-

tween Towanda, PA and Mansfield, PA, from Towanda over U.S. Hwy 6 to Mansfield, and return over the same route; (134) between Tampa, FL and junction FL's Turnpike, from Tampa over FL Hwy 60 to junction FL's Turnpike, and return over the same route; (135) between junction U.S. Hwy 258 near Franklin, VA and junction VA Hwy 189 and U.S. Hwy 58, from junction U.S. Hwy 258 over VA Hwy 189 to junction U.S. Hwy 58, and return over the same route.

(136) Between Columbia, SC and Myrtle Beach, SC, from Columbia over interstate Hwy 20 to junction SC Hwy 576, then over SC Hwy 576 to junction U.S. Hwy 501, then over U.S. Hwy 501 to Myrtle Beach, and return over the same route; (137) between Augusta, GA and Statesboro, GA; from Augusta over U.S. Hwy 25 to Statesboro and return over the same route. Serving all points in NC, SC, and VA, those points in GA on and north of U.S. Hwy 80, those in FL east of the eastern boundaries of Leon and Walulla Counties, FL, those in PA on and east of a line beginning at the PA-MD boundary and extending north over U.S. Hwy 11 to junction Interstate Hwy 81 at or near Middlesex, PA, then over Interstate Hwy 81 to junction U.S. Hwy 15, then over U.S. Hwy 15 to the PA-NY boundary, those in Russell County, AL, Chattanooga, TN and Mountain City, TN, as intermediate or off-route points in connection with carrier's operation over routes 1 through 137 described above. Serving all terminal and intermediate points on the above routes in NY, NJ, DE, MD, TN, except Chattanooga and Mountain City, and those in GA south of U.S. Hwy 80 for joinder only. (Hearing sites: Orlando, FL, Atlanta, GA, Charlotte, NC, Washington, DC, and Allentown, PA.)

MC 61445 (Sub-No. 7F), filed April 3, 1978. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Avenue, Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used structural steel, beams, angles, channels, plate, pipe, shapes and casing and new and used construction and equipment mats*, between Keasbey, NJ, Baltimore, MD, Washington, DC, and Atlanta, GA, in nonradial movements. (Hearing site: Washington, DC.)

MC 64808 (Sub-No. 35F), filed March 31, 1978. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, P.O. Box 507, Fairmont, WV 26554. Representative: Stanley E. Levine, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the facilities of Friday Canning Corp. located at or near New Richmond, Gillett, Coleman, Eden, and Oakfield, WI, to points in DE, KY, MD, NJ, NC, OH, PA, SC, TN, VA and WV. (Hearing site: Washington, DC, Pittsburgh, PA, or Milwaukee, WI.)

MC 78228 (Sub-No. 76F), filed March 31, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke and pig iron, in bulk, in dump vehicles*, between Toledo, OH, on the one hand, and, on the other, points in KY, MI, OH, and WI. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 78228 (Sub-No. 77F), filed March 31, 1978. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, refractory products, zinc and zinc alloys, nickel and nickel articles* (except commodities in bulk, in dump vehicles) from the facilities of S. H. Bell Co., at Hyde Park Township, Cook County, IL, to points in IN, IL, IA, MI, MN, MO, OH, and WI. (Hearing site: Washington, DC or Chicago, IL.)

MC 79687 (Sub-No. 13F), filed March 31, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, materials, equipment and supplies used in the manufacture, sale or distribution of containers*, between the facilities of Foster-Forbes Glass Co., Cornplanter Township, Venango County, PA, on the one hand, and, on the other, point in IL, IN, KY, MI, OH, and WI. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 90870 (Sub-No. 5F), filed March 31, 1978. Applicant: GLEN R. RIECHMANN, d.b.a. RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Iron and steel articles*, from Chicago, IL, to points in IL and MO. (Hearing site: Chicago, IL, St. Louis, MO, or Washington, DC.)

MC 95876 (Sub-No. 235F), filed April 5, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel tanks*, knocked down or assembled, and *equipment, materials* and *supplies* used in the assembly, installation and erection of steel tanks, between St. Paul, MN, on the one hand, and, on the other, points in the United States including AK (except HI); (2) *Materials and supplies* used in the manufacture of steel tanks, from points in the United States (except AK and HI), to St. Paul, MN; and (3) *Equipment, materials and supplies* used in the assembly, installation and erection of steel tanks, between points in the United States including AK (except HI). (Hearing site: Minneapolis, MN or Washington, DC.)

MC 100666 (Sub-No. 393F), filed March 31, 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: *Such commodities* as are dealt in by retail home improvement and home furnishing and lumber stores (except commodities in bulk), between points in AR, CO, IL, IN, IA, KS, KY, LA, MS, MO, NE, OH, OK, TN, and TX, in non radial movement. Restricted to shipments destined to the retail facilities of the Wickes Corp. in the above indicated States. (Hearing site: Chicago, IL.)

MC 100666 (Sub-No. 394F), filed March 31, 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: *Lumber* and *lumber products*, between the facilities of Walnut Products, Inc., and C & D Sales at St. Joseph, MO., on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 106674 (Sub-No. 308F), filed April 3, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp.,

at Aliquippa and Pittsburgh, PA, to points in AR, IN, KY, MO, and TN, restricted to the transportation of shipments originating at the named facilities and destined to the indicated destinations. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 107107 (Sub-No. 467F), filed March 31, 1978. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* (except foods and foodstuffs, 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 FL: (1) From Jacksonville, FL over U.S. Hwy 1 to Key West and return over the same route, (2) from Miami over Interstate Hwy 95 to Jacksonville and return over the same route, (3) from Miami over U.S. Hwy 27 to Tallahassee and return over the same route, (4) from Miami over U.S. Hwy 41 to Brooksville and return over same route, (5) from Miami over FL Turnpike to junction I-75 at or near Wildwood and return over the same route, (6) from West Palm Beach over U.S. Hwy 98 to Perry and return over same route, (7) from Tampa, FL over Interstate Hwy 4 to Daytona Beach and return over same route, (8) from Tampa over Interstate Hwy 75 to junction I-10 near Lake City and return over same route, (9) from Ocala over U.S. Hwy 301 to Jacksonville and return over same route, (10) from Jacksonville over Interstate Hwy 10 and/or U.S. Hwy 90 to Pensacola and return over same route, (11) from Orlando over U.S. Hwy 17 to Punta Gorda and return over same route, serving all intermediate points on routes 1 through 11 and all other points in Florida as off-route points. (Hearing site: Miami, FL.)

MC 107478 (Sub-No. 33F), filed April 4, 1978. Applicant: OLD DOMINION FREIGHT LINE, a Corporation, 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, landscape timbers, and pallets,* from Kinsale, VA, to points in CT, DE, FL, GA, IL, ID, IA, MA, ME, MD, MI, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, and DC. (Hearing site: Washington, DC.)

MC 108341 (Sub-No. 100F), filed April 3, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representative: Morton E, Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural, forestry and nursery machinery, equipment and implements, other than hand,* from the facilities of R. A. Whitfield Manufacturing Co., at or near Mableton, GA, to points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

MC 109397 (Sub-No. 405F), filed April 4, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, lumber and lumber products, plywood, machinery, and heavy and bulky articles, and self-propelled articles,* from Savannah, GA, to points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Atlanta, GA or Birmingham, AL.)

NOTE.—Common control may be involved.

MC 109397 (Sub-No. 408F), filed April 4, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Self-propelled articles, and equipment, parts and attachments* for self-propelled articles, between Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Crane Carrier Company in Tulsa, OK. (Hearing site: Tulsa, OK or Dallas, TX.)

NOTE.—Common control may be involved.

MC 111302 (Sub-No. 124F), filed April 5, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen, P.O. Box 10470, Knoxville, TN 37919. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Clayton, Cobb, DeKalb, and Fulton Counties, GA, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 111302 (Sub-No. 125F), filed April 5, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen, P.O. Box 10470, Knoxville, TN 37919. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from Chattanooga, TN, to points in AL, FL, GA, MS, NC, and SC. Restricted against the transportation of commodities in bulk, from the facilities of Bulk Distribution Center in Chattanooga, TN. (Hearing site: Atlanta, GA.)

MC 112304 (Sub-No. 146F), filed March 31, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tractor and agricultural machinery parts and attachments,* from Louisville, KY, to Rock Island and East Moline, IL. Restriction: Restricted to traffic originating at and destined to the plant sites or warehouse facilities used by IHC at the above named points. (Hearing site: Chicago, IL or Louisville, KY.)

MC 113267 (Sub-No. 360F), filed March 31, 1978. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, TN 38130. Representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., Champaign, IL, to points in FL and GA, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 113434 (Sub-No. 98F), filed March 31, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass containers and glass container accessories, caps, covers and accessories therefor, and cartons* when moving in mixed shipments with glass containers, from points in IN, to points in MI and Lucas County, OH, and (2) *fiberboard boxes and sheets,* from Gas City, IN, to Charlotte, MI. (Hearing site: Washington, DC or Chicago, IL.)

MC 113678 (Sub-No. 739F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Authority sought to operate as

a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rugs, carpets, floor coverings, carpet padding,* and articles used or useful in the installation thereof (except commodities in bulk), from points in GA to points in OR and WA, restricted to traffic originating at and destined to the named points, or destined to points located on the United States/Canada International Border for interchange to final destinations located outside the boundaries of the 48 contiguous United States. (Hearing site: Seattle, WA.)

MC 113678 (Sub-No. 745F), filed March 31, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Beverage and dessert ingredients and preparations* (except commodities in bulk), between Bridgeton, MO, and City of Industry, CA, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to traffic originating at, and destined to, the facilities of or utilized by Consolidated Flavor Corp. at or near Bridgeton, MO, and City of Industry, CA. (Hearing site: St. Louis, MO.)

MC 114045 (Sub-No. 494F), filed March 31, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas/Fort Worth Airport, TX 75261. Representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen Foods,* from the facilities used by Ore-Ida Foods, Inc., at or near Plover, WI, to points in AR, LA, NM, OK, and TX, restricted against the transportation of commodities in bulk, and (2) *Frozen foods,* (except commodities in bulk), from the facilities of Terminal Ice and Cold Storage Co., at or near Plover, WI, to points in AR, LA, NM, OK, and TX, and *returned, refused and rejected merchandise* in the reverse direction. (Hearing site: Chicago, IL or Dallas, TX.)

NOTE.—Common control may be involved.

MC 114211 (Sub-No. 357F), filed April 5, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 210 Beck Street, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel, conduit, pipe and tubing,* from the facilities of Wheatland Tube Co., located at or near Wheatland, PA, to points in AR, MO, TX, OK, CO, WY, IA, NE, LA, KS, ND, and SD. (Hearing site: Pittsburgh, PA, Cleveland, OH, or Washington, DC.)

MC 114457 (Sub-No. 397F), filed March 30, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail department stores (except those of unusual value, classes A and B explosives and commodities in bulk), from points in the United States, in and east of MT, WY, CO, OK, and TX, to Minneapolis, MN. (Hearing site: St. Paul, MN or Chicago, IL.)

MC 115654 (Sub-No. 87F), 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: *Bags and bagging,* from Nashville, TN, to points in OH, IN, IL, and points in MI on and south of MI Highway 21. (Hearing site: Nashville TN or Washington, DC.)

MC 115654 (Sub-No. 89F), filed March 30, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th & Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Medical, dental, and consumer care products,* from Chattanooga, TN, Nashville, TN, and Cincinnati, OH, to points in KY and WV. (Hearing site: San Francisco, CA or Nashville, TN.)

MC 116763 (Sub-No. 411F), filed April 5, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Flour, corn meal, grits, and flour and meal based baking mixes,* (except in bulk), from Memphis, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC, TX, VA and WV. (Hearing site: St. Louis, MO.)

MC 117344 (Sub-No. 270F), filed March 31, 1978. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, OH 45215. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron Oxide,* in bulk, in tank vehicles, from Toledo, OH to Washington, IN. (Hearing site: Columbus, OH.)

MC 117574 (Sub-No. 309F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Water filtering and water treatment equipment,* and (2) *municipal and industrial waste treatment equipment* (except commodities in bulk), between the facilities of General Filter Co., at or near Ames, IA, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, KS, KY, LA, MI, MN, MO, MS, MT, ND, NE, NM, NC, OK, SC, SD, TN, TX, WI, and WY. (Hearing site: Des Moines, IA or Chicago, IL.)

NOTE.—Common control may be involved.

MC 117574 (Sub-No. 310F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Georgetown, SC, and Savannah, GA, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Atlanta or Savannah, GA or Georgetown, SC.)

NOTE.—Common control may be involved.

MC 117574 (Sub-No. 311F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Grain, garbage, refuse, trash and other material handling trucks, truck bodies, and equipment,* and (2) *attachments, accessories, and parts* used in connection with the commodities in (1) above, from the facilities of Kaffenbarger Welding Service, New Carlisle, OH; Manning Equipment Co., Louisville, KY; and Wayne Engineering Corp., Cedar Falls, IA, to points in the United States in and east of CO, NE, NM, ND, and SD. Restriction: Restricted to the transportation of shipments originating at the above-named facilities and destined to points in the above-named destination territory. (Hearing site: Des Moines, IA or Chicago, IL.)

NOTE.—Common control may be involved.

MC 117851 (Sub-No. 26F), filed April 3, 1978. Appplicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, OH 45846.

Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Marysville, OH, on the one hand, and on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Ray Lewis & Son, Inc., of Marysville, OH. (Hearing site: Columbus, OH.)

MC 118989 (Sub-No. 187F), filed March 31, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, accessories, materials, and supplies* used in connection with the manufacture and distribution of containers (except commodities in bulk and those which, because of size or weight, require use of special equipment), from the plant and warehouse facilities of Crown Cork & Seal Co., Inc., located at or near Bradley and Chicago, IL; Faribault and Lakeville, MN; St. Louis, MO; Perrysburg, OH; and Milwaukee, WI, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 118989 (Sub-No. 188F), filed March 31, 1978. Applicant: CONTAINER TRANSIT INC., 5223 South 9th Street, Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, accessories, materials, and supplies* used in connection with the manufacture and distribution of containers (except commodities in bulk and those which, because of size or weight, require use of special equipment), from Addison and West Chicago, IL, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL.)

MC 119777 (Sub-No. 348F) (correction), filed March 14, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L," Madisonville, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forgings, and pipe, couplings, and fittings*, from Louisville, KY, to points in the United States (except AK and HI). (Hearing site: Louisville, KY or Cincinnati, OH.)

NOTE.—The purpose of this republication is to correct the commodity description which was incorrectly published in the FEDERAL REGISTER. Applicant holds contract carrier authority in MC 126970 (Sub-No. 1) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved.

MC 123255 (Sub-No. 154F), filed April 3, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, gas and electric, and parts, materials, supplies, and equipment* used in the manufacture, distribution, or repair of appliances, from the facilities of Whirlpool Corp., at Clyde, Marion, and Findlay, OH, and Evansville, IN, to points in the United States on and east of U.S. Hwy 85, (Hearing site: Columbus, OH.)

Note.—Common control may be involved.

MC 123819 (Sub-No. 57F), filed March 31, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products, animal and poultry feed and fish feed, and ingredients thereof*, from Ochlocknee, GA; Red Bay AL; and Tupelo, MS, to points in AL, AR, LA, MS, MO, OK, TN, IL, IN, WI, MI, KY, and TX; restricted against the transportation of animal and poultry feed and meals from Red Bay, AL; and Tupelo, MS, to points in AL, AR, LA, MS, and TN. (Hearing site: Mobile, AL.)

MC 123819 (Sub-No. 58F), filed March 31, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bags*, from Jacksonville, AR, to points in AL, AR, LA, MS, GA, TN, IL, IN, IA, NY, PA, MO, WI, KY, MN, and the Lower Peninsula of MI, and (2) *materials and supplies* used in the manufacture, sale, and distribution of bags, from the the destination States named in (1) above, to Jacksonville, AR. Restriction: Authority is restricted against the transportation of bags used in the transportation of animal and poultry feed, meals, and fertilizer and fertilizer ingredients, from Jacksonville, AR, to points in AL, AR, LA, MS, and TN. (Hearing site: Memphis, TN or Little Rock, AR.)

MC 124211 (Sub-No. 324F), filed April 5, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree or weed killing compounds, and chemicals* (except in bulk), from points in Lowndes County, MS, to points in AZ, CA, ID, OR, and WA. (Hearing site: San Francisco. CA.)

NOTE: Common control may be involved.

MC 125335 (Sub-No. 12F), filed March 31, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 81849, Lincoln, NE 68501. 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 AZ, CA, ID, OR, WA, WY, MS, MT, NV, AK, and HI). (Hearing site: Traverse City, MI or Harrisburg, PA.)

NOTE: Common control may be involved.

MC 125777 (Sub-No. 214F), filed April 3, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, from Fairport Harbor, OH, to points in IN, MI, NY, PA, and WV. (Hearing site: Chicago, IL.)

MC 126276 (Sub-No. 190F), filed April 5, 1978. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, glassware, packaging products, container components, and scrap materials, and material, equipment, and supplies used in the manufacture, sale, and distribution of the foregoing commodities* (except commodities in bulk in tank vehicles and those which because of size and weight require the use of special equipment), between points in the United States (except AK, HI, WA, OR, ID, CA, NV, and UT), in nonradial movements, under a continuing contract or contracts with Owens-Illinois, Inc., of Toledo, OH. (Hearing site: Chicago, IL.)

MC 126358 (Sub-No. 16F), filed March 31, 1978. Applicant: LAWRENCE L. BENNETT, d.b.a. Bennett Trucking Co., P.O. Box 526, Hawkinsville, GA 31036. Representative: Paul

M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Veneer*, from Hawkinsville, GA, to points in AL, FL, IN, KY, MI, MS, NC, SC, TN, TX, VA, and WI; and (2) *lumber* (except plywood and veneer), from Hawkinsville, GA, to points in AL, NC, SC, TN, and VA. (Hearing site: Jacksonville, FL.)

NOTE.—Common control may be involved.

MC 129387 (Sub-No. 53F), filed March 31, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. 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: *Edible flour, dessert preparations, preserves, and corn sugar* (except frozen commodities and commodities in bulk), from the facilities of International Multifoods located at Melrose Park, IL, to points in FL, GA, KS, KY, LA, MA, MI, MO, NE, NJ, NY, ND, OH, PA, SD, and TX. Restriction: Restricted to traffic originating at the named origin and destined to the named destination States. (Hearing site: Chicago, IL.)

MC 133175 (Sub-No. 7F), filed April 4, 1978. Applicant: METALS TRANSPORT CO., a corporation, 1140 Poland Avenue, Youngstown, OH 44502. Representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallet racks and parts of pallet racks*, from the facilities of Republic Steel Corp., Manufacturing Division, at or near Youngstown, OH, to points in AL, FL, GA, MS, NC, SC, and TN, under a continuing contract, or contracts, with Republic Steel Corp. of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 134477 (Sub-No. 226F), filed March 31, 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: *Paper, paper products, woodpulp, wood cellulose flour and cabinets, dispensers, or holders for paper products* (except commodities in bulk), from Old Town, ME and Berlin, Gorham, and Groveton, NH, to points in AL, AR, CO, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MS, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: Minneapolis, MN.)

MC 134477 (Sub-No. 232F), filed March 31, 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: *Foodstuffs*, canned or bottled (except in bulk), (1) from the facilities of William Underwood & Co. at or near Portland, ME, to Denver, CO, Atlanta, GA, Chicago, IL, St. Paul, MN, Hannibal, MO, Cleveland and Columbus, OH, Oklahoma City, OK, Dallas and Houston, TX, and Milwaukee, WI; and (2) from the facilities of William Underwood & Co. at or near Hannibal, MO to Chicago, IL, St. Paul, MN, and Milwaukee, WI, restricted in (1) and (2) above to the traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Minneapolis, MN.)

MC 134838 (Sub-No. 18F), filed March 31, 1978. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, GA 30318, Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crossties*, between points in AL and points in NC and SC, in nonradial movement. (Hearing site: Atlanta, GA.)

MC 135684 (Sub-No. 68F), (correction), filed March 13, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, and republished, as corrected, this issue. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chewing gum, and novelties*, from Duryea and Scranton, PA, to points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Washington, DC or Newark, NJ.)

NOTE.—The purpose of this republication is to show the destination of AZ in lieu of AR as previously published.

MC 138704 (Sub-No. 2F), filed March 31, 1978. Applicant: GARY L. DUNPHY, Embden, ME 04958. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., 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, under a continuing contract, or contracts, with Moose River Lumber Co. (Hearing site: Washington, DC.)

MC 138732 (Sub-No. 12F), filed March 31, 1978. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, Orange, CA 92667. Representative: Michael Eggleton, P.O. Box 5546, Orange, CA 92667. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and glass containers and materials, equipment and supplies* used in the manufacture and distribution of paper, paper products, and glass containers, between points in CA, on the one hand and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Applicant holds contract carrier authority in MC 133928 and subs thereunder, therefore dual operations may be involved.

MC 138882 (Sub-No. 64F), filed April 5, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. 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: *Foodstuffs* (except frozen and commodities in bulk), (1) from the facilities of Vlasic Foods, Inc., located at Bridgeport, Imlay City, and Memphis, MI, to the facility of Vlasic Foods, Inc., located at Greenville, MS, and (2) from facilities of Vlasic Foods, Inc., located at Greenville, MS, to points in AL, AR, CO, FL, GA, KS, KY, LA, MO, NM, OK, TN, TX IL and IN. (Hearing site: Montgomery or Birmingham, AL.)

MC 139206 (Sub-No. 38F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., P.O. Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washinton, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiators, radiator cores, coolers, heat exchangers, heaters, copper articles, solder, tubes, and copper sheets, and parts and accessories* therefor, and (2) *materials, equipment, and supplies* used in the manufacture, sale, assembly, transportation, processing, repair, coating, and distribution of the commodities in (1) above (except commodities in bulk), between Sacramento, CA on the one hand and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and the purpose of this application is to enable the shipper to replace its private carriage with

the contract carrier services of applicant. Applicant already holds similar authority for the shipper between thirteen (13) other locations of the shipper on the one hand and, on the other, points in the United States. (2) Common control and dual operations may be involved.

MC 139206 (Sub-No. 39F), filed March 31, 1978. Applicant: F. M. S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiator cores; radiators; intercoolers; radiator fans; radiator parts; automotive heaters; and parts and accessories* therefor; and (2) *materials, equipment, and supplies* used in the manufacture, assembly, sale, installation, repair, cleaning, distribution, packing, and transportation of the commodities in (1) above (except in bulk), between San Francisco, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and the purpose of this application is to enable the shipper to replace its private carriage with the contract carrier services of Applicant. Applicant already holds similar authority for the shipper between thirteen (13) other locations of the shipper, on the one hand, and, on the other, points in the United States. (2) Common control and dual operations may be involved.

MC 139206 (Sub-No. 40F), filed March 31, 1978. Applicant: F. M. S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings, and parts and accessories* therefor; and (2) *materials, equipment and supplies* used in the manufacture, processing, finishing, shaping, packing, sale, distribution, and transportation of the commodities in (1) above (except in bulk), between St. Paul, MN, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant is a commonly controlled contract carrier for and on behalf of Chromalloy American Corp. and the purpose of this application is to enable the shipper to replace its private carriage with the contract carrier services of applicant. Applicant already holds similar authority for the shipper between thirteen (13) other locations of the shipper, on the one hand, and, on the other, points in the United States. (2) Common control and dual operations may be involved.

MC 139206 (Sub-No. 42F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery; farm equipment; farm implements; disks; augers; mulchers; agri-elevators; conveyors; plow-shins; plowshares; planter runners; cultivators; trash boards; harrows;* and *landside plates; and parts* and *accessories* therefor; and (2) *materials, equipment* and *supplies* used in the manufacture, assembly, sale, distribution, repair, maintenance, processing, transportation, and finishing of the commodities in (1) above (except commodities in bulk), between Kirksville, MO, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and that the purpose of this application is to enable the shipper to substitute the contract carrier services of applicant for its private carriage. Applicant further states that it already holds authority to provide similar service for the shipper between thirteen (13) points on the one hand, and, on the other, points in the United States (except AK and HI). (2) Applicant also states that dual operations and common control may be involved.

MC 139495 (Sub-No. 346F), filed March 31, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th 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: (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 AR, LA, OK, and TX; 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.)

MC 140024 (Sub-No. 94F), filed March 31, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: John H. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth, fabric, and plastic materials*, (except in bulk), from points in CT and MA, to points in CO, restricted to traffic originating at named origins and destined to named destinations. (Hearing site: Denver, CO.)

NOTE.—Common control may be involved.

MC 140820 (Sub-No. 3F), filed March 31, 1978. Applicant: A & R TRANSPORT, INC., 2996 North Illinois 71, Rural Route No. 3, Ottawa, IL 61350. Representative: James R. Madler, 120 West Madison Street, Suite 718, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, between points in IL on and north of U.S. Hwy 36, on the one hand, and, on the other, points in IL, IN, IA, MI, and WI. (Hearing site: Chicago, IL.)

MC 141005 (Sub-No. 1F), filed March 30, 1978. Applicant: ALBERT REITER, 158 Brian Drive, Willowdale, ON, Canada M2J 3z1. Representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, toys, and parts for new furniture and toys*, between the ports of entry on the International Boundary line between the United States and Canada located on the Niagara River in NY, on the one hand, and, on the other, points in AZ, CA, GA, IL, IN, MD, MA, MI, MN, NJ, NY, NC, OH, PA, TX, WV, and WI; (2) *Paper board*, from points in GA, IL, IN, MD, MA, MI, MN, NJ, NY, NC, OH, PA, WV, and WI, to the port of entry on the International Boundary line between the United States and Canada located on the Niagara River, NY, and returned shipments in the reverse direction; and (3) *Bathroom accessories*, from points in GA, IL, IN, MD, MA, MI, MN, NJ, NY, NC, OH, PA, WV, and WI, to the ports of entry on the International Boundary line between the United States and Canada, located on the Niagara River, NY, and returned shipments in the reverse direction. (Hearing site: Buffalo, NY.)

MC 141912 (Sub-No. 9F), filed April 3, 1978. Applicant: MIDWEST TRANSPORT INC., 65 State Street (SH), Hutchinson, KS 67505. Representative: J. J. Knotts, Jr. (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting foodstuffs between the facilities of Stokely-Van Camp, Inc., at or near Lawrence, KS, on the one hand, and, on the other, points in the United States (except AK and HI).

(Hearing site: Kansas City, MO or Wichita, KS.)

MC 143059 (Sub-No. 14F), filed March 31, 1978. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th and Main Streets, P.O. Box 11129, Louisville, KY 40211. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles), from Henderson, KY and Mechanicsburg, PA, to points in the United States (except AK and HI). (Hearing site: Louisville, KY or Washington, DC.)

MC 143095 (Sub-No. 4F), filed March 31, 1978. Applicant: NEW ENGLAND TRANSPORT, INC. LTD., P.O. Box 441, Springfield, VT 05156. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, of *Prefabricated log buildings*, from Hartland, VT to points in TN. (Hearing site: Rutland, VT or Washington, DC.)

NOTE.—Common control may be involved.

MC 144201. Applicant: V. M. P. ENTERPRISES, INC., 3006 South 40th Street, Milwaukee, WI 53215. Representative: William C. Dineen, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in initial movements, in driveaway service, from Loudonville and Delaware, OH, to points in the United States (including AK but excluding HI), restricted to traffic originating at the facilities of Grumman—Flexible Corp. (Hearing site: Columbus, OH or Washington, DC.)

MC 144257 (Sub-No. 1F), filed April 3, 1978. Applicant: ALAN L. SAMS & VERNITH Y. LAMB, d.b.a. L&S COURIER SERVICE, P.O. Box 371, Rural Route No. 1, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printers plates, art and design work, press proofs, lay-outs, press plate moulds and press lay-out materials* used in the printing of magazines, papers and periodicals, and sample copies, between Lambert Field International Airport at St. Louis, MO, on the one hand, and, on the other, Effingham and Salem, IL, restricted to traffic having a prior or subsequent movement by air, under a continuing contract, or contracts, with World Color Press, Inc., at Effingham, IL. (Hearing site: St. Louis, MO or Springfield, IL.)

MC 144507F, filed March 31, 1978. Applicant: MARYLAND-D.C. TRANSPORT, INC., 2669 Merchant Drive, Baltimore, MD 21230. Representative: Ronald N. Cobert, 1730 M Street NW., Washington, DC 20036. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B *explosives, household goods* as defined by the Commission, *commodities in bulk*, and *commodities requiring special equipment*), between Baltimore, MD on the one hand, and, on the other, DC, restricted to traffic which has a prior or subsequent movement by rail. (Hearing site: Baltimore, MD or Washington, DC.)

MC 144512F, filed March 31, 1978. Applicant: BUD'S SERVICE, INC., 1312 Fort Street, Lincoln Park, MI 48146. Representative: David E. Jerome, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed moter vehicles, replacement vehicles*, for the aforementioned commodities, *and trailers (except mobile homes)* between points in Monroe, Oakland, and Wayne Counties, MI, on the one hand, and, on the other, points in the United States in and east of WI, IL, MO, AR, and LA. (Hearing site: Detroit or Lansing, MI or Chicago, IL.)

MC 144526F, filed March 31, 1978. Applicant: METCOR, INC., 1400 Renaissance Drive, Park Ridge, IL 60068. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall coverings, wall papers, fabrics, draperies, records, cassettes, and tapes*, from points in Cook and Du Page Counties, IL, to points in Rock, Waukesha, Milwaukee, Racine, Ozaukee, Kenosha, and Washington Counties, WI, and Winnebago County, IL. (Hearing site: Chicago, IL.)

MC 144547F, filed March 31, 1978. Applicant: DURAVENT TRANSPORT CORP., 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stovepipe, chimneys, sheet metal products*, from Redwood City, CA, to points in the United States (except AK and HI). Under continuing contract or contracts with Dura-Vent Corp. (Hearing site: San Francisco, CA or Washington, DC.)

MC 144549F, filed March 31, 1978. Applicant: PITTSVILLE SERVICES, INC., P.O. Box 158, Skaneateles, NY 13152. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood flour, sawdust, shavings, pulp and chips, and materials and supplies* used in the manufacture and distribution of such commodities between Pittsville, MD and Winchester, NH on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA, under a continuing contract or contracts with Wood Resources, Inc. and Cellulose Fibres, Inc., and (2) *sawdust and sewerage treatment materials, and materials and supplies* used in the manufacture and distribution of such commodities between points in PA on the one hand, and, on the other, points in NY, NJ, DE, and MD, under a continuing contract or contracts with Can-Am Sales Corp. (Hearing site: New York, NY, or Washington, DC.)

MC 144577F, filed March 31, 1978. Applicant: SUNSET TRANSPORTATION CO., a partnership, P.O. Box 126, Kanosh, UT 84637. Representative: Stuart L. Poelman, 700 Continental Bank Building, Salt Lake City, UT 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board and gypsum board products and accessories*, from Sigurd, UT, to points in Moffit, Routt, Grand, Summit, Eagle, Rio Blanco, Garfield, Pitkin, Lake Mesa, Delta, Gunnison, Saquache, Montrose, San Miguel, Ouray, Hinsdale, San Juan, Dolores, Montezuma, La Plata, Archuleta, and Denver Counties, CO, under a continuing contract, or contracts with L&W Supply Corp. (Hearing site: Salt Lake City, UT or Denver, CO.)

NOTE.—Dual operations may be involved.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-17947 Filed 6-28-78; 8:45 am]

[7035-01]

[Volume No. 100]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

JUNE 23, 1978.

The following petitions seek modification or interpretation of existing op-

erating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 27063 (Sub-No. 15) (M1F) (Notice of filing of petition to modify restriction) filed April 21, 1978. Petitioner: LIBERTY TRANSFER CO., INC., 1601 Cuba Street, Baltimore, MD 21230. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Petitioner holds motor *contract carrier*, permit in NO. MC 27063 (Sub-No. 15), issued August 31, 1967, authorizing transportation over irregular routes, as pertinent, of: (1) *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, from Brooklyn, NY, to Baltimore, MD. Restriction: The operations described next above are limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified next above, and (2) *such merchandise* as is dealt in by retail grocery stores, and *material, supplies and equipment* used in the conduct of such business, from points in the New York, NY, commercial zone as defined by the Commission (except Brooklyn, NY), to Baltimore, Md. Restriction: The operations described next above are limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a)(1) of the Interstate Commerce Act) who operate retail grocery stores, for the transportation of the commodities indicated and in the manner specified next above. By the instant petition, petitioner seeks to modify that portion of the two restrictions which read: "who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified next above." The modification of the portion of the two restrictions will read "who are engaged in the business of the sale of food, for the transportation of the commodities indicated and in the manner specified next above."

MC 85718 (Sub-No. 6) (MIF) (notice of filing of petition to modify commodity description) filed April 27, 1978. Petitioner: SEWARD MOTOR FREIGHT, INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Petitioner holds a motor *common carrier* certificate in No. MC 85718 (Sub-No. 6), issued March 24, 1977, and served June 1, 1977, authorizing transportation, over irregular routes, of: (1) *Automotive parts and accessories, automotive jacks and cranes* (other than self-propelled) and, *hand, electric and pneumatic tools*, from Seward, NE, to points in UT; and (2) *commodities* named in (1) above, and *materials, equipment, and supplies* used in the manufacture, production, and distribution of the commodities named in (1) above, from points in UT, to Seward, NE. Restriction: The authority granted herein is restricted to (a) the transportation of traffic originating at or destined to the facilities of Walker Manufacturing Co. of Seaward, NE, and (b) against the transportation of commodities in bulk, in tank vehicles, and (c) against the transportation of commodities which because of size or weight, require the use of special equipment. By the instant petition, petitioner seeks to modify the above authority by adding shock absorbers to the above commodity descriptions.

MC 113678 (Sub-No. 432) (MIF) (notice of filing of petition to modify certificate) filed April 4, 1978. Petitioner: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, CO 80216. Representative: Roger M. Shaner, 4810 Pontiac Street, Commerce City, CO 80022. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 432) issued October 27, 1977, authorizing transportation, over irregular routes, of: *Foodstuffs*, (1) From the plant sites and storage facilities of Crown Meat Provision Co., Inc., in the Minneapolis, MN commercial zone, as defined by the Commission, to points in CO, WY, and MT; (2) from the facilities of Food Producers, Inc. in the Minneapolis, MN commercial zone, as defined by the Commission, to points in CO, NM, AZ, CA, NV, and WY; (3) from the plant sites and storage facilites of King Foods, Inc., and Feinberg Distributing Co. in the Minneapolis, MN commercial zone, as defined by the Commission, and from the plant sites and storage facilities of Tony Downs Foods Co. at St. James, Butterfield, and Madelia, MN, to points in MT, CO, NM, AZ, UT, CA, NV, OR, WA, ID, and WY; and (4) from the facilities of The Pillsbury Co., at Minneapolis, MN, to points in MT, CO, NM, AZ, UT, CA, NV, OR, WA, ID, WY, and NE. Restriction: The authority granted herein is restricted to traffic originating at the named plant sites and storage facilities. By the instant petition, petitioner seeks to modify the above authority by consolidating the above four paragraphs so that the certificate would read: *Foodstuffs*, (1) from Minneapolis, MN and points in the Minneapolis, MN commercial zone, as defined by the commercial zone, as defined by the Commission, and (2) from the facilities of Tony Downs Foods Co. located at St. James, Butterfield, and Madelia, MN, to points in AZ, CA, CO, ID, NM, MT, NE, NV, OR, UT, WA, and WY.

MC 114115 (Sub-No. 12) (M1F) (notice of filing of a petition to modify permit) filed April 19, 1978. Petitioner: TRUCKAWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, MI 48217. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Petitioner holds a motor *contract carrier* permit in No. MC 114115 (Sub-No. 12), issued September 23, 1971, authorizing transportation, over irregular routes, of: *Rock salt*, in bulk, between points in IL, IN, KY, OH, PA, and the Lower Peninsula of MI. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the following: (1) Traffic moving between points in PA; (2) traffic moving between points within 40 miles of Monroe, MI; (3) traffic moving from Lucas County, OH, to points in MI and IN, and (4) traffic moving between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, OH, on the one hand, and, on the other, points in IN, KY, MI, and PA. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: (1) Diamond Crystal Salt Co.; (2) International Salt Co.; (3) Morton Salt Co., Division of Morton International, Inc.; (4) Cargill, Inc. Service to Cargill, Inc., is restricted against traffic moving from points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission, to points in IL and that part of IN on and south of U.S. Hwy 136 and on and west of IN Hwy 37. By the instant petition, petitioner seeks

* Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

to modify the above authority by adding Domtar, Inc., Sifto Salt Division, as an additional shipper.

MC 115311 (Sub-No. 49) (M1F) (notice of filing of petition to add origin point) filed March 27, 1978. Petitioner: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Petitioner holds a motor *common carrier* certificate in No. MC 115311 (Sub-No. 49), issued March 2, 1967, authorizing transportation, over irregular routes of: *Sugar* (except in bulk, in tank vehicles), (1) from Gramercy, LA, to points in FL, GA, NC, SC, and TN, (2) from Houma, LA to points in AL, and MS, (3) from Reserve, Houma, Mathews, and Supreme, LA, to points in FL, GA, and TN, and (4) from Reserve, LA, to points in NC and SC. By the instant petition, petitioner seeks to add Supreme, LA, as an additional origin point in (2) above.

MC 133667 (Sub-No. 2) (M1F) (notice of filing of petition to substitute contracting shipper) filed April 27, 1978. Petitioner: ALVIN C. HILL, JR., d.b.a. HILL TRUCKING SERVICE, Route 2, Stuttgart, AR 72160. Representative: Kay L. Matthews, 401 Union Life Building, Little Rock, AR 72201. Petitioner holds a motor *contract carrier* permit in No. MC 133667 (Sub-No. 2), issued December 19, 1974, authorizing transportation, over irregular routes, of *Fertilizer and fertilizer materials,* in bulk, in dump vehicles, from the facilities of Gardinier Big River, Inc., in and near Helena (Phillips County), AR, to points in MO, TN, MS, LA, and AL. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Gardinier Big River, Inc., of Helena, AR. By the instant petition, petitioner seeks to substitute Allied Chemical Corp. as the contracting shipper in the above permit for Gardinier Big River, Inc.

MC 135482 (Sub-No. 1) (M2F) (notice of filing of petition to modify commodity description) filed April 13, 1978. Petitioner: CEMENT TRANSPORT, LTD., P.O. Box 761, Valley City, ND 58072. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Petitioner holds a motor *contract carrier* permit in No. MC 135482 (Sub-No. 1), issued January 10, 1977, authorizing transportation, over irregular routes of: *Cement,* in bags, from Duluth, MN, to points in ND; (2) *cement,* in bulk (except in tank vehicles), from Duluth, MN, to Bismarck and Valley City, ND; (3) *Cement* from Rapid City, SD, Minneapolis, MN, and ports of entry on the United States-Canada Boundary line located in ND, to points in ND. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Beyer's Cement, Inc. of Valley City, ND. By the instant petition, petitioner seeks to modify the above authority by adding *flyash* as an additional commodity in (3) above, and by adding a fourth commodity and territorial description to read: (4) *Flyash,* from points in MN (except Minneapolis), to points in ND.

MC 140945 (Sub-No. 1) (M1F) (notice of filing of petition to add contracting shipper) filed April 25, 1978. Petitioner: JAMES W. CROWE, INC., 307 Brennan Road, Columbus, GA 31903. Representative: C. E. Wakler, P.O. Box 1085, Columbus, GA 31902. Petitioner holds a motor *contract carrier* permit in No. MC 140945 (Sub-No. 1), issued July 1, 1977, authorizing transportation, over irregular routes, of (1) *Dry fertilizer and dry fertilizer materials,* (2) *farm seed and animal feed,* in containers, and (3) *crop-protection chemicals* in mixed loads with fertilizer and fertilizer materials, between points in AL, GA (except Clyo, Metter, and Port Wentworth), and FL. Restriction: The authority granted in (1) and (3) above is restricted against the transportation of commodities, in bulk, in tank vehicles. Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract, or contracts, with USS Agri-Chemicals Division at Atlanta, GA. By the instant petition, petitioner seeks to add International Minerals & Chemical Corp. as an additional contracting shipper.

Republications of Grants of Operating Rights Authority Prior to Certification

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. 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.

MC 1931 (Sub-No. 16) (republication), filed February 23, 1976, published in the Federal Register issue of April 1, 1976, and republished this issue. Applicant: VONDER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, MO 63026. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. An Order of the Commission, Division 1, decided March 30, 1978, and served May 8, 1978, finds that the present and future public convenience and necessity require operations by applicant to interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *Furniture, furnishings, appliances, store and office fixtures, kitchen fixtures and equipment, and institutional fixtures and equipment,* all new and uncrated, between points in CA, OR, and WA, on the one hand, and, on the other, points in the United States, (except AK, and HI), 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.

MC 143955 (Sub-No. 1) (republication), filed December 2, 1977, published in the Federal Register issue of February 9, 1978, and republished this issue. Applicant: M. FRANK THOMPSON, d.b.a. DOUBLE T TRUCKING, 1280 Monache Avenue, Porterville, CA 93257. Representative: Fred H. Mackensen, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. An Order of the Commission, review Board Number 3, decided May 30, 1978, and served June 12, 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) *Feed, animal or poultry,* in bulk, in dump vehicles; and (2) *exempt agricultural commodities* when moving in mixed loads with the commodities named in (1) above, between points in CA, on the one hand, and, on the other, points in OR and WA. Service from and to ports of entry is restricted to traffic originating at or destined to points in BC, Canada, 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; add a restriction, and to indicate the

grant of common carrier authority in lieu of contract carrier authority in applicant's grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably 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 particularity 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. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. 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 decision 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.

MC 25798 (Sub-No. 313F) (correction), filed April 3, 1978, published in the FEDERAL REGISTER issue of June 1, 1978, and republished this issue. 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 sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from (1) Natchez, MS, to points in AL, FL, GA, NC and SC, and (2) from Forest, MS, to points in AL, AR, AZ, CA, CO, FL, GA, KS, LA, MO, NV, NM, NC, OK, SC, and TX. (Hearing site: Jackson, MS.)

NOTE.—The purpose of this republication is to correct part (2) of the application, substituting Forest, MS, for Forest, NS. Common control may be involved.

MC 57591 (Sub-No. 19F), filed April 4, 1978. Applicant: EVANS DELIVERY CO., INC., P.O. Box 268, Pottsville, PA 17901. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except household goods, bulk commodities, class A and B explosives, and commodities requiring special equipment), between Philadelphia, PA, on the one hand, and, on the other, York, Willamsport, and Scranton, PA. (Hearing site: Philadelphia, PA.)

NOTE.—Common control may be involved.

MC 57778 (Sub-No. 21F), filed March 31, 1978. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI, 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *foodstuffs (including foodstuffs in specialty containers and food-handling equipment and supplies when moving with foodstuffs, but (excluding commodities in bulk)*, in mechanically refrigerated equipment, from Chicago, IL, to points in the Lower Peninsula of MI, located on and east of U.S. Hwy 27 from the MI-IN State line to Mount Pleasant, MI, and on and south of MI Hwy 20 from Mount Pleasant to Bay City, MI. (Hearing site: Chicago, IL.)

MC 69397 (Sub-No. 37F), 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 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition board*, from the facilities of Day Companies, Inc., at Cuthbert, GA, to points in NC, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

MC 93479 (Sub-No. 1F), filed March 31, 1978. Applicant: CHARLES SPEARS AND DEWEY HARRIS, d.b.a. TAYLORSVILLE TRANSFER LINE, Main Cross Street, Taylorsville, KY. Representative: A. J. Maggiolo, 2650 First National Tower, Louisville, KY 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with no exceptions, serving the off-route points of Fairfield and Chaplin, KY in conjunction with applicant's authorized regular-route operations. (Hearing site: Louisville or Taylorsville, KY.)

MC 95540 (Sub-No. 100F), (amendment), filed March 20, 1978, previously noticed in the FEDERAL REGISTER issue of May 11, 1978, and republished this issue. 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: *Frozen foods* (except in bulk), from (1) the facilities utilized by Terminal Ice & Cold Storage Co., located at or near Plover, WI, and (2) the facilities utilized by Ore-Ida Foods, Inc., located at or near Plover, WI, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX. (Hearing site: San Francisco, CA or Washington, DC.)

NOTE.—The purpose of this republication is to name the origin of Plover, WI. Common control may be involved.

MC 107445 (Sub-No. 16F), filed March 31, 1978. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Representative: Mr. K. Clay Smith, P.O. Box 33051, Indianapolis, IN 46203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel water tanks, and materials, equipment, supplies, and accessories* used in the manufacture, distribution, and installation thereof (except commodities in bulk), from the facilities of Universal Tank & Iron Works, Inc., at Indianapolis, IN, to points in the United States, in-

cluding AK, but excluding HI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 113678 (Sub-No. 712) (amendment), filed January 24, 1978, and previously noticed in the FEDERAL REGISTER issue of March 9, 1978, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars at Hackettstown, NJ, and Elizabethtown, PA, to points in AZ, CA, NV, OR, UT, and WA, restricted to shipments originating at the above-named origins and destined to the indicated destinations. (Hearing site: New York, NY or Philadelphia, PA.)

NOTE.—The purpose of this republication is to indicate NV as a destination State.

MC 119789 (Sub-No. 448F), filed April 3, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spring assemblies, davenport or sofa bed*, from Ennis, TX, to Atlanta, GA, (2) *steel assemblies and steel articles*, from Simpsonville, KY, to points in TX. (Hearing site: Dallas, TX.)

MC 123255 (Sub-No. 161F), filed April 3, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from the facilities of the Pabst Brewing Co., Houston County, GA, to points in IL, IN, IA, MI, MN, MO, and WI; and (2) *empty containers*, from points in IL, IN, IA, MI, MN, MO, and WI to Pabst Brewing Co., Houston County, GA. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

MC 138835 (Sub-No. 27F), filed April 4, 1978. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 113, Crozet, VA 22932. Representative: Harry J. Jordan, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and exempt commodities*, when moving in the same vehicle with frozen food, from the facilities of Empire Freezers of Syracuse, NY, to points in NH, ME, MA, RI, CT, NY, NJ, PA, DE, VT, MD, VA, and DC. (Hearing site: Washington, DC.)

MC 139206 (Sub-No. 37F), filed March 31, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiators, radiator cores, coolers, heat exchangers, heaters, copper articles, solder, tubes, and copper sheets, and parts and accessories* therefor, and (2) *materials, equipment, and supplies* used in the manufacture, sale, assembly, transportation, processing, repair, coating, and distribution of the commodities in (1) above (except commodities in bulk), between Denver, CO, on the one hand, and, on the other, points in the United States (except AK and HA), restricted to transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Common control may be involved.

PASSENGERS

MC 29948 (Sub-No. 10F), filed March 24, 1978. Applicant: EMPIRE LINES, INC., West 1125 Sprague Avenue, P.O. Box 2205, Spokane, WA 99210. Representative: S. Harrison Kahn, Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Adams, Benton, Columbia, Franklin, Klickitat, Walla Walla, Whitman, and Yakima Counties, WA, and Latah County, ID, and extending to points in the United States, including AL but excluding HA. (Hearing site: Spokane, WA.)

MC 45414 (Sub-No. 3) (amendment), filed January 25, 1978, and previousy noticed in the FEDERAL REGISTER issue of March 9, 1978, and republished this issue. Applicant: METROPOLITAN COACH SERVICE, INC., 52 Mooney Street, Cambridge, MA 02138. Representative: Arthur M. White, 281 Pleasant Street, P.O. Box 2547, Framingham, MA 01701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip tours, beginning and ending at points in Middlesex County, MA (except Lowell, Newton, and those west of Interstate Hwy 495), and extending to Atlantic City, NJ. (Hearing site: Boston, MA.)

NOTE.—The purpose of this republication is to clarify the request for authority.

MC 143290 (Sub-No. 1F), filed March 27, 1978. Applicant: ROBERT LEE THOMPSON, 168 Poydras Avenue, Mobile, AL 36606. Representative: Howard M. Johnson, Jr., 168 Poydras Avenue, Mobile, AL 36606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Mobile, and Theordore, AL, and Pascagoula, MS, from Mobile, AL, to Interstate Hwy 65, then to Canal Street to Interstate Hwy 65, then to Interstate Hwy 10 to U.S. Hwy 90 to Pascagoula, MS. (Hearing site: Mobile, AL or Pascagoula, MS.)

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers 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 within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MC-F 13548. Authority sought for purchase by ALVAN MOTOR FREIGHT, INC., 3600 Alvan Road, Kalamazoo, MI 49001, a portion of the operating rights of Key Line Freight, Inc., 15 Andre Street SE., Grand Rapids, MI 49507, and for acquisition by Charles A. Van Zoeren of control of the rights through the purchase. Applicant's attorney: Robert A. Sullivan, Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Grand Rapids, MI, and Big Rapids, MI, serving all intermediate points: Between Grand Rapids, MI, and Fremont, MI, serving all intermediate points; between Grand Rapids, MI, and Lansing, MI, serving all intermediate points and the off-route point of Woodland, MI; between Grand Rapids, MI, and Ludington, MI, serving all intermediate points and the off-route of Elberta, Frankfort, Arcadia, and Onekama (restricted against service to Manistee and Cadillac, MI); between Scottville,

MI, and junction U.S. 131 and MI Hwy 63, serving all intermediate points. All of the above authority is subject to the following restrictions: (1) No service is authorized at Manistee, MI, and Cadillac, MI, and points within their respective commercial zones; (2) to the extent that the above authority authorizes service at points (a) within the area in MI bounded by a line beginning at Muskegon, extending along I-96 to the junction of U.S. 131, then over U.S. 131 to junction with unnumbered highway north of Cadillac, then over unnumbered highway via Boon and Harrietta to Mescik, then over MI Hwy 42 to junction MI Hwy 37, then over MI Hwy 37 to junction U.S. 10, then over U.S. 10 to Ludington, then along the eastern shore of Lake Michigan to Muskegon including points on the designated highways, except Muskegon, Manistee, Cadillac, and Grand Rapids and points within their commercial zones; (b) between junction U.S. 131 and MI Hwy 46 on the one hand, and on the other, Lakeview, MI, on MI Hwy 46, including all intermediate points; (c) between Big Rapids and Mecosta on MI Hwy 20 including all intermediate points; and (d) Traverse City, MI, and points within its commercial zone, such service is restricted to the transportation of shipments either originating at or destined to points in OH, IL, IN, and WI. Service is authorized at the following off-route points in MI in connection with its existing operation with said carrier's existing operations, as indicated below: Alto, Clarksville, McChords, and Woodbury, in connection with its existing operations between Grand Rapids and Lansing, over MI Hwy 50 and 43; Altoona, Bendon, Borland, Chief, Coral Fountain, Freesoil, Gowen, Hersey, Interlochen, Oronto, and Sherman Township in Mason County, Stronach, Trufant, Tustin, and Wexford, in connection with its existing operations between Grand Rapids and Ludington over U.S. 131, MI Hwy 37 and U.S. 31; Batcheller and Tallman in connection with its existing operations between Scottville and junction U.S. 131 and MI Hwy 63 over U.S. 10; Reeman in connection with its existing operations between Big Rapids and Muskegon over MI Hwy 82; between White Cloud, MI, and Junction U.S. 10 and MI Hwy 37, 3 miles north of Baldwin, MI. Service is authorized to and from all intermediate points and the off-route point of Bitely, MI, between Reed City, MI, and Baldwin, MI. Service is authorized to and from intermediate points and the off-route point of Hawkins, MI, between the junction of MI Hwy 37 and unnumbered highway south of MI Hwy 63, over unnumbered highway via Peacock, Irons, Dublin, and Wellston, MI, to its junction with MI Hwy 55. Service is authorized to and from all intermediate points. Service is authorized to and from all intermediate points, and the off-route points of Benson, Bretheren, East Lake, High Bridge, Hoxeyville, and Parkdale, MI, between Big Rapids, MI, and Mecosta, MI. Service is authorized to and from all intermediate points, and the off-route points of Blanchard, Millbrook, Sylvester, and Vandecar, MI, between junction of U.S. 31 and MI Hwy 115 and junction MI Hwy 115 and MI Hwy 37 near Mesick, MI. Service is authorized to and from all intermediate points and the off-route points of Harlan, Henry, Homestead, Humphrey, Kaleva, Marilla, Nessen City, Pomona, and Thompsonville, MI. *General commodities*, with the exceptions noted above, over alternative routes for operating convenience only, between junction of MI Hwy 63 and 37, and junction of unnumbered highway and MI Hwy 37 west of Harrietta, MI; between junction of U.S. 16 and bypass 131 (east of Grand Rapids, MI) over bypass U.S. 131 to junction of U.S. 131 and bypass 131 (northeast of Grand Rapids, MI) and return over the same route. Service is not authorized to or from intermediate points.

Irregular routes: General commodities, with exceptions, between Grand Rapids and Detroit, MI, on the one hand, and, on the other, the site of Grand Valley State College, located approximately 7 miles west of Grand Rapids, and points within 2 miles thereof, other than points within 1 mile of the Allendale, MI, Post Office including Allendale. Regular route: General commodities: with exceptions, between junction U.S. 131 and MI Hwy 46, and Lakeview, MI, serving all intermediate points. Irregular routes: *Scrap Metals*, in bulk, from Angola, Columbia City, and Syracuse, IN, and Chicago, IL, to Belding, MI, with no transportation for compensation on return except as otherwise authorized. Irregular routes: *Iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, IL, to points in IN, WI, IA, and MN; and *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in IN, WI, IA, and MN, to the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, IL. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at or destined to the named origins and destinations. Said operations are restricted against the transportation of commodities in bulk. Said operations are restricted against the transportation of commodities which because of size or weight require the use of special equipment. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carriers shall not be construed as conferring more than one operating right. Irregular routes: *General commodities*, with exceptions, between the plantsite of the Hussmann Refrigerator Co., located at Taussig Road and St. Charles Rock Road, Bridgeton, MO, on the one hand, and, on the other, Traverse City, MI, and points in that part of MI on and south of a line beginning at Ludington, MI and extending along U.S. 10 to junction MI Hwy 20, then along MI Hwy 20 to Bay City, MI, and on and west of a line beginning at Bay City and extending along U.S. 23 to Flint, MI, then along MI Hwy 78 to Lansing, MI, then along U.S. 127 to the MI-OH State line, and points in that part of MI north of line extending from Frankfort, MI, along MI Hwy 115 to junction U.S. 31, then along U.S. 31 to Traverse City and points north of U.S. 31 on the peninsula extending into Grand Traverse Bay on which Old Mission, MI, is located. Irregular routes: *Frozen bakery goods*, from the plantsites and facilities of the Michigan Lloyd J. Harris Pie Co., Inc., Saugatuck, MI, to points in OH, KY, points in IL south of U.S. 36 beginning at the IN-IL State line and extending to Springfield, IL, then along IL Hwy 125 to junction U.S. 67, then along U.S. 67 to junction IL Hwy 103, then along IL Hwy 103 to junction U.S. 24, then along U.S. 24 to the IL-MO State line and to points in IN south of U.S. 40, with no transportation for compensation on return except as otherwise authorized. Irregular routes: *Foodstuffs*, from the plantsite and storage facilities utilized by Green Giant Co., at or near Belvidere, IL, to points in IN, KY, and OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite and storage facilities of Green Giant Co., at or near Belvidere, IL, and destined to the above-named destination points. Irregular routes: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Jeno's, Inc., located at or near Sodus, MI, to points in IL, IN, IA, KY, MN, MO, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49

CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority unless specifically authorized herein. Vendee is authorized to operate pursuant to a certificate of registration in MC 1395 as a common carrier in the State of Michigan. Approval of the proposed transaction will not result in vendee acquiring duplicating authority. An application has been filed for temporary authority under section 210A(b).

NOTE.—MC 1395 (Sub-No. 9) is a directly related matter.

No. MC-F-13570. Authority sought for purchase by OHIO FAST FREIGHT, INC., 3893 Market Street NE., Warren, OH 44484, of a portion of the operating rights of Strickland Transportation Co., Inc., 11353 Reed Hartman Highway, Cincinnati, OH 45241, and for acquisition by Orin S. Neiman, also of Warren, OH, of control of the rights through the purchase. Applicant's attorneys: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, OH 43215; Edward G. Bazelone, 39 South LaSalle Street, Chicago, IL 60603; and Milton H. Bortz, 11353 Reed Hartman Highway, Cincinnati, OH 45241. Operating rights sought to be transferred: *General commodities* (with exceptions), as a *common carrier*, over regular routes between Chicago, IL and Cleveland, OH; from Chicago over alternate U.S. Hwy 30 via Calumet City, IL to Junction U.S. Hwy 6, then over U.S. Hwy 6 to Lorain, OH, then over Ohio Hwy 57 to Junction Ohio Hwy 254, then over Ohio Hwy 254 to Cleveland, OH and return over the same route general commodities (with exceptions) over regular routes between Chicago Heights IL and Elgin, IL; between Chicago, IL and Waukegan, IL; between Chicago, IL and Geneva, IL; and between Hammond, IN and Hobart, IN; as more fully described in Certificate MC 59680 (Sub-No. 143) and general commodities, over irregular routes between a portion of IL, as more fully described in Certificate MC 59680 (Sub-No. 121) and between said described points in IL on the one hand and, on the other, Lake County, IN. Vendee is authorized to operate pursuant to Certificates MC 14702 and subs thereto as a common carrier in the States of AL, AZ, AR, CA, CO, CT, DE, DC, ID, IL, IN, IA, KS, KY, LA, ME, TX, UT, VT, VA, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, TN, WA, WV, and WY. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 14702 (Sub-No. 73) is a directly related matter.

No. MC-F-13603, Approval sought to transfer to Arctic Lighterage Co. ("Arctic"), 2401 Fourth Avenue, Seattle, WA 98111 (a wholly owned subsidiary of Puget Sound Tug & Barge Co. ("Puget")) the motor carrier operating rights of Puget Sound Tug & Barge Co. (a subsidiary of Crowley Maritime Corp.) 2401 Fourth Avenue, Seattle, WA 98111. Applicants' attorney, John Cunningham, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, DC 20006. Arctic operates as a motor common carrier of general commodities (except household goods) between Nome and points within 5 miles thereof and between Kotzebue and the Kotzebue Peninsula, as more fully described in Certificate MC 141642. Arctic operates as a water common carrier of general commodities in freighting and towing service during the April 1-November 1 season, between ports and points on and along the Noatak, Kobuk, Selawik, Buckland, Kiwalik, Naknek, and Kuskokwim Rivers in Alaska, as more fully described in Certificate W 1299 (Sub-No. 1). Puget operates as a motor common carrier of general commodities from April 1 to November 30 between beach landing sites in Alaska and Dew Line, Mona Lisa, and certain U.S. military and Government sites in Alaska as more fully described in Certificates MC 126513 and MC 126513 (Sub-No. 2). Puget also operates as a water common carrier in freighting and towing operations of general commodities in Pacific coastwise service and of oversize articles in intercoastal and Atlantic-Gulf coastwise operations, as more fully described in Certificate W 586 and sub numbers. Approval of the proposed transaction will not result in dual operations, the splitting of operating authority, or duplicating authority. A separate application is being filed to transfer Puget's water carrier authority to Drummond Lighterage Co., another Puget subsidiary. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty days from the date of first publication in the FEDERAL REGISTER.

No. MC-F-13606. (amendment) (CROUSE CARTAGE CO.—Purchase (portion)—THE ROCK ISLAND MOTOR TRANSIT CO.), published in the June 8, 1978, issue of the FEDERAL REGISTER. Applicant seeks to amend the application so it may include the following authority: *Regular* routes, *general commodities*, except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Davenport and Clinton, IA, serving all intermediate points: Route No. 22, from Danvenport over U.S. Hwy 67 to Clinton, and return over the same route. (3) *Regular* routes, *general commoditites*, except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cedar Rapids and Homestead, IA, serving no intermediate points: Route No. 39, from Cedar Rapids over IA Hwy 149 to Homestead, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized is subject to the following conditions: There may be attached from time to time to the privileges granted in Route No. 39 such conditions, and limitations as the public convenience and necessity may require. All contractual arrangements between the carrier and the C.R.I. & P. RR. shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that such arrangements may be fair and equitable to the parties. (4) *Regular* routes, *classes A and B explosives*, except nitroglycerine and *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Des Moines, IA, and junction U.S. Hwy 6 and IA Hwy 90, serving the intermediate points of Commerce and Booneville, IA, and the off-route points of Van Meter, De Soto, and Earlham, IA: Route No. 62, from Des Moines over U.S. Hwy 6 to junction IA Hwy 90 and return over the same route; from junction IA Hwy 90 and IA Hwy 25, to Menlo, IA, serving the intermediate points of Guthrie Center, Monteith, and Glendon, IA. Route No. 63, from junction IA Hwy 90 and IA Hwy 25 over IA Hwy 25 to Guthrie Center, IA, and then over unnumbered highway via Monteith and Glendon, IA, to Menlo, and return over the same route, with no transportation for compensation except as otherwise authorized. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under this commodity description including Route Nos. 62 and 63, is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the railway. Said carrier shall not serve any point not a station on the rail line of the railway. All contractual arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions

as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of rail service. (5) *Regular* routes, *general commodities,* except those of unusual value, and except commodities in bulk and those requiring special equipment: Service is authorized to and from Enterprise, Elkhart, Shipley, Fernald, McCallsburg, Garden City, Sherman, Buckeye, Bradford, Reeve, Chapin, and Hurley, IA, as off-route points in connection with said carrier's presently authorized regular route operations over U.S. Hwy 65 between Des Moines and Mason City, IA. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: " * * * subject to any conditions now attached to the operating authority over U.S. Hwy 65, and to any additional conditions which the Commission may find in the public interest hereafter to attach." (6) *Regular* routes, *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: Between Albert Lea, MN and Ames, IA, serving to intermediate points of Forest City, Garner, Goodell, and Belmond, IA, and the off-route point of Miller, IA, from Albert Lea over U.S. Hwy 69 to Ames, and return over the same route; between junction U.S. Hwy 69 and IA Hwy 72, and Iowa Falls, IA, serving the intermediate points of Dows, Popejoy, and Burdette, IA, from junction U.S. Hwy 69 and IA Hwy 72 over IA Hwy 72 to junction unnumbered highway, at or near Dows, IA, and then over unnumbered highway to Iowa Falls, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized herein is subject to the following conditions: That there may be attached from time to time to the authority granted herein such reasonable terms, conditions, and limitations as the public convenience and necessity may require. That all contractual arrangements between The Rock Island Motor Transit Co. and the Chicago, Rock Island and Pacific RR. Co. shall be reported to this Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. (7) *Regular* routes, *general commodities,* except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Mason City, IA, and junction U.S. Hwys 18 and 69 west of Garner, IA, as an alternate route for operating convenience only, in connection with carrier's regular operations, serving no intermediate points, from Mason City over U.S. Hwy 18 to junction U.S. Hwy 69, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against interlining with other carriers at any point on U.S. Hwy 65 intermediate to Iowa Falls, IA, and Albert Lea, MN. That there may be attached from time to time to the authority granted herein such reasonable terms, conditions, and limitations as the public convenience and necessity may require. All contractual arrangements between The Rock Island Motor Transit Co. and the Chicago, Rock Island and Pacific RR. Co. shall be reported to the Commission and shall be subject to revision, if, and as is found necessary, in order that such arrangements shall be fair and equitable to the parties. (8) Alternate route for operating convenience only, *general commodities,* including *classes A and B explosives* (except nitroglycerine, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Between Cedar Rapids and Mason City, IA, in connection with carrier's authorized regular-route operations, serving no intermediate points, from Cedar Rapids over U.S. Hwy 218 to junction U.S. Hwy 18, then over U.S. Hwy 18 to Mason City, and return over the same route. Restriction: The authority granted herein to the extent it authorizes the transportation of classes A and B explosives shall be limited, in point of time, to a period expiring February 1, 1983. (9) *Regular* routes, *general commodities,* except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment: Serving the facilities of Duane Arnold Energy Center near Palo, IA, as an off-route point in connection with carrier's authorized regular route operations. Restriction: The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years after November 2, 1980. The authority described above is fully set forth in transferor's base certificate in MC 29130 and in its certificates issued thereunder in Sub-Nos. 37, 86, 93, 99, and 102. Transferee is authorized to operate as a regular route common carrier in the States of IL, IA, MO, NE, and KS, and transferee holds irregular route special commodity authority as a motor common carrier in 48 States. Application has been filed for temporary authority under section 210a(b). (Hearing site: St. Paul, MN or Des Moines, IA.)

No. MC-F-13613. Authority sought for purchase by LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075, of a portion of the operating rights of Pulley Freight Lines, Inc., 405 SE. 20th Street, Des Moines, IA 50317, and for acquisition by LTL Perishables, Inc., of control of such rights through the purchase. Applicants' attorney: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Operating rights sought to be transferred: Under Docket No. MC 117815 (portion) authorizing transportation of: *Coffee beans,* as a *common carrier* over irregular routes from New York, NY to Chicago, IL Vendee is authorized to operate as a common carrier in the continental United States. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13623. Authority sought for purchase by H. H. OMPS, INC., Route 7, Box 295, Winchester, VA, of (1) Kenneth William Omps, an individual d.b.a. K.W.O. Trucking, Route 7, Box 295, Winchester, VA, and (2) the operating rights of Emmett Abbott and Arthur Knight, a partnership d.b.a. Fry Trucking Co., Route 1, Boonsboro, MD. Applicant's attorney, Jeremy Kahn, Kahn and Kahn, Suite 733 Investment Building, Washington, DC 20005. Operating rights to be purchased from K. W. O. Trucking authorize the transportation of feed and fertilizer and other specified commodities as a *common carrier* over regular and irregular routes, between specified points in VA, MD, PA, and WV, as more fully described in Certificate No. MC-141103. Operating rights purchased from Fry Trucking authorize the transportation, via irregular routes, of: *Stone, asphaltic concrete, cement, road building machinery, equipment and materials, agricultural lime, apples and peaches, lumber, building contractor's supplies and grain, and fruit and poultry* from points in Berkeley and/or Jefferson Counties, WV, to portions of PA, MD, and VA, spray materials and fertilizers from Winchester, WV, Baltimore and Hagerstown, MD to points in Berkeley County, WV and crushed stone, agricultural lime and concrete blocks from Frederick, MD to DC and portions of PA, VA, and WV, as more fully described in Certificate No. MC-21143. H. H. Omps is currently authorized to transport specified commodities, including essetially those sought to be purchased, as a *common carrier* between areas in WV, VA, MD, DC, PA,

and NY. Approval of the proposed transaction will result in vendee acquiring duplicating authority in terms of some commodities throughout a small portion of the area in which it is now authorized to conduct transactions. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-13624. Authority sought for purchase by SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410, of a portion of the operating rights of National Transportation, Inc., P.O. Box 37465, Omaha, NE 68137, and for acquisition by Clyde M. Fuller, 2931 South Market Street, Chattanooga, TN 37410, of control of such rights through the purchase. Transferee's attorney: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transferor's attorney: Joesph Winter, 33 North LaSalle Street, Suite 2108, Chicago, IL 60602. Operating rights sought to be purchased: *Fruit and berry products, and condiments* (except commodities in bulk), as a *common carrier* from the facilities utilized by Ocean Spray Cranberries, Inc., at or near Markham, WA, to points in AZ, CA, NV, OR, UT, and WY, with no transportation for compensation on return except as otherwise authorized. Materials and supplies used in the manufacture of fruit and berry products (except empty containers, frozen commodities and commodities in bulk), from points in CA, to the facilities utilized by Ocean Spray Cranberries, Inc., at Markham, WA, with no transportation for compensation on return except as otherwise authorized. Transferee is authorized to operate as a common and contract carrier, over irregular routes, throughout the United States, (except AK and HI), as more specifically described in Docket Nos. MC-138157 and subs thereto and MC-134150 and subs thereto. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-13626. Authority sought for purchase by PIONEER VAN LINES, INC., P.O. Box 417, Kenai, AK, 99611, of a portion of the operating rights of Ardees-Alaska Truck Lines, Inc., 3025 Rampart Drive, Anchorage, AK., 99501, and for acquisition by C. V. Wells, Jr., P.O. Box 417, Kenai, AK, 99611, of control of the rights through the purchase. Applicant's attorney: J. G. Dail, Jr., P.O. Box 567, McLean, VA., 22101. Operating rights sought to be purchased: Household goods, as defined by the Commission, as a common carrier over irregular routes between Minneapolis and Duluth, MN, Minot, ND, and Seattle, WA, on the one hand, and, on the other, points in AK except points in the AK Panhandle located east of an imaginary line constituting a southward extension of the United States (AK)—Canada (Yukon Territory) Boundary line, as contained in Certificate MC-113573 (Sub-No. 6). Vendee holds no authority from this Commission. However, it is commonly controlled by C. V. Wells Jr. C.V. Wells Jr. is not a carrier but is in control of two motor common carriers: AAA Delivery, Inc., which holds Certificate MC-135222, and is authorized to operate as a common carrier in Alaska, and Parcel Delivery & Transfer, Inc., which holds Certificate MC-118446, and is authorized to operate as a common carrier in Alaska. Approval of the transaction will not result in dual operations or duplicating authority. Application has been filed for temporary authority under section 210a(b).

NOTE.—Approval of the proposed transaction will result in a split of vendor's authority, inasmuch as Kaps Transport (Alaska), Inc., is seeking in No. MC-F-13597, noticed in the FEDERAL REGISTER on May 11, 1978, authority to purchase the remainder of vendor's certificate.

No. MC-F 13628. Authority is sought for purchase by Mercury Motor Express, Inc., 2511 North Grady Street, Tampa, FL 33623, of a portion of the operating rights of Oneida Motor Freight, Inc., Commercial Avenue, Carlstadt, NJ 07072, and for acquisition by MMX Corp., also of Tampa, FL, and XTRA Corp. of Boston, MA, of control of the rights through the purchase. Transferor's attorney: William Biederman, Esq., 371 Seventh Avenue, New York, NY 1001. Transferee's attorney: Gerald D. Colvin, Jr., Esq., 603 Frank Nelson Building, Birmingham,, AL 35203. Operating rights sought to be purchased: *General commodities,* with the usual exceptions, as a *common carrier* over irregular routes, between Athens and Sayre, PA, on the one hand, and, on the other, points in NY. This authority is now found in the certificate of Eastern Freightways, Inc., MC 59194 which is being purchased and temporarily operated by transferor under MC-F-13022, now pending before the Commission. Transferee is now authorized to operate pursuant to MC 115093 and subs as a common carrier of general and specific commodities between points in FL, GA, SC, NC, TN, VA, WV, MD, DC, DE, PA, NJ, NY, NH. This application is related to Oneida Motor Freight, Inc.—Purchase (Portion)—Eastern Freightways, Inc. Sidney B. Gluck, Trustee, MC-F-13022.

MC-F-13629. Authority sought for purchase by SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705, a portion of the operating rights of Herrett Trucking Co., Inc., P.O. Box 1486, Yakima, WA 98907. Applicant's attorney, Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Operating rights sought to be purchased: that portion of Certificate of Convenience and Necessity No. MC30092* which authorizes the transportation of: *Heavy machinery and equipment, and structural steel,* between points in OR, ID, and that part of WA east of the Cascade Mountains; and lumber, except plywood, between points in OR, on the one hand and on the other, points in WA in and east of Okanogan, Chelan, Kittitas, Yakima and Klickitat Counties. The vendee currently holds authority to transport various commodities under its Docket No. MC 138875 and subs thereto, including lumber, wood trusses, lumber products, diatomaceous earth, composition board and aluminum pipe and pipe fittings, in the states of NE, OR, WA, ID, ND, SD, OK, TX, LA, KS, AR, MO, IA, MN, CA, CO, WY, MT, AZ, NM, NV, IL, NJ, NY, OH, TN, IN, NC, KY, and UT as a common carrier. Approval of the proposed transaction will result in vendee acquiring duplicating authority transport lumber from Klickitat and Yakima Counties, WA to five named counties in OR under it Docket No. MC 138875 base certificate. Approval of the proposed transaction will not result in a duplication or split of Vendor's authority. Application has been filed with the Commission for temporary authority under Section 210(a)(b). No pending or simultaneous applications related to this application have been filed. (Hearing site: Portland, OR or Washington, DC.)

No. MC-F-13630. Applicant (transferee): D. J. McNICHOL CO. (a corporation), 6951 Norwitch Drive, Philadelphia, PA 19153. Attorney for transferee: Harold P. Boss, 1100 17th Street NW., Washington, DC 20036. Applicant (transferor): W. Kelly Gregory, Inc., 2103 Chapelwood Court, Lutherville, MD 21093. Attorney for transferor: William J. Little, 10 East Baltimore Street, Baltimore, MD 21202. Authority sought for purchase by D. J. McNichol Co. (a corporation), 6951 Norwitch Drive, Philadelphia, PA 19153, of all of the operating rights of W. Kelly Gregory, Inc., 2103 Chapelwood Court, Lutherville, MD 21093, and for acquisition by Dennis J. McNichol and Edward J. McNichol, (the brothers), both of 6951 Norwitch Drive, Philadelphia, PA 19153, of control of such rights through the purchase. Operating rights sought to be transferred: (1) *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 as a *contract carrier* over irregular routes, between points within described portions of (A) DE, MD, PA, and VA, and (B) MD, DC, VA, and WV, and (C) between the ter-

ritory described in (A) above, on the one hand, and, on the other, Richmond, VA, Wilmington, DE, Philadelphia, PA, and DC, and between points in the territory described in (B) above, on the one hand, and, on the other, Baltimore, MD, and (D) between Florence, NJ, on the one hand, and, on the other, points in the territory described in (A) and (B) above, and (2) *fruits, vegetables, farm products, poultry, and seafood*, in the respective seasons of their production, from points in DE, DC, MD, PA and VA to points in the territory specified in (A) above, and from points in MD, VA, and WV to points in the territory specified in (B) above. All over irregular routes. Transferee is authorized to operate as an irregular route contract carrier in the States of CT, DE, DC, ME, MD, MA, NH, NJ, OH, PA, RI, VT, and VA. Application has not been filed for temporary authority under section 210a(b). The brothers also control Dennis Trucking Co., Inc., and that carrier in turn controls Johnsons Transfer, Inc. Both are motor common carriers. Collectively, they are authorized to operate, over irregular routes, in the States of CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and WV. Dual operations may be involved.

No. MC-F-13631. Authority sought for purchase by WITTE TRANSPORTATION CO., P.O. Box 43564, St. Paul, MN 55164, of a portion of the operating rights of the Rock Island Motor Transit Co., 2744 Southeast Market Street, Des Moines, IA 50317, and for acquisition by Space Center, Inc., 444 Lafayette Road, St. Paul, MN 55101, of control of such rights through the transaction. Transferee's attorney: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102; transferor's attorneys: Raymond Goldfarb, 72 West Adams Street, Chicago, IL 60603, and Donald F. Neiman, 1119 High Street, Des Moines, IA 50309. Operating rights sought to be transferred:

(1) Regular routes, *general commodities*, except those of unusual value, livestock, nitroglycerin, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Kansas City, MO, and Des Moines, IA, serving the intermediate points of Cameron, MO, and Indianola, IA, and the off-route point of Kansas City, KS: Route No. 3: From Kansas City over Alternate U.S. Hwy 69 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Des Moines, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The operations authorized are subject to such further limitations, restrictions, or modifications as the Commission may find necessary to impose in order to insure that the service shall be auxiliary or supplementary to the train service of the Chicago, Rock Island & Pacific Railroad Co., hereinafter referred to as the C.R.I. & P. RR. and shall not unduly restrain competition.

(2) Regular routes, *general commodities*, except nitroglycerin, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, IL, and Joliet, IL, serving the intermediate points of Blue Island, Midlothian, Oak Forest, Tinley Park, Mokena, and New Lenox, IL; Route No. 11: From Chicago over unnumbered highway via Blue Island, IL, to junction IL Hwy 83, then over IL Hwy 83 to junction unnumbered highway, then over unnumbered highway to Midlothian, IL, then over unnumbered highway to junction IL Hwy 50, then over IL Hwy 50 via Oak Forest, IL, to junction unnumbered highway, then over unnumbered highway to Tinley Park, IL, then over IL Hwy 42A to junction unnumbered highway, then over unnumbered highway to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction unnumbered highway, then over unnumbered highway via Mokena, IL, to junction U.S. Hwy 30, and then over U.S. Hwy 30 to Joliet, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized over Route No. 11 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the Railway. Said carrier shall not service or interchange traffic at any point not a station on the rail line of the Railway. No shipments shall be transported by said carrier as a *common carrier*, by motor vehicle, between any of the following points, or through or to, or from more than one of said points: Chicago and Joliet, IL. All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds necessary in order that such arrangements shall be fair and equitable to the parties; and such further specific conditions as the Commission in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(3) Regular routes, *general commodities*, between Eldon, IA and Trenton, MO, serving all intermediate points (except Ottumwa and Corydon, IA), and the off-route points of Unionville, Udell, Harvard, Allerton, and Clio, IA; Route No. 12: From Eldon over unnumbered highway via Laddsdale and Floris, IA, to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction IA Hwy 273, then over IA Hwy 273 via Drakesville, IA, to junction unnumbered highway, then over unnumbered highways via Paris, Unionville, and Udell, IA to junction IA Hwy 2, then over IA Hwy 2 to Centerville, IA, then over IA Hwy 60 to junction IA Hwy 277, then over IA Hwy 277 to Numa, IA, then over unnumbered highways via Seymour, Kniffin, Harvard, Allerton, and Clio, IA, to junction U.S. Hwy 65, and then over U.S. Hwy 65 to Trenton, and return over the same route, Route No. 13: From Eldon over IA Hwy 16 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Ottumwa, IA, then over U.S. Hwy 63 to junction IA Hwy 273, then over IA Hwy 273 to Drakesville, IA, then over unnumbered highway to Bloomfield, IA then over IA Hwy 2 to Centerville, IA, then to Seymour, IA, as specified immediately above, then over IA Hwy 55 to junction IA Hwy 2, then over IA Hwy 2 to junction U.S. Hwy 65, and then over U.S. Hwy 65 to Trenton, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, the rail service of the C.R.I. & P. RR., hereinafter called the Railway. Said carrier shall not serve any point not a station on the Railway. All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds necessary in order that such arrangements ahll be fair and equitable to the parties; and such further specific conditions as the Commission in the future, may find it necessary to impose in order to restrict said carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the Railway.

(4) Regular routes, *general commodities*, except those of unusual value, nitroglycerin, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Davenport, IA and Muscatine, IA, serving all intermediate points, and the off-route points of Moline, East Moline, and Rock Island, IL; Route No. 23: From Davenport over IA Hwy 22 (formerly U.S. Hwy 61) to Muscatine, and return over the same route; between Iowa City, IA, and Wellman, IA, serving the intermediate point of Kalona, IA; Route No. 25: From Iowa

City over IA Hwy 1 to Kalona, IA, then over IA Hwy 22 to Wellman, and return over the same route; between Des Moines, IA, and Colo, IA, serving no intermediate points; Route No. 26: From Des Moines over U.S. Hwy 65 to Colo, and return over the same route.

(5) Regular routes, *general commodities,* except those of unusual value, nitroglycerine, livestock, grain petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between Cedar Rapids, IA, and Decorah, IA, serving all intermediate points which are stations on the line of the C.R.I. & P. RR., and the off-route points of Toddville, Rowley, Randalia, Donna, Brainard, Elgin, and Nordness, IA: Route No. 35: From Cedar Rapids over IA Hwy 150 to West Union, IA, then over U.S. Hwy 18 to Postville, IA, and then over U.S. Hwy 52 to Decorah, and return over the same route; between West Union, IA, and Calmar, IA, as an alternate route for operating convenience only, serving no intermediate points, and service is not authorized to or from Calmar: Route No. 36: From West Union over IA Hwy 150 to Calmar, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under route Nos. 35 and 36 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the railway. Said carrier shall not serve any point not a station on the rail line of the railway. No shipments shall be transported by said carrier between any of the following points, or through, or to, or from more than one of said points: Des Moines, IA; Kansas City, MO; Omaha, NE; Chicago, IL; and collectively, Davenport and Bettendorf, IA; and Rock Island, Moline, and East Moline, IL. All contractual arrangements between said carrier and the Railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(6) Regular routes, *general commodities,* except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Iowa City, IA, and Cedar Rapids, IA, serving no intermediate points: Route No. 38: From Iowa City, over U.S. Hwy 218 to Cedar Rapids, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized is subject to the following conditions: There may be attached from time to time to the privileges granted in Route No. 38 such conditions, and limitations as the public convenience and necessity may require. All contractual arrangements between the carrier and the C.R.I. & P. RR. shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that such arrangements may be fair and equitable to the parties.

(7) Regular routes, *general commodities,* except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Muscatine, IA, and Eldon, IA, serving the intermediate points of Columbus Junction, Cotter, Ainsworth, Washington, Brighton, and Fairfield, IA, and the off-route points of Letts, Columbus City, Pleasant Plain, and Libertyville, IA: Route No. 45: From Muscatine over U.S. Hwy 61 to junction IA Hwy 92, then over IA Hwy 92 to Washington, IA, then over IA Hwy 1 to Fairfield, IA, then over U.S. Hwy 34 to junction IA Hwy 16, and then over IA Hwy 16 to Eldon, and return over the same route; between Eldon, IA and Des Moines, IA, serving the intermediate points of Ottumwa, Eddyville, Fremont, Cedar, Oskaloosa, Pella, Otley, Monroe, and Prairie City, IA, and the off-route points of Evans, Leighton, Given, and Beacon, IA: Route No. 46: From Eldon over IA Hwy 16 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Ottumwa, IA, then over U.S. Hwy 63 to Oskaloosa, IA (also from Ottumwa over IA Hwy 15 to Eddyville, IA, then over IA Hwy 137 to Oskaloosa), and then over IA Hwy 163 to Des Moines, and return over the same routes. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized is subject to the following conditions: That there may be attached from time to time to the privileges granted under Route Nos. 45 and 46 such reasonable terms, conditions, and limitations as the public convenience and necessity may require. That all contractual arrangements between carrier and the C.R.I. & P. RR. reported to the Commission and shall be subject to revision, if and as the Commission shall find it to be necessary in order that such arrangements shall be fair and equitable to the parties.

(8) Regular routes, *classes A and B explosives,* except nitroglycerine, and *general commodities,* except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Silvis, IL, and Joliet, IL, serving all intermediate and off-route points which are stations on the rail line of the Chicago, Rock Island & Pacific Railway Co. between Silvis and Joliet, IL: Route No. 64: From Silvis over unnumbered highways via Carbon Cliff, Colona, and Green River, IL, to junction U.S. Hwy 6, and then over U.S. Hwy 6 via LaSalle and Ottawa, IL, to Joliet, and return over the same route. Route No. 65: From Silvis over unnumbered highways via Carbon Cliff, Colona, and Green River, IL, to junction U.S. Hwy 6, then over U.S. Hwy 6 to LaSalle, IL, then over U.S. Hwy 51 to junction IL Hwy 71, then over IL Hwy 71 to Ottawa, IL, then over U.S. Hwy 6 to Joliet, and return over the same route; between Depue, IL, and Peoria, IL, serving all intermediate and off-route points which are stations on the rail line of the Chicago, Rock Island & Pacific Railway Co. between Depue and Peoria, IL: Route No. 66: From Depue over IL Hwy 29 to Peoria, and return over the same route. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized under Route Nos. 64, 65, and 66 is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of rail service of the C.R.I. & P. RR., hereinafter called the railway. Said carrier shall not serve any point not a station on the rail line of the railway. No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points: LaSalle, Peoria, and Rock Island, IL. All contractual arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specified conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of rail service. (The authority described above is fully set forth in transferor's base certificate No. MC 29130.)

(9) MC 29130 (Sub-No. 44). Regular routes, *general commodities,* except those of unusual value, and except commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, service is authorized to and

from points and places in the Kansas City, MO-Kansas City, KS, commercial zone, as defined in *Kansas City, MO-Kansas City, KS, Commercial Zone*, 31 MCC 5, as intermediate or off-route points in connection with said carrier's previously authorized regular route operations. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service herein authorized is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Rock Island & Pacific Railway Co. (Joseph B. Fleming and Aaron Colnon, trustee), hereafter called the railway. All contractual arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(10) MC 29130 (Sub-No. 48). Regular routes, *general commodities*, except those of unusual value, commodities in bulk, and those requiring special equipment, service is authorized to and from the Naval Reserve Air Base approximately 4 miles north of Ottumwa, IA, as an off-route point in connection with said carrier's presently authorized regular route operations. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized herein is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Rock Island & Pacific Railway Co., hereinafter called the railway. The contractual arrangements between said carrier and the railway shall be reported to the Interstate Commerce Commission and shall be subject to revision, if an as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(11) MC 29130 (Sub-No. 61). Regular routes, *general commodities*, except those of unusual value, nitroglycerin, commodities in bulk, commodities requiring special equipment, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, over irregular routes, between Kalona, IA, and Muscatine, IA: From Kalona over IA Hwy 22 to Muscatine. Service is authorized to and from the intermediate points of Riverside, Lone Tree, and Nichols, IA. Between Wellman, IA, and West Chester, IA: From Wellman over IA Hwy 81 to junction IA Hwy 92, then over IA Hwy 92 to West Chester. Service is not authorized to or from intermediate points. Between Iowa City, IA, and junction IA Hwy 92 and U.S. Hwy 218: From Iowa City over U.S. Hwy 218 to junction IA Hwy 92. Service is authorized to and from the intermediate point of Hills, IA, and with the right of joinder only, at the junction of U.S. Hwy 218 and IA 22. Return over these routes. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The service authorized herein is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Chicago, Rock Island & Pacific Railroad Co., hereinafter called the railroad. Said carrier shall not serve any point not a station on the rail line of the railroad. All contractual arrangements between said carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision, if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties. Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(12) MC 29130 (Sub-No. 63). Service is authorized to and from points within 12 miles of the central post office, Des Moines, IA, except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, IA, as intermediate and off-route points in connection with said carrier's presently authorized regular-route operations to and from Des Moines, restricted to the transportation of such commodities as said carrier is presently authorized to transport to and from Des Moines over regular routes. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: " * * * and subject to the same conditions, limitations, and restrictions, if any, contained in the said carrier's present operating authority with respect to service to and from Des Moines."

(13) MC 29130 (Sub-No. 84). Regular routes, *general commodities*, except those of unusual value, nitroglycerin, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Malcom, IA, and Washington, IA, serving the intermediate points of Montezuma, Deep River, Thornburg, Keswick, Kinross, What Cheer, Webster, South English, and West Chester, IA: From Malcom over U.S. Hwy 63 to junction IA Hwy 85, then over IA Hwy 85 to junction IA Hwy 21, then over IA Hwy 21 to What Cheer, IA, the return over IA Hwy 21 to junction IA Hwy 81 to junction IA Hwy 92, then over IA Hwy 92 to Washington, and return over the same route; between junction U.S. Hwy 63 and unnumbered IA Hwy and junction IA Hwy 21 and said unnumbered IA Hwy, serving the intermediate points of Barnes City and Gibson, IA: From junction U.S. Hwy 63 and unnumbered IA Hwy over said unnumbered IA Hwy (via Barnes City and Gibson) to junction IA Hwy 21, and return over the same route; between Montezuma, IA, and Washington, IA, serving the intermediate points of Barnes City, Rose Hill, What Cheer, Delta, Webster, Sigourney, Keota, and West Chester, IA, and the off-route point of Harper, IA: From Montezuma over U.S. Hwy 63 to junction IA Hwy 308, then over IA Hwy 308 to Barnes City, the return over IA Hwy 308 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction IA Hwy 92, then over IA Hwy 92 to junction IA Hwy 21, then over IA Hwy 21 to What Cheer, then return over IA Hwy 21 to junction IA Hwy 92, then over IA Hwy 92 to junction IA Hwy 108, then over IA Hwy 108 to Delta, then return over IA Hwy 108 to junction IA Hwy 92, then over IA Hwy 92 to junction IA Hwy 149, then over IA Hwy 149 to Webster, then return over IA Hwy 149 to junction IA Hwy 92, then over IA Hwy 92 to junction IA Hwy 77, then over Hwy 77 to junction unnumbered IA Hwy at Keota, then over unnumbered IA Hwy to junction IA Hwy 22, then return over said unnumbered IA Hwy and IA Hwy 77 to junction IA Hwy 92, then over IA Hwy 92 to Washington, and return over the same route; between junction U.S. Hwy 63 and IA Hwy 149 and junction IA Hwys 78 and 1 (near Richland, IA), serving the intermediate points in Richland and Sigourney, IA: From junction U.S. Hwy 63 and IA Hwy 149 over IA Hwy 149 to Sigourney, then return over IA Hwy 149 to junction IA Hwy 78, then over IA Hwy 78 to junction IA Hwy 1 (near Richland), and return over the same route. Restriction: The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time, to a period expiring July 19, 1976.

(14) MC 29130 (Sub-No. 89). Regular routes, *general commodities*, except

those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kalona, IA, and Muscatine, IA, serving no intermediate points, but serving the off-route point of Lone Tree, IA: From Kalona over IA Hwy 22 to Muscatine, and return over the same route; between Iowa City, IA, and junction U.S. Hwy 218 and IA Hwy 92, as an alternate route for operating convenience only, serving no intermediate points: From Iowa City over U.S. Hwy 218 to junction IA Hwy 92, and return over the same route.

(15) MC 29130 (Sub-No. 90). Alternate routes for operating convenience only: *General commodities,* except those of unusual value, household goods as defined by the Commission, and commodities in bulk, between Ottumwa, IA, and Osceola, IA, in connection with carrier's regular route operations in IA, serving no intermediate points, with right of joinder at Ottumwa and Osceola: From junction U.S. Hwys 34 and 63, at Ottumwa, over U.S. Hwy 34 to junction U.S. Hwy 69 at Osceola, and return over the same route; between Oskaloosa, IA, and Osceola, IA, in connection with carrier's regular route operations in IA, serving no intermediate points, with right of joinder at Oskaloosa and Osceola: From junction IA Hwys 163 and 92, at or near Oskaloosa, over IA Hwy 92 to junction IA Hwy 14, at Knoxville, IA, then over IA Hwy 14 to junction U.S. Hwy 34, at Chariton IA, and then over U.S. Hwy 34 to junction U.S. Hwy 69, at Osceola, and return over the same route.

(16) MC 29130 (Sub-No. 92). Regular routes, *general commodities,* except those of unusual value, household goods as defined by the Commission, and those requiring special equipment, serving the plantsite of the Eastman Kodak Co. at Oakbrook, IL, as an off-route point in connection with carrier's presently authorized regular-route operations between Chicago and Silvis, IL. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the handling of traffic originating at or destined to points in Lake and Porter Counties, IN, and points in IL other than those in St. Clair and Madison Counties. The authority granted herein to the extent that it authorizes the transportation of classes A and B explosives shall be limited in point of time to a period expiring April 8, 1979.

(17) MC 29130 (Sub-No. 98). Regular routes, *general commodities,* except nitroglycerin, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between junction U.S. Hwy 6 and IA Hwy 70 (formerly IA Hwy 76) at or near West Liberty, IA, and Nichols, IA, serving no intermediate points, and serving junction U.S. Hwy 6 and IA Hwy 70 for purposes of joinder only: From junction U.S. Hwy 6 and IA Hwy 70 (formerly IA Hwy 76) over IA Hwy 70 to Nichols, and return over the same route. Restriction: The authority granted herein, to the extent that it authorizes the transportation of dangerous commodities, shall be limited in point of time, to a period expiring September 24, 1980.

(18) MC 291130 (Sub-No. 100). Regular routes, *general commodities,* except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Cooper-Jarrett, Inc., terminal on Frontage Road, approximately one-half mile west of County Line Road, in DuPage County, IL, as an off-route point, in connection with carrier's presently authorized regular route operations to and from Chicago, IL. Restriction: The authority granted herein is restricted against the transportation of traffic originating at or destined to points in the Chicago, IL, commercial zone, as defined by the Commission.

(19) MC 29130 (Sub-No. 101). Regular routes, *general commodities,* except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Montgomery Elevator Co. near the intersection of U.S. Hwy 6 and Interstate Hwy 80 near Green Rock, IL, as an off-route point in connection with carrier's authorized regular route operation to and from Moline, IL.

(20) MC 29130 (Sub-No. 106). Regular routes, *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Minnesota Mining & Manufacturing Co. at or near Knoxville, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. Transferee is authorized to operate as a regular route and irregular route common carrier in the States of MN, IA, WI, MO, and IL. Application has been filed for temporary authority under section 210a(b). (Hearing site: St. Paul, MN or Des Moines, IA).

No. MC-F-13632. Authority sought for purchase by DOHRN TRANSFER CO., 4016 Ninth Street, Rock Island, IL 61201, of a portion of the operating rights of Tucker Freight Lines, Inc., 1415 South Olive Street, South Bend, IN 46619, and for acquisition of control of such rights by Wayne E. Dohrn and George A. Lorenzen, 4016 Ninth Street, Rock Island, IL 61201 through the purchase. Applicant's Attorneys, Jack Goodman and Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. The operating rights sought to be transferred: *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, as a *common carrier,* over regular routes, between St. Louis, MO and El Reno, OK; between Kansas City, MO and junction U.S. Hwys 69 and 77 north of Commerce, OK; between Vinita, OK and Dallas, TX; between Muskogee, OK and El Reno, OK; between Muskogee, OK and Lawton, OK; between Pryor, OK and Claremore, OK; between Joplin, MO and Kansas City, MO; between Joplin, MO and Independence, KS; between Joplin, MO and Parsons, KS; between U.S. Hwys 169 and 160 south of Cherryvale and Parsons, KS; between Parsons, KS and Altamont, KS; between Oswego, KS and junction U.S. Hwys 59 and 166 north of Chetopa, KS; between Chetopa, KS and the KS-OK State line; between Kansas City, KS and Marshall, MO; between Higginsville, MO and East St. Louis, IL; between Kansas City, MO and Lake City Ordnance Depot located near Lake City, MO; the terminal of Spector Freight System, Inc. located in Egan Township, on Minnesota Hwy 49, Dakota County, MN; between Des Moines, IA and U.S. Ordnance Plant near Ankeny, IA; between Des Moines, IA and Marshalltown, IA; between Kansas City, MO and Olathe, KS; between Kansas City, MO and North Kansas City, MO; between Ames, IA and Albert Lea MN; between Kansas City, KS and Ames, IA; between Marshalltown, IA and Minneapolis, MN; between Marshalltown, IA and St. Paul, MN; between CO, IA and St. Paul, MN; between Waterloo, IA and St. Paul, MN; between Marshalltown, IA and St. Paul, MN; between St. Louis, MO and Marshalltown, IA, serving various intermediate and off-route points on the routes authorized in conjunction with the above service. Alternate Routes for Operating Convenience only: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Springfield, MO and Joplin, MO; between Miami, OK and Joplin, MO; between junction U.S. Hwys 166 and 60 west of Springfield, MO and junction U.S. Hwys 60 and 66 north of Afton, OK; between junction U.S. Hwys 75 and 62 west of Henryetta, OK and Atoka, OK; between Sapulpa, OK and Okmulgee, OK; between junction U.S. Hwy 62 and Oklahoma Hwy 72 and

junction U.S. Hwy 266 and Oklahoma Hwy 72; between Henryetta, OK and Checotah, OK; between Mason City, IA and Floyd, IA; between Hampton, IA and Waverly, IA; between Albert Lea, MN and Austin, MN; between junction U.S. Hwys 71 and 160 near Lamar, MO and junction U.S. Hwys 69 and 160, and serving junction U.S. Hwys 71 and 160 near Lamar for joinder only. This notice does not purport to be a complete description of all of the operating rights sought to be acquired. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the operating rights sought to be acquired without stating in full the entirety thereof. Dohrn Transfer Co. is authorized to operate as a common motor carrier in IL, IN, IA, KY, MA, MI, MN, OH and WI. 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 within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 1395 (Sub-No. 9F), filed June 8, 1978. Applicant: ALVAN MOTOR FREIGHT, INC. 3600 Alvan Road, Kalamazoo, MI 49001. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities*, (1) Between Allegan and Kalamazoo, MI: From Allegan over MI Hwy 89 to Plainwell, then over U.S. Hwy 131 and old U.S. 131 to Kalamazoo, and return over the same route, serving all intermediate points. (2) Between Allegan and Holland, MI: From Allegan over MI Hwy 40 to Holland, and return over the same route, serving all intermediate points. (3) Between junction MI Hwys 40 and 89, and Holland, MI: From junction MI Hwys 40 and 89 over MI Hwy 89 to junction U.S. Hwy 31, then over old U.S. Hwy 31 and U.S. 31 to Holland, and return over the same route, serving all intermediate points. (4) Between Holland and Zeeland, MI: From Holland over MI Hwy 21 to Zeeland, and return over the same route, serving no intermediate points, but serving the facilities of Northern Fibre Products Co., as an off-route point. (5) Between Kalamazoo and Sturgis, MI: From Kalamazoo over Portage Road to junction Kalamazoo County Hwy 632, then over Kalamazoo County Hwy 632 to junction MI Hwy 60, then over MI Hwy 60 to Mendon, then south on unnumbered county road to junction MI Hwy 86, then over MI Hwy 86 to Centreville, then return on MI Hwy 86 to junction MI Hwy 66, then over MI Hwy 66 to Sturgis and return over the same route serving all intermediate points. (6) Between junction MI Hwys 66 and 86 and Mendon, MI: From the junction over MI Hwy 86 to Colon, then north over unnumbered Hwy to junction MI Hwy 60, then west on MI Hwy 60 to Nendon, and return over the same route, serving all intermediate points. (7) Between South Haven and Kalamazoo, MI: From South Haven over unnumbered highway through Grand Junction, Bloomingdale, Gobles, Kendall and Williams, to Kalamazoo, and return over the same route, serving all intermediate points and the off-route points of Kibbie, Lacota and Pullman. (8) From Grand Junction to Bangor, MI: From Grand Junction over unnumbered highway to junction Mi Hwy 43, then over MI Hwy 43 to Bangor, serving all intermediate points. (9) From Pullman, MI, to junction MI Hwy 89 and County Hwy 677, over County Hwy 677, serving all intermediate points. (10) Between Gobles and Allegan, MI: From Gobles over MI Hwy 40 to Allegan, and return over the same route, serving all intermediate points. (11) Between South Haven and Kalamazoo, MI: From South Haven over MI Hwy 43, to Kalamazoo, and return over the same route, serving no intermediate points. (12) Between South Haven and junction U.S. Hwy 31 and MI Hwy 89: From South Haven over U.S. Hwy 31 to junction MI Hwy 89, and return over the same route, serving no intermediate points, but serving Baun Machine Works as an off-route point. (13) Between Mendon and Union City, MI: From Mendon over MI Hwy 60 to Union City, and return over the same route, serving all intermediate points. (14) Between junction MI Hwys 60 and 66 and Athens, MI: From junction MI Hwys 60 and 66 over MI Hwy 66, serving all intermediate points. (15) Between Kalamazoo and Centreville, MI: From Kalamazoo over U.S. Hwy 131 to junction MI Hwy 86, then over MI Hwy 86 to Centreville, and return over the same route, serving all intermediate points. (16) Between Vicksburg and Schoolcraft, MI: From Vicksburg over unnumbered highway to Schoolcraft, and return over the same route, serving all intermediate points. (17) Between Three Rivers and Mendon, MI: From Three Rivers over MI Hwy 60 to Mendon, and return over the same route, serving no intermediate points. (18) Between junction MI Hwys 60 and 66 and Colon, MI: From junction MI Hwys 60 and 66 over county roads through Sherwood to Colon, and return over the same route, serving all intermediate points. Also county routes joining this route and MI Hwy 60 serving all intermediate points. (19) Between Sturgis and Coldwater, MI: From Sturgis over U.S. Hwy 12, to Coldwater, and return over the same route, serving all intermediate points and serving Burr Oak and Batavia as off-route points. (20) Between Union City and Coldwater, MI: From Union City over unnumbered county highway to Coldwater, and return over the same route, serving all intermediate points. (21) Between Colon and Coldwater, MI: From Colon over MI Hwy 86 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Coldwater, and return over the same route, serving all intermediate points. (22) Between Kalamazoo and Marshall, MI: From Kalamazoo over Interstate Hwy 94 to Marshall, as an alternate route for operating convenience only, serving no intermediate points. (23) Between junction MI Hwy 60 and Business Loop Interstate Hwy 94 (Columbia Avenue) over MI Hwy 66, and return over the same route, serving all intermediate points. (24) Between junction Interstate Hwy 94 and U.S. Hwy 12 and junction U.S. Hwy 12 and Interstate Hwy 69, over old U.S. Hwy 27 (U.S. Hwy 12), and return over the same route, serving all intermediate points. (25) Between Union City, MI, and junction old U.S. Hwy 27 and MI Hwy 60: Over MI Hwy 60, and return over the same route, serving all intermediate points. (26) Between junction unnumbered highway and MI Hwy 60 and junction unnumbered highway and Interstate Hwy 94 over unnumbered highways through Fulton, Scotts, and Climax and return over the same route, serving all intermediate points. (27) Between Three Rivers and Sturgis, Mi: From Three Rivers over U.S. Hwy 131 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Sturgis, as an alternate route for operating convenience only, serving no in-

termediate points. (28) Between Grand Rapids and Allegan, MI: From grand Rapids over old U.S. Hwy 131 to junction MI Hwy 118, then over MI Hwy 118 to Allegan, and return over the same route, serving all intermediate points. (29) Between Grand Rapids and Allegan, MI: From Grand Rapids over unnumbered county road through Byron Center, Dorr and Hopkins to Allegan, and return over the same route, serving all intermediate points. (30) Serving points in the following described area as off-route points in connection with the above described routes: Beginning at Grand Rapids, MI, then over Alternate Interstate Hwy 196 to Zeeland, then over unnumbered county road south to junction with MI Hwy 40, then over MI Hwy 40 to junction MI Hwy 89, then over MI Hwy 89 to Plainwell, then over old U.S. Hwy 131 to 100th Street, South (Corinth, MI), then over 100th Street to Eastern Avenue, then over Eastern Avenue to Grand Rapids, restricted against service to or from points on MI Hwy 21, MI Hwy 40, MI Hwy 89 and U.S. Hwy 131, except as otherwise authorized. (31) Between junction unnumbered highway and U.S. Hwy 131 and Gun Lake, MI: Over unnumbered county roads through Orangeville, Hooper, Neeley and Doster, and return over the same route, serving all intermediate points. (32) Between South Haven and Kalamazoo, MI: From South Haven over MI Hwy 140 to junction Interstate Hwy 94 at Watervliet, MI, then over Interstate Hwy 94 to Kalamazoo, serving no intermediate points, as an alternate route for operating convenience only. (B) *General commodities,* (except Classes A and B explosives, commodities in bulk, commodities which because of the size or weight require the use of special equipment, and household goods as defined by the Commission), (1) Between Grand Rapids and Holland, MI, serving all intermediate points and serving all points within the following described areas as off-route points: From Grand Rapids over Interstate Hwy 196 to Holland, then over Ottawa Beach Road to junction Lakeshore Avenue, then over Lakeshore Avenue to junction Lake Michigan Drive, then over Lake Michigan Drive to Grand Rapids. (a) From Grand Rapids over Interstate Hwy 196 to Holland, and return over the same route. (b) From Grand Rapids over Lake Michigan Drive to junction Lakeshore Avenue, then over Lakeshore Avenue, to junction Ottawa Beach Road, then over Ottawa Beach Road to Holland, MI, and return over the same route. (Hearing site: Grand Rapids or Lansing, MI.)

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity, a matter directly related to a section 5(2) proceeding in MC-F-13548, published in a previous section of this FEDERAL REGISTER issue.

MC 14702 (Sub-No. 73F), filed May 1, 1978. Applicant: OHIO FAST FREIGHT, INC., 3893 Market Street NE., Warren, OH 44484. 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: (1) *Iron and steel, and iron and steel articles,* from Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL–IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL–IN State line, and then along the IL–IN State line to point of beginning, including points on the indicated portions of the highways specified, to points in that part of NY on and west of NY Hwy 14, (2) *iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment), (a) from Buffalo and Rochester, NY, to Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL–IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy to Waukegan, IL, then along the shore of Lake Michigan to the IL–IN State line, and then along the IL–IN State line to point of beginning, including points on the indicated portions of the highways specified, (b) between points in WV, points in OH east of a line beginning at the Maumee River and extending along U.S. Hwy 23 to the OH–KY State line, points in PA, NJ, VA, MD, and DC, and points in NY east of a line beginning at Lake Ontario and extending along NY Hwy 18 to Rochester, NY, then along NY Hwy 15 to Lakeville, NY, then along alternate U.S. Hwy 20 to Leicester, NY, then along NY Hwy 36 to Mount Morris, NY, then along NY Hwy 408 to junction NY Hwy 16, near Hinsdale, NY, then along NY Hwy 16 to Olean, NY and then along NY Hwy 16 (formerly NY Hwy 16-A) to the NY–PA State line, on the one hand, and, on the other, Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL–IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to Junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along the shore of Lake Michigan to the IL–IN State line, and then along the IL–IN State line to point of beginning, including points on the indicated portions of the highways specified, (3)(a) *iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts,* between Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL–IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to Junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL–IN State line, and then along the IL–IN State line to point to beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Cuyahoga, Summit, Stark, Tuscarawas, Portage, Mahoning, and Trumbull Counties, OH, (b) *damaged and rejected shipments* of the next above-specified commodities, from the above-specified destination points, to the above-designated origins, (4) *aluminum,* between the facilities of Alcan Aluminum Corp. at Oswego, NY, on the one hand, and, on the other, Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL–IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along

the shore of Lake Michigan to the IL-IN State line , and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (5) *aluminum* (except that which because of size or weight requires the use of special equipment), (a) between the facilities of Alcan Aluminum Corp. at Fairmont, WV, on the one hand, and, on the other, points in Lake County, IN, and Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (b) from Rochester, NY, to Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (c) from points in PA to points in Lake County, IN, and Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (6) *aluminum and aluminum articles* (except commodities in bulk), from the facilities of Reynolds Metals Co. at Rooseveltown, NY, and the facilities of Aluminum Co. of America at or near Massena, NY, to Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (7)(a) *wallboard and insulating materials*, from Marietta, PA, to Steger and Crete, IL, and points in that portion of Illinois bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highway specified, and (b) *returned shipments of wallboard and insulating materials*, from the above-described destinations to Marietta, PA, (8) *roofing materials*, from Manville, NJ to Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, and then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, (9) *road machinery*, between Steger and Crete, IL, and points in that portion of IL bounded by a line beginning at the IL-IN State line and extending along U.S. Hwy 30 to Aurora, IL, then along IL Hwy 31 to junction IL Hwy 72, then along IL Hwy 72 to Dundee, IL, then along IL Hwy 68 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 22, then IL Hwy 22 to junction Midlothian Road, then along Midlothian Road to junction IL Hwy 176, then along IL Hwy 176 to Libertyville, then from Libertyville on IL Hwy 21 to junction IL Hwy 120, then along IL Hwy 120 to Waukegan, IL, then along the shore of Lake Michigan to the IL-IN State line, then along the IL-IN State line to point of beginning, including points on the indicated portions of the highways specified, and points in Lake County, IN, to points in PA, and (10) *household goods*, as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, between points in Lake County, IN, on the one hand, and, on the other, points in PA, NJ, NY, MD, and those in the DC commercial zone, as defined by the Commission in 3 MCC 243. (Hearing site: Same time and place as MC-F-13570 and Wilson Transportation — Control — Strickland Transportation Co., MC-F-13516—Not specified.)

NOTE.—The purpose of this application is to eliminate the gateways as follows: Elimination in parts (1), (2), (3), (4), (5 b and c), (6), (7), and (8) of Lake County, IN, gateway. Elimination in parts (5a) and (9) and (10) of IL gateway. This application is directly related to a section 5 request in MC-F-13570, published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 110325 (deviation No. 25), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 24, 1978. Carrier's representative: J. Biniasz, Transcon Lines, P.O. Box 92220, Los Angeles, CA 90009. Carrier pro-

poses to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Winston-Salem NC, over Interstate Hwy 40 to Memphis, TN 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 Winston-Salem, NC over U.S. Hwy 421 to Greensboro, NC, then over U.S. Hwy 29A to junction U.S. Hwy 29, then over U.S. Hwy 29 to Greenville, SC, then over U.S. Hwy 123 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Atlanta, GA, then over U.S. Hwy 78 to junction unnumbered highway (formerly U.S. Hwy 78), then over unnumbered highway to Anniston, AL, then over AL Hwy 202 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction AL Hwy 77, then over AL Hwy 77 to Lincoln, AL, then return over AL Hwy 77 to junction U.S. 78, then over U.S. Hwy 78 to Tupelo, MS, then over MS Hwy 6 to Pontotoc, MS, then over MS Hwy 15 to New Albany, MS, then over U.S. Hwy 78 to Memphis, TN., and return over the same route.

NOTE.—Regular routes between Winston-Salem, NC, and Atlanta, GA, restricted to the transportation of shipments originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission, and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission).

No. MC 110325 (deviation No. 26) TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 26, 1978. Carrier's representative: J. Biniasz, Transcon Lines, P.O. Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Greer, SC, over U.S. Hwy 29 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, 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 Greer, SC, over U.S. Hwy 29 to Greenville, SC, then over U.S. Hwy 123 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Atlanta, GA, then over U.S. Hwy 78 to junction unnumbered highway (formerly U.S. Hwy 78), then over unnumbered highway to Anniston, AL, then over AL Hwy 202 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction AL Hwy 77, then over AL Hwy 77 to Lincoln, AL, then return over AL Hwy 77 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Tupelo, MS, then over MS Hwy 6 to Pontotoc, MS, then over MS Hwy 15 to New Albany, MS, then over U.S. Hwy 78 to Memphis, TN, and return over the same route.

NOTE.—Regular routes between Winston-Salem, NC, and Atlanta, GA, restricted to the transportation of shipments originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission, and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission).

No. MC 110325 (deviation No. 27), TRANSCON LINES, P.O. Box 92220, Los Angeles, Ca 90009, filed May 24, 1978. Carrier's respresentative: J. Biniasz, Transcon Lines, P.O. Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Hickory, NC, over Interstate Hwy 40 to Memphis, TN, 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 Hickory, NC, over U.S. Hwy 321 to Gastonia, NC, then over U.S. Hwy 29 to Greenville, SC, then over U.S. Hwy 123 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Atlanta, GA, then over U.S. Hwy 78 to junction unnumbered highway (formerly U.S. Hwy 78) then over unnumbered highway to Anniston, AL, then over AL Hwy 202 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction AL Hwy 77, then over AL Hwy 77 to Lincoln, AL, then return over AL Hwy 77 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Tupelo, MS, then over MS Hwy 6 to Pontotoc, MS, then over MS Hwy 15 to New Albany, MS, then over U.S. Hwy 78 to Memphis, TN and return over the same route.

NOTE.—Regular routes between Winston-Salem, NC, and Atlanta, GA, restricted to the transportation of shipments originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission, and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission).

No. MC 110325 (deviation No. 28), TRANSCON LINES, P.O. Box 92220, Los Angeles, Ca 90009, filed May 26, 1978. Carrier's representative: J. Biniasz, Transcon Lines, P.O. Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Gastonia, NC, over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, and return over the same route for operating convenience only. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission, and except points in the Davenport, IA-Moline and Rock Island, IL; commercial zone, as defined by the Commission). The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Gastonia, NC, over U.S. Hwy 29 to Greenville, SC, then over U.S. Hwy 123 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Atlanta, GA, then over U.S. Hwy 78 to junction unnumbered highway (formerly U.S. Hwy 78), then over unnumbered highway to Anniston, AL, then over Al Hwy 202 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction AL Hwy 77, then over AL Hwy 77 to Lincoln, AL, then return to AL Hwy 77 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Tupelo, MS, then over M.S. Hwy 6 to Pontotoc, MS, then over MS Hwy 15 to New Albany, MS, then over U.S. Hwy 78 to Memphis, TN, and return over the same route.

NOTE.—Regular route between Gastonia, NC, and Atlanta, GA, is restricted to the transportation of shipments originating at or destined to points west of the Mississippi River and points west of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL, commercial zone as defined by the Commission, and except points in the Davenport, IA-Moline and Rock Island, IL, commercial zone, as defined by the Commission).

No. MC 110325 (deviation No. 29), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 25, 1978. Carrier's representative: J. Biniasz, P.O. Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, PA, over U.S Hwy 22 to junction Interstate Hwy 83, then over Interstate Hwy 83 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to junction PA Hwy 33, then over PA Hwy 33 to junction U.S. Hwy 209, then over U.S. Hwy 209 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 91, then over Interstate Hwy 91 to Spring-

field, MA, 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 Harrisburg, PA, over U.S. Hwy 22 to Phillipsburg, NJ, then over NJ Hwy 57 to junction NJ Hwy 182, then over NJ Hwy 182 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction Alternate U.S. Hwy 5, then over Alternate U.S. Hwy 5 and U.S. Hwy 5 to Springfield, MA, and return over the same route.

No. MC 110325 (deviation No. 30), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 25, 1978. Carrier's representative: J. Biniasz, P.O. Box 92220, Los Angeles, CA 90009. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, PA, over U.S. Hwy 22 to junction Interstate Hwy 83, then over Interstate Hwy 83 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to junction PA Hwy 33, then over PA Hwy 33 to junction U.S. Hwy 209, then over U.S. Hwy 209 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction CT Hwy 34, then over CT Hwy 34 to New Haven, 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 Harrisburg, PA, over U.S. Hwy 22 to Phillipsburg, NJ, then over NJ Hwy 57 to junction NJ Hwy 182, then over NJ Hwy 182 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction U.S. Hwy 1, then over U.S. Hwy 1 to New Haven, CT, 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.

California Docket No. A58123, filed June 7, 1978. Applicant: ROMEO DRAYAGE & WAREHOUSING CO., 1301 Sixth Street, San Francisco, CA 94107. Representative: Michael C. Leiden, P.O. Box 8594, Emeryville, CA 94662. Certificate of public convenience and necessity sought to operate a freight service, as follows: Transportation of *general commodities*, (I) between all points and places in the San Francisco territory, as described in note A hereto; and (II) between all points and places in the San Francisco territory, on the one hand, and, on the other hand, points and places located on or within 5 miles laterally of the following routes: (a) U.S. Hwy 101 between Healdsburg and Salinas, inclusive; (b) State Hwy 17 between San Jose and Santa Cruz, inclusive; (c) State Hwy 1 between San Francisco and Carmel, inclusive, including the off-route point of Carmel Valley; (d) State Hwy 9 between Los Gatos and Santa Cruz, inclusive; (e) State Hwy 152 between Gilroy and State Hwy 1, at Watsonville, inclusive; (f) State Hwy 156 between Watsonville and its intersection with U.S. Hwy 101 south of Gilroy, inclusive; (g) State Hwy 129 between its intersection with U.S. Hwy 101 and State Hwy 1 at Watsonville, inclusive; (h) U.S. Hwy 68 between Salinas and Monterey, inclusive; (i) State Hwy 29 between Calistoga and its intersection with U.S. Hwy 80 at Vallejo, inclusive; (III) between all points and places in the San Francisco territory, on the one hand, and, on the other hand, points and places located on or within 15 miles laterally of the following routes: (a) Interstate Hwy 80 between Richmond and Sacramento, inclusive; (b) Interstate Hwy 5 between Williams and its intersection with State Hwy 198, inclusive; (c) Interstate Hwy 580 between Oakland and its junction with Interstate Hwy 5, inclusive; (d) Interstate Hwy 205 between its junction with Interstate Hwy 5 and its junction with Interstate Hwy 580, inclusive; (e) State Hwy 198 between its intersection with Interstate Hwy 5 and its intersection with State Hwy 99, inclusive; (f) State Hwy 99 between Gridley and its intersection with State Hwy 198, inclusive; and (g) State Hwy 4 between its intersection with Interstate Hwy 80 and Stockton, inclusive. (IV) In performing the service herein authorized, the carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service; Except that, pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in salesmen's hand sample cases, suitcases, overnight, or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny), or cotton, burlap, gunny, fibreboard, or straw matting. (2) Automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses, and bus chassis. (3) Livestock viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles, equipped for mechanical mixing in transit. (7) Logs. (8) Articles of extraordinary value. (9) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (10) Fresh fruit and vegetables. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to CA Public Utilities Commission, California State Building, 350 McAllister St., San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Nancy L. Wilson,
Acting Secretary.

[FR Doc. 78-17948 Filed 6-28-78; 8:45 am]

[1505-01]

[Volume No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-12758, appearing at page 20297 in the issue of Thursday, May 11, 1978, the following changes should be made:

1. On page 20313, first column, the first line of the third complete paragraph should read, "No. MC 141994 (Sub-No. 1F), filed".

2. On page 20314, second column, the first line of the second complete

paragraph should read, "No. MC 144395 F, filed March 7,".

[1505-01]

[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 of Thursday, May 25, 1978, the motor carrier number in the first line of the first complete paragraph of column 2 on page 22498 should read, "No. MC 117786".

[1505-01]

[Volume No. 85]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-11310, appearing at page 18094 in the issue of Thursday, April 27, 1978, the fifth from last line of the first complete paragraph in column 3 of page 18108 should read, "CO, NM, WY, MT, and ID, and, (2)".

[7035-01]

[Notice No. 697]

ASSIGNMENT OF HEARINGS

JUNE 26, 1978.

Cases assigned for hearing, postponement, cancelation, 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 cancelation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancelation or postponements of hearings in which they are interested.

No. MC 118989 (Sub-No. 170), Container Transit, Inc., now assigned July 17, 1978, at Chicago, Ill., is canceled and transferred to Modified Procedure.

No. MC 118159 (Sub-No. 237), National Refrigerated Transport, Inc., is now assigned for prehearing conference September 11, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18121 Filed 6-28-78; 8:45 am]

[7035-01]

[Ex Parte No. 55 (Sub-No. 27)]

DUAL OPERATIONS

Intention To Apply Policy and Procedure

The Interstate Commerce Commission recently adopted a regulation, 49 CFR § 1004.3, establishing a new procedure and policy for dealing with situations in which a single motor carrier, or affiliated motor carriers, hold authorities permitting them to operate as both common and contract carriers. The new regulation provides for an expedited finding which would approve the resulting dual operations as required by section 210 of the Interstate Commerce Act (49 U.S.C. § 310).

The purpose of this notice is to make clear the Commission's intention to apply this policy and procedure in cases where dual operations would result from the approval of an application involving the purchase, lease, or control of one motor carrier by another or the common control of two or more motor carriers, as well as cases in which dual operations would result from the approval of an application for new motor carrier authority. See No. MC-F-12926, Southwest Equipment Rental, Inc.—Purchase (Portion)—Interstate Contract Carrier Corp., MCC , decided June 5, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioner Stafford dissenting, Commissioner Murphy not participating.

Dated: June 9, 1978.

NANCY L. WILSON,
Acting Secretary.

Commissioner Stafford, dissenting: I disagree with the approach taken by the majority for the reasons stated in my dissent in Ex Parte No. 55 (Sub-No. 27), Dual Operations.

[FR Doc. 78-18138 Filed 6-28-78; 8:45 am]

[7035-01]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

Forty-Fifth Revised Exemption No. 90

It appearing, That certain of the railroads named below own numerous 50-foot plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars; and

It further appearing, That there are substantial shortages of 50-foot plain boxcars throughout the county; that the carriers identified in this exemption by the symbol (%) have 150 percent or more of their ownership of these cars on their lines; and that such a disproportionate use of the total supply of such cars causes shippers served by other lines to be deprived of their proper share of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, 50-foot plain boxcars described in the Offical Railway Equipment Register, ICC-R.E.R. No. 407, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen & Rockfish Railroad Co.
Reporting Marks: AR.
%The Baltimore & Ohio Railroad Co.
Reporting Marks: BO.
%Bessmer & Lake Erie Railroad Co.
Reporting Marks: BLE.
Camino, Placerville & Lake Tahoe Railroad Co.
Reporting Marks: CPLT.
%The Chesapeake & Ohio Railway Co.
Reporting Marks: CO-PM.
%Chicago & Illinois Midland Railway Co.
Reporting Marks: CIM.
%Chicago, Rock Island & Pacific Railroad Co.
Reporting Marks: RI-ROCK.
City of Prineville.
Reporting Marks: COP.
The Clarendon & Pittsford Railroad Co.
Reporting Marks: CLP.
%Consolidated Rail Corp.
Reporting Marks: CR-DLW-EL-ERIE-LV-NH-NYC-P&E-PAE-PC-PCA-PRR-RDG.
%Delaware & Hudson Railway Co.
Reporting Marks: DH
Duluth, Missabe & Iron Range Railway Co.
Reporting Marks: DMIR
%Florida East Coast Railway Co.
Reporting Marks: FEC
*Genessee & Wyoming Railroad Co.
Reporting Marks: GNWR.
%Grand Trunk Western Railroad Co.
Reporting Marks: GTW.
Greenville & Northern Railway Co.
Reporting Marks: GRN.
Greenwich & Johnsonville Railway Co.
Reporting Marks: GJ.
Louisville & Wadley Railway Co.
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC.
Middletown & New Jersey Railway Co., Inc.
Reporting Marks: MNJ.
Municipality of East Troy, Wisconsin

Reporting Marks: METW.
New Orleans Public Belt Railroad
Reporting Marks: NOPB.
%Norfolk & Western Railway Co.
Reporting Marks: ACY-N&W-NKP-WAB.
Pearl River Valley Railroad Co.
Reporting Marks: PRV.
Raritan River Rail Road Co.
Reporting Marks: RR.
Sacramento Northern Railway.
Reporting Marks: SN.
St. Lawrence Railroad
Reporting Marks: NSL.
Sierra Railroad Co.
Reporting Marks: SERA.
Terminal Railway, Alabama State Docks
Reporting Marks: TASD.
Tidewater Southern Railway Co.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Co.
Reporting Marks: TPW.
WCTU Railway Co.
Reporting Marks: WCTR.
%Western Maryland Railway Co.
Reporting Marks: WM.
%Western Railway of Alabama
Reporting Marks: WA.
Youngstown & Southern Railway Co.
Reporting Marks: YS.
Yreka Western Railroad Co.
Reporting Marks: YW.

%Carriers having 150 percent or more of ownership on lines.
*Addition.

Effective June 15, 1978, and continuing in effective until further order of this Commission.

Issues at Washington, D.C., June 12, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-18137 Filed 6-28-78; 8:45 am]

[7035-01]

[Notice No. 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 22, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY.

No. MC 35890 (Sub-No. 43TA), filed May 30, 1978. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 36th Street, N SE., Grand Rapids, MI 49508. Applicant's representative: Ronald C. Nesmith, Law Dept., P.O. Box 4403, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor carrier vehicle, over irregular routes, transporting: *Appliances, parts, supplies and accessories*, from the facilities of the Maytag Co. at Newton, IA to CT, DE, IN, KY, MD, MA, MI, NH, NJ, NC, OH, PA, RI, VT, VA, DC, and WV, for 180 days. Supporting shipper: The Maytag Co., Newton, IA 50208. Sent protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, MI 48933.

No. MC 58923 (Sub-No. 50TA), filed April 27, 1978. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., P.O. Box 6944, Atlanta, GA 30315. Applicant's representative: John C. Henderson (same as above). 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, commodities requiring special equipment and those injurious or contaminating to other lading, between Opa Locka and Key West, FL. From Opa Locka over Le June Road to junction U.S. Hwy 27, then U.S. Hwy 27 to junction FL Hwy 9, then over FL Hwy 9 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Key West, FL and return over the same route. Service is authorized from and to all intermediate points and all points within 10 miles of U.S. Hwy 1 between Miami and Key West, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (6) statements of support attached to the application which may be examined at the field office named below. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 1151TA), filed May 23, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from the facilities of Royal Packing Co. at or near East St. Louis, IL to Memphis, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Royal Packing Co., P.O. Box 156, National Stockyards, IL 62071. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW. Room 300, Atlanta, GA 30309.

No. MC 110825 (Sub-No. 6TA), filed April 27, 1978. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 R. Center Street, Henderson, KY 42420. Applicant's representative: Mr. William P. Whitney, Jr., Attorney at Law, 708 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer ingredients and solutions*, in bulk, in tank vehicle, from the facilities of Circle O Farm Center in Crittenden County, KY, to points in that part of IL on and south of U.S. Hwy 50 and on and east of U.S. Hwy 51; points in that part of Indiana on and south of U.S. Hwy 40 and on and west of Hwy I-65; points in that part of TN on and west of Hwy I-65, on and north of Hwy I-40, between Nashville and Jackson, TN, and on and north of TN Hwy 20 between Jackson, TN, and the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. Edward O'Nan, Owner, Circle O Farm Center, Route 7, Marion, KY 42064. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 113651 (Sub-No. 276TA), filed May 30, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Applicant's representative: H. Barney Firestone, 10 South LaSale

Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods* (except commodities in bulk), from the facilities of Rotanelli Foods, Inc., located at or near Pelham Manor, NY, to Chicago, Elk Grove Village, Kankakee, Lyons, Springfield, IL, Indianapolis and South Bend, IN, Davenport, IA, Kansas City and Overland Park, KS; Louisville, KY, Detroit, Lansing, Royal Oaks, MI; Minneapolis, MN; Kansas City, MO, Akron, Ashtabula, Canal Fulton, Cincinnati, Cleveland, Columbus, Dayton, Dover, Macedonia, Newark, and Toledo, OH; Bradford, Erie, Pittsburgh, PA, Memphis, Nashville, and Fond Du Lac, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rotanelli Foods, Inc., 924 West St. Pelham Manor, NY 10803. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 114273 (Sub-No. 396TA), filed May 25, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., P.O. Box 1943, 3950 16th Avenue, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and commodities injurious or contaminating to other lading, between Dayton, OH, on the one hand, and, on the other, points in OH. Applicant intends to tack the applied authority to MC 44761 (Lee Bros.) (MC-F-12498); and other possible subs under MC 114273, for 180 days. Supporting shipper: There are approximately 11 (eleven) supporting shippers attached to application which may be examined at the Interstate Commerce Commission, in Washington, DC or copies, may be obtained at the field office below. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC. 116763 (Sub-No. 416TA) filed May 30, 1978. Applicant: CARL SUBLER TRUCKING, INC., 200 North West Street, Versailes, OH 45380. Applicant's representative: Gary J. Jira (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by paint and chemical coating manufacturers, except commodities in bulk, from the facilities of Standard T Chemical Co., Inc., at or near Chicago Heights, IL, to points in Upper Peninsula of MI and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard T Chemical Co., Inc. Steve Herzic, Traffic Supervisor, 10th and Washington Streets, Chicago Heights, IL 60411. 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 119630 (Sub-No. 17TA), filed May 10, 1978. Applicant: VAN TASSEL, INC., 5th and Grand, Pittsburg, KS 66762. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Greenville, MS to points in AR, KS, MO, NE, and OK, 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: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 119741 (Sub-No. 101TA), filed May 12, 1978. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, 1515 Third Avenue NW., Fort Dodge, IA 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, 1515 Third Avenue NW., Fort Dodge, IA 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of Kraft, Inc., at Champaign, IL, to points in IA, KS, MN, MO, NE, ND, and SD, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authorty. Supporting shipper(s): Kraft, Inc., P.O. Box 398, Memphis, TN 38101. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 119789 (Sub-No. 466TA), filed May 4, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 26188, Dallas, TX 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational equipment and heating and air conditioning apparatus and parts*, from Wichita, KS, to AL, FL, GA, MS, and SC, for 180 days. Supporting shipper(s): The Coleman Co., Inc., 250 North Street Francis, Wichita, KS 67201. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 124979 (Sub-No. 7TA), filed May 18, 1978. Applicant: CONRAD BERG, d.b.a. C. BERG CO., Saginaw, MN 55759. 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: *Fertilizer and fertilizer ingredients*, dry, in bulk, from Grand Forks, ND to points in MN and IN for 180 days. Supporting shipper: Farmers Union Central Exchange, Inc. a.k.a. Cenex, P.O. Box 43089, St. Paul, MN 55164. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 South 4th Street, U.S. Court House, Minneapolis, MN 55401.

No. MC 125254 (Sub-No. 41TA), filed May 9, 1978. Applicant: MORGAN TRUCKING CO., 1202 East 5th Street, Muscatine, IA 52761, also: P. O. Box 714. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from St. Paul, MN to Muscatine, IA, for 180 days. Supporting shipper(s): Manjoine Distributing, Inc., Rural Route No. 3, P.O. Box 34, Muscatine, IA 52761. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 126276 (Sub-No. 191TA), filed May 9, 1978. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the facilities of The Continental Group, Inc. at or near Racine, WI to points in NJ and Berkeley, RI; Milford, CT; Andover and Easthampton, MA and Havre de Grace, MD, under a continuing contract or contracts with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., A. Birutis, Area Manager-Traffic & Distribution, 5401 W. 65th Street, Chicago, IL 60638. Send protests to:

Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 135381 (Sub-No. 7TA), filed May 22, 1978. Applicant: DRUM TRANSPORTATION CO. R.F.D. No. 1, Montgomery, PA 17752. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Electric transmission, telephone and telegraph poles*, from the facilities of Southern Wood Piedmont Co. at Augusta, East Point, and Macon, GA, and Gulf, NC, to points in MI, restricted to a transportation service to be performed under a continuing contract or contracts with Southern Wood Piedmont Co., of Atlanta, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Wood Piedmont Co., P.O. Box 5447, Spartanburg, SC 29304. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 136246 (Sub-No. 15TA), filed May 10, 1978. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Applicant's representative: Arlyn L. Westergreen, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Belvidere, NE, to point in KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): T. D. Wilson, Executive Vice President, J. Lynch and Co., Inc., P.O. Box 1060, Salina, KS 67401. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 138844 (Sub-No. 13TA), filed May 30, 1978. Applicant: GAS INC., 95 East Merrimack Street, Lowell, MA 01853. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, MI. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid ethylene*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada at or near Port Huron, MI, to the plantsite of the Olin Corp. at or near Brandenburg, KY, restricted to traffic originating at the facilities of Esso Chemical Canada, a division of Imperial Oil Ltd., at or near Sarnia, ON, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Esso Chem, Inc., 111 St. Clair Avenue West, Toronto, ON, Canada. Send protests to: Paul A. Roberts, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

No. MC 139306 (Sub-No. 9TA), filed May 10, 1978. Applicant: DEL R. AND JOE R. STANAGE, d.b.a. STANAGE TRANSPORTATION, 121 Indian Springs Road, Hot Springs, AR 71901. Applicant's representative: Gary E. Thompson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cullet* (broken glass) in bulk in dump vehicles from Shreveport, LA to Waco, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136605 (Sub-No. 58TA), filed May 22, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807, 216 Trade Street. Applicant's representative: W. E. Seliski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles, and plastic pipe and fittings used in or in connectiong with the discovery, development, distribution of natural gas and petroleum and their products and by-products), from the facilities of Cresline Plastic Pipe Co., Inc., at or near Council Bluffs, IA to MT, ID, UT, WY, ND, SD, NE, KS, OK, MN, WI, CO, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John C. Van Hoy, Distribution Manager, Cresline Plastic Pipe Co., Inc., 955 Diamond Avenue, Evansville, IN. Send protests to: D/S Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 139485 (Sub-No. 9TA), filed May 22, 1978. Applicant: TRANS CONTINENTAL CARRIERS, 169 East Liberty Avenue, Anaheim, CA 92803. Applicant's representative: David P. Christianson, Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Trans Continental Carriers seeks authority as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Nuts, nut mixes, dried fruits, dried vegetables, fruit and vegetable products, snack packs, gift packs, display racks, paper, wire, signs, display materials, health foods, cookies, cakes, pies, pastries, fruit and nut mixes, unbaked bakery products, bakery products, pretzels, candy, potato chips, bread, rolls, glass cookie jars, jewelry, cosmetics, fragrances, clothing, toys, pharmaceutical products, underwear, prophylactics, stockings, socks, pantyhose, sweaters and shirts, shorts and slacks, jackets, belts, hats, T-shirts, games, frozen and fresh yogurts, ices, and ice cream* from the facilities of Pride of the Farm, Inc. of Dallas TX; the facilities of Greg James, Inc. of Dallas, TX; the facilities of Southern Food Products Co., Inc. of Vernon, CA; the facilities of Dharma Corp. of Culver City, CA; the facilities of Tastee Cake, Inc. of Philadelphia, PA; the facilities of Hanover Guest Quality Food Corp. of Hanover, PA; the facilities of King's International Bakery of Torrance, CA; and points and places in Houston, TX and Monticello, NY to points in the U.S. (except AK and HI). For 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s) Pride of the Farm, Inc., 2970 Blystone Lane, Suite 108, Dallas TX 75220, Greg James, Inc., Dallas, TX, Dharma Corp., Culver City, CA, Hanover Guest Quality Food Corp., Hanover, PA, Southern Food Products Co., Inc., 5353 Downey Rd., Vernon, CA 90058, Tastee Cake, Inc., Philadelphia, PA. 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 144023 (Sub-No. 2TA), filed May 18, 1978. Applicant: TAYLOR TRANSPORT, INC., Rte 9, Poplin Road, Monroe, NC 28110. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric heaters, metering devices, switches, controllers, transformers, circuit breakers, and parts thereof*, from the facilities of Federal Pacific Electric Co. located at or near Fort Mill, SC, to San Jose and Burlingame, CA, under a continuing contract, or contracts, with Federal Pacific Electric Co., for 180 days. Supporting shipper(s): Federal Pacific Electric Co., Route 1, Fort Mill, SC 29715. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 144547 (Sub-No. 1TA), May 23, 1978. Applicant: DURA-VENT TRANSPORT CORP., 2525 El Camino Real, Redwood City, CA 94064. Applicant's representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transportation, *Vent Pipe and fittings, flashings, chimney assemblies, assemblies, stovepipe*, all made of aluminum and/or steel, *fireplaces and stoves, wood burning*, from Redwood City, CA, to points in the United States except AR and HI, under a continuing contract with Dura-Vent Corp., for 180 days. Supporting shipper: Dura-Vent Corp., 2525 El Camino Real, Redwood City, CA 94063. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

No. MC 144747TA, Filed May 9, 1978. Applicant: INTERSTATE EQUIPMENT CO. INC., 22821 North 81st Avenue, Peoria, AZ 85345. Applicant's representative: Lewis P. Ames/ Phil B. Hammond, Shimmel, Hill, Bishop & Gruender, P.C., 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *glass fiber, glass yarn, fiberglass cloth and fabric, and waste fiber*, from the facilities of Owens-Corning located at Aiken and Anderson, SC; Jackson, TN; Amarillo, TX; and Huntington, PA; to Denver, CO; Salt Lake City, UT; Wallace, ID; Seattle, Bellingham, and Spokane, WA; and Culver and Portland, OR; (B) *resin and plastic granules* from (1) the facilities of ARCO Polymers at La Porta, Port Arthur, and Houston, TX; and Kobuta, PA; (2) the facilities of WITCO at Lenwood, CA, Wilmington, DE, and Chicago, IL; (3) the facilities of Synress at Anaheim, CA; (4) the facilities of Abtec at Louisville, KY, and Big Springs, TX; (5) the facilities of Shell Chemical Co. at Houston, TX; (6) the facilities of Cosden at Orange, CA; (7) the facilities of Continental Polymers at Compton, CA; and (8) the facilities of Ashland Chemical Co. at Newark, NJ, Chicago, IL, and Compton, CA; to the facilities of Fiberchem, Inc. at Denver, CO, Portland, OR, Salt Lake City, UT, and Seattle, WA; and (C) from origin points named in (B) above to customers of Fiberchem, Inc., located at points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, under a continuing contract or contracts with Fiberchem, Inc. located at Seattle, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fiberchem, Inc., 1120 Andover Park E, Seattle, WA 98188. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 144802TA, Filed May 19, 1978. Applicant: RAYMOND C. ULMER d.b.a. R. U. Cartage, 7953 South Lavergne Avenue, Burbank, IL 60459. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. *Tin plate and container ends*, from the plant site of National Can Corporation at Gary, IN to Loves Park and Rockford, IL, 2. Scrap Steel from the plant site of National Can Corp. at Loves Park, IL to Gary, IN for 180 days. Supporting shipper: Floyd C. Stone, Area Traffic Manager, Midwest National Can Corp., 8101 West Higgins Rd., Chicago, IL 60631. Send protests to: Louis M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604. Under a continuing contract with Floyd C. Stone.

PASSENGER CARRIERS

No. MC 144801TA, filed May 19, 1978. Applicant: SAULT SANITATION SERVICE, INC., 751 Peck Street, Sault Ste. Marie, MI 49783. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road Suite 1002, Troy, MI 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter operations, beginning and ending at points in Chippewa County, MI, and extending to points of entry on the International Boundary Line at or near Sault Ste. Marie, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harold Malette, 1020 East Eighth Avenue, Sault Ste. Marie, MI 49783, Mrs. Delreta McLay, Route 2, Box 7A, Sault Ste. Marie, MI 49783, Fred Rodiger, 406 James Terrace, Sault Ste. Marie, MI 49783. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144803TA, filed May 17, 1978. Applicant: LASSITER BUS SERVICE, INC., 3400 Nansemond Parkway, Suffolk, VA 23455. Applicant's representative: Blair P. Wakefield, Suite 1001 First & Merchants Bank Building, Norfolk, VA 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending in Suffolk and Isle or Wight County, VA, and extending to points in AL, AK, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MN, MO, MS, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, WV, and WI, for 180 days. Supporting shipper: There are approximately 20 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: D/S Paul D. Collins, Bureau of Operations, Room 10-502 Federal Building, 400 North Eighth Street, Richmond, VA 23240.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18117 Filed 6-28-78; 8:45 am]

[1505-01]

[Notice No. 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-17336 appearing at page 26832 of the issue of Thursday, June 22, 1978, at page 26835 in the second column, the first MC number should read "No. MC 143760" and in the third column of the same page, under Water Carrier, the first applicant number should be "No. W-1322-TA".

[7035-01]

[Notice No. 74]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-77699. By application filed June 20, 1978, ELMER L. EDDEN, an individual, d.b.a. 55 Transfer, 800 North 10th, Walla Walla, WA 99362, seeks temporary authority to transfer the operating rights of G. F. Elkinton, an individual, d.b.a. 55 Transfer, 1622 East Alder, Walla Walla, WA 99362, under section 210a(b). The transfer to Elmer L. Edden, an individual, d.b.a. 55 Transfer, of the operating rights of G. F. Elkinton, an individual, d.b.a. 55 Transfer, is presently pending.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18118 Filed 6-28-78; 8:45 am]

[7035-01]

[Notice No. 75]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1978.

Application filed for temporary authority under section 210a(b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77700. By application filed June 8, 1978, MONTANA TRANSPORT CO., P.O. Box 860, Billings, MT 59130, seeks temporary authority to transfer the operating rights of Allen P. Felton, an individual, d.b.a. Brewer Trucking c/o First National Park Bank, Livingston, MT 59047, under section 210a(b). The transfer to Montana Transport Co. of the operating rights of Allen P. Felton, an individual, d.b.a. Brewer Trucking, is presently pending.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18119 Filed 6-2-78; 8:45 am]

[7035-01]

[Notice No. 76]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77718. By application filed June 19, 1978, OVERLAND EXPRESS, INC., 6440 North Broadway, Wichita, KS 67219, seeks temporary authority to transfer the operating rights of James R. Barr, trustee in bankruptcy for Robert N. Drake, d.b.a. Aerolite Trucking Co., 330 North Main, Wichita, KS 67202, under section 210a(b). The transfer to Overland Express, Inc., of the operating rights of James R. Barr, trustee in bankruptcy for Robert N. Drake, d.b.a. Aerolite Trucking Co., is presently pending.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-18120 Filed 6-28-78; 8:45 am]

[7035-01]

[Finance Docket No. 28727]

NATIONAL RAILWAY UTILIZATION CORP.—CONTROL—PENINSULA TERMINAL CO.

Consolidation of Rail Carriers

JUNE 16, 1978.

The Commission has acted on a petition for waiver and/or clarification of the ICC railroad acquisition, control, merger, consolidation, coordination project, trackage rights, and lease procedures, 42 FR 14871, March 17, 1977 (to be codified in 49 CFR 1111) called the consolidation procedures. The specific actions the Commission was requested to take were: (1) Interpretation of the specific requirements of section 1111.1(a)(1) of the consolidation procedures, defining the term "applicant" to the proposed application, (2) waiver of the specific requirements of section 1111.1(c)(10) of the consolidation procedures, requiring disclosure of all intercorporate relationships between applicant and any carrier or affiliate, (3) waiver of the requirements of section 1111.1(d)(8) of the consolidation procedures, relating to the policy and practice followed by applicant concerning reserves for depreciation, (4) waiver of sections 1111.2(a) (3), (4), and (7) of the consolidation procedures, relating to various corporate approval necessary to enter into the proposed transaction, (5) waiver of the specific requirements of section 1111.2(a)(8) of the consolidation procedures, concerning the submission of a map of each applicant and its relation to the other applicants, (6) waiver of the specific requirements of sections 1111.1(e)(5) and 1111.2(a)(10) (ii) and (vi) of the consolidation procedures, relating to funding of pension plans for railroad employees, rate of employee attrition for any applicant and the effect of the proposed transaction upon the interests of carrier employees, (7) waiver of the specific requirements of sections 1111.2(c) (1), (2), and (4) of the consolidation procedures, concerning revenue carload, commodity and operation information, (8) modification of the requirements of sections 1111.2(c) (5) and (6) of the consolidation procedures, relating to the requirement for the submission of balance sheets and income statements for applicant and its subsidiaries, and (9) waiver of section 1111.4(a)(5) of the consolidation procedures, requiring directly related applications to be filed concurrently with the section 5 application. The decision granted the waivers requested in substantial part, except for the waivers relating to identification of intercorporate relationships and the effect of the transaction upon carrier employees.

In the decision, the Commission interpreted the term "applicant" under section 1111.1(a)(1) of the consolidation procedures to apply only to National Railway Utilization Corp. (NRUC), United Stockyards Corp. (USC), and Peninsula Terminal Co. (PTC). This would exclude Pickens, the DeKalb line, and USC's stockyard subsidiaries as they will be neither the initiating party to the proposed application or have property directly involved.

The Commission found it necessary to deny the relief requested under section 1111.1(c)(10) of the consolidation procedures. Petitioner maintained that it would be burdensome to provide information detailing the par value of securities held by applicants in any carrier. It was reasoned by the Commission that petitioner had not met the requisite burden of demonstrating that some unusual difficulty would result in furnishing the required information. The specified data is obtainable by applicants through existing financial publications, filings with other agencies, and the corporation's own records.

The Commission agreed to the waiver of section 1111.1(d)(8) of the consolidation procedures as to USC which is a nonoperating carrier. Information concerning reserves for depreciation where there is little if any carrier operating property would be of questionable value in reaching a decision in the proposed consolidation application.

The Commission also agreed to the waivers sought in sections 1111.1(a) (3), (4), and (7) of the consolidation procedures as such requirements relate to PTC. The Commission reasoned that since PTC will have little active part in the acquisition of its stock that certain requirements designated in these sections were unnecessary. Specifically, it was determined that no resolutions of directors or stockholders approving the transaction or corporate executive officer verifying the application were necessary. The Commission will require the submission of an opinion of counsel that issuance of a note by PTC meet the requirements of law and will be legally authorized and valid.

The Commission further granted a requested waiver of section 1111.2(a)(8) of the consolidation procedures which, to the extent applicable, requires a map of each applicant and its relation to other applicants, shortline connections, other rail lines in the territory, and the principal geographic points in the region traversed. As none of the railway properties involved in the instant proceeding connect with each other, the submission of the stated data would serve no apparent purpose. The Commission modified the requirements in its decision in order to require the pertinent information only from PTC.

The Commission denied the requested waiver of sections 1111.1(e)(5) and sections 1111.2(a)(10) (ii) and (vi) of the consolidation procedures. These sections deal with various information relating to the effect of the transaction on carrier employees. The Commission noted its affirmative duty to protect the interests of railroad employees in consolidation procedures and stated that the required information was necessary in order to assess the impact of the transaction on these employees.

In its decision the Commission granted the requested waiver of sections 1111.2(c) (1), (2), and (4) of the consolidation procedures relating to revenue carload, revenue and commod-

ity, and operation information. Due to the facts that revenue car traffic is light, all the applicants are physically disconnected and there is no exchange of traffic between the parties. It was determined that the difficulty in cost of developing the information was outweighed by the de minimus value such information would have in helping to decide the proposed application.

The Commission determined in its decision that the requested modification of the requirements of section 1111.2(c) (5) and (6) of the consolidation procedures was permissible. It was decided that the submission of balance sheets and income statements for applicant and its subsidiaries on a consolidated as well as a corporate entity basis was unnecessary. Corporate entity financial information for the involved subsidiaries was deemed to be irrelevant to the ultimate determination to be made in the proposed application, particularly when consideration was given to the time and resources that would be saved. The Commission will require that any application to be filed contain a corporate entity and consolidated financial statement for both N.R.U.C. and U.S.C.

As a final matter, petitioners sought waiver of section 1111.4(a)(5) of the consolidation procedures. This section requires that directly related applications be filed concurrently with the section 5 application. The Commission consented to petitioners request that this period of filing of related applications be extended to withing 30 days of the filing of the consolidation application. The Commission noted that interested persons will not be precluded from commenting on the related application since the 45 day period for such comments begins to run from the date notice of the filing and acceptance of the 5(2) application is published in the FEDERAL REGISTER.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-18122 Filed 6-28-78; 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).

CONTENTS

[6570-06]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1324-78 and S-1335-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m. (eastern time), Thursday, June 29, 1978.

CHANGE IN THE MEETING: The time and date of the meeting are changed to 10:30 a.m. (eastern time), Friday, June 30, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Seretariat at 202-634-6748.

This notice issued June 26, 1978.

[S-1354-78 Filed 6-27-78; 10:03 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1324-78, S-1335-78 and S-1353-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m. (eastern time), Friday, June 30, 1978.

CHANGE IN THE MEETING: The following item is added to the portion open to the public:

Proposed organization for assumption of Equal Employment Opportunity Coordinating Council role transferred by civil rights reorganization plan.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change.—Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; and Ethel Bent Walsh, Comissioner.

Opposed.—None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued June 27, 1978.

[S-1357-78 Filed 6-27-78; 11:58 am]

[6714-01]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting:

At the commencement of its closed meeting held at 10 a.m. on Monday, June 26, 1978, the Corporation's Board of Directors unanimously determined, on motion of Chairman George A. LeMaistre, seconded by Director William M. Isaac (Appointive), with Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the currency), concurring in the motion, that Corporation business required the following changes in the agenda for consideration at the meeting, on less than 7 days' notice to the public.

Addition of the application of Dollar Savings Bank of New York, New York, N.Y., for consent to establish a branch on the north side of Vanderbilt Parkway, approximately 315 feet east of Commack Road, Town of Smithtown (Unincorporated Area), New York.

Deletion of a recommendation regarding the liquidation of assets acquired by the corporation from Franklin National Bank, New York, N.Y. (Case No. 43,550-L).

The Board further determined, by the same unanimous vote, that no earlier notice of the changes in the subject matter of the meeting was practicable and that the matter added to the agenda could be considered in a meeting closed to public observation, pursuant to subsection (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: June 26, 1978.

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

[S-1359-78 Filed 6-27-78; 11:58 am]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting:

At the commencement of its open meeting held at 10:30 a.m. on Monday, June 26, 1978, the Corporation's Board of Directors unanimously determined, on motion of Chairman George A. LeMaistre, seconded by Director William M. Isaac (Appointive), with Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurring in the motion, that Corporation business required the addition of the following item to the agenda for the meeting, on less than seven days' notice to the public.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed purchase of assets of and assumption of liability to pay deposits made in First National Bank of Scottdale, Scottdale, Pa., by Gallatin National Bank, Uniontown, Pa.

The Board further determined, by the same unanimous vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: June 26, 1978.

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

[S-1360-78 Filed 6-27-78; 11:58 am]

[6770-01]

5

[FCSC Meeting Notice No. 22-77]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings for

the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wenesday, July 5, 1978, at 10:30 a.m.—Canceled.

Wednesday, July 12, 19, and 26, 1978, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commision, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, telephone 202-653-6156.

Dated at Washington, D.C. on June 22, 1978.

FRANCIS T. MASTERSON,
Executive Director.

[S-1356-78 Filed 6-27-78; 10:03 am]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, July 6, 1978 [NM-78-27].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report.*—M/V *Dauntless Colocotronis* grounding in Mississippi River near New Orleans, La., July 22, 1977.
2. *Highway Accident Report.*—Usher Transport, Inc., tractor-cargo-tank semi-trailer overturn and fire, State Route 11, Beattyville, Ky., September 24, 1977.
3. *Aircraft Accident Report.*—Continental Air Lines, Inc., Boeing 727-224, N32745, Tucson, Ariz., June 3, 1977.
4. *Recommendation* to the Federal Aviation Administration re runway configurations containing displaced thresholds.
5. *Recommendation* to the Federal Aviation Administration re use of airport roads by firefighting and rescue vehicles.
6. *Recommendation closeout.*—Railroad recommendations Nos. R-71-18, R-72-8, R-72-9, R-72-10, R-72-14, R-74-32, R-75-4, R-75-6, R-75-34, R-76-6, R-76-7, R-76-9, R-76-10, R-76-19, R-76-42, R-76-43, R-76-44, R-76-46, and R-76-47.
7. *Discussion* of proposed change of NTSB Seal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1355-78 Filed 6-27-78; 10:03 am]

[8010-01]

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 3, 1978, in Room 825, 500 North Capital Street, Washington, D.C.

Closed meetings will be held on Wednesday, July 5, 1978, at 10 a.m. and on Thursday, July 6, 1978, immediately following the open meeting at 10 a.m. An open meeting will be held on Thursday, July 6, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Pollack, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, July 5, 1978, at 10 a.m., will be:

Referral of investigative files to Federal, State or Self-Regulatory authorities.
Formal orders of investigation.
Authorization of staff member to testify.
Institution of injunctive actions.
Settlement of injunctive actions.
Freedom of Information Act appeal.
Subpoena enforcement action.
Institution of administrative proceedings of an enforcement nature.
Dismissal of administrative proceeding of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Report on investigative matter.
Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, July 7, 1978, immediately following the open meeting scheduled for 10 a.m., will be:

Consideration of an administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, July 7, 1978, at 10 a.m., will be:

1. Proposed transmittal of comments to the Federal Trade Commission ("FTC") on the Securities and Exchange Commission's policy concerning the relationship of filing requirements for FTC quarterly financial reports and the Federal securities laws.
2. Consideration of a waiver from some provisions of the Commission's Conduct Regulations for a temporary employee.
3. Consideration of a Notice of Application pursuant to section 9(c) of the Investment Company Act of 1940 for an exemptive order from certain provisions of the Act in the matter of John Nuveen & Co., Inc. and Peter A. Leonard.
4. Consideration of proposed release concerning the reexamination of rules relating to shareholder communications and shareholder participation in corporate governance generally.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Kenneth Daniels at 202-755-1133.

Dated: June 26, 1978.

[S-1358-78 Filed 6-27-78; 11:58 am]

Federal Register

THURSDAY, JUNE 29, 1978
PART II

CONSUMER PRODUCT SAFETY COMMISSION

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CITIZENS BAND (CB) BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

Warning and Instructions Requirements

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1402—CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

Warning and Instructions Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission requires manufacturers and importers of (1) outdoor Citizens Band (CB) base station antennas, (2) outdoor television antennas, and (3) antenna supporting structures to provide purchasers with (a) instructions on how to avoid the hazard of contacting electric power lines with the antenna or supporting structure while putting it up or taking it down, (b) labels on the antennas and supporting structures warning of this hazard and referring the reader to the instructions, and (c) statements on the packaging or parts container, and at the beginning of the instructions, warning of this hazard and referring the reader to the instructions. Manufacturers and importers must also provide samples of the instructions, labels, and warning statements to the Commission. The Commission believes this rule will help to prevent injuries and death from electric shock caused by contact with electric power lines when persons put up and take down antennas or antenna supporting structures.

DATES: Effective date. The requirements apply to all affected products that are manufactured or imported, or packaged or sold by the manufacturer or importer, after September 26, 1978. Samples of the instructions, labels, and warning statements must be provided to the Commission by October 27, 1978.

ADDRESSES: Information related to this rulemaking is available in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, Washington, D.C. 20207. Samples of instructions, labels, and warning statements shall be submitted to the Associate Executive Director for Compliance and Enforcement, 5401 Westbard Avenue, Bethesda, Md. 20207.

FOR FURTHER INFORMATION CONTACT:

John Rogers, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6400.

SUPPLEMENTARY INFORMATION:

A. Product Definition

The requirements set forth below in 16 CFR Part 1402 apply to antennas designed or intended to be used as outdoor CB base station antennas or outdoor TV receiving antennas and to antenna supporting structures over five feet in length that are intended to raise CB and TV antennas to a higher elevation. Part 1402 does not apply to CB antennas intended to be attached to automobiles or other vehicles or to TV antennas attached directly to a television set (commonly referred to as "rabbit ears"). Antenna supporting structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not covered by this regulation. Moreover, the regulation only applies to those CB and TV antennas and supporting structures that are "consumer products" as that term is defined in section 3(a)(1) of the Consumer Product Safety Act, 15 U.S.C. 2052(a)(1).

B. Background

By letter dated September 12, 1976, Lawrence H. Chapman, of Harvey, La., petitioned the Commission for a regulation requiring a label on the package and instruction sheet for all communications antennas sold to the public, warning of the hazard of electric shock associated with the installation and other use of these products; or, if there were no packaging or instruction sheet, that the warning label be attached to the antenna so that it would be clearly legible at the time of delivery of the antenna to the ultimate consumer. Mr. Chapman also identified in his petition specific information he believed should be included in the label and requirements that should be specified for the label's border, heading and lettering.

The Commission estimates that approximately 220 persons in 1975 and 275 persons in 1976 were electrocuted in incidents involving communications antennas. These estimates were obtained by comparing the number of deaths shown from this cause in death certificates that have been submitted to the Commission with reports in the news media concerning this cause of death. Over one-half of these deaths were known to involve CB antennas, about 15 percent involved television antennas, and the remaining incidents involved outside communications antennas of unspecified types. This number of deaths makes communications antennas the "number one" product associated with electrocution among all consumer products.

The vast majority of these deaths occurred when the antennas contacted electric power lines while being put up or taken down. However, no significant injury pattern was found to exist with antennas other than from contact with electric lines. The Commission concluded that if consumers knew of the danger and how to avoid it, they would be able to take the necessary steps to protect themselves. Therefore, the Commission granted Mr. Chapman's petition insofar as it requested the Commission to propose a regulation concerning the hazard of contacting electric power lines with TV or CB base station antennas. Accordingly, the Commission proposed a rule under section 27(e) of the Consumer Product Safety Act, 15 U.S.C. 2076(e), requiring manufacturers to provide labels on the products and to provide instructions so that consumers can avoid the hazard of electric shock caused by contact with outdoor electric lines (42 FR 57134; November 1, 1977). This would help insure that the information is available when it is needed most; that is, when the antennas is being installed.

The Commission's staff is also presently studying the feasibility of a consumer product safety standard for these antennas that would eliminate or reduce the hazard of electric shock caused by contact with electric lines and is conducting an information and education program on hazards associated with these antennas.

The number of electrocutions associated with CB base station antennas and TV antennas show that consumers are not sufficiently aware of the hazard and of the difficulty that may be involved in safely erecting or taking down an antenna. A mast and its supporting structure may be long and heavy, and if proper precautions are not taken, it is all to easy for persons erecting or taking down an antenna to lose control of it so that it may contact a power line. Users must be aware of the hazard so that they will not contact power lines while transporting the antenna to or from the erection site. Preferably, they will make arrangements with the local electric utility for assistance in safely erecting or taking down the antenna. They must know not to attempt the installation or removal if there is any wind. While the antenna is being erected or taken down, it should have lines tied to it so that if it falls, it will not contact the power line.

There are many ways this information can be communicated to the consumer. The information and education program being conducted by the Commission should help in this regard. However, the Commission believes that a much more effective way to help insure that the necessary information is available to the consumer at the time the antenna is erected or taken down is to require the manufacturer to provide permanent warning labels on the products and to furnish with the products more detailed warnings and instructions for safely erecting the antenna. After examining the manner in which these accidents usu-

ally occur, the Commission preliminary concluded that there was an unreasonable risk of injury associated with the antennas and supporting structures described in section A of this preamble that do not provide labels, warnings, and instructions that sufficiently inform consumers of the risk and how to avoid it. The regulation that is being issued by the Commission will require such labels, warnings, and instructions. An explanation of the rule's requirements is given below. The requirements are essentially the same as those which were proposed on November 1, 1977 (42 FR 57134). The changes to the proposal are discussed in section D of this preamble, "Comments on the Proposal."

C. Explanation of the Rule

The regulation requires that readily visible prescribed warning labels be attached to CB base station antennas, outdoor TV antennas, and antenna supporting structures to warn against the hazard of electrocution while putting up or taking down an antenna or antenna supporting structure. The label also refers the reader to installation instructions that are required to be provided with the products. The label on the supporting structure is necessary because the label on the antenna may be too far away to see after the antenna has been installed, and thus the antenna label would not serve to warn a person who was attempting to remove the antenna.

In addition to labeling requirements, the regulation requires that instructions containing (1) an explanation of the hazard of contacting electric lines and (2) directions on how to reduce the hazard while putting the product up or taking it down accompany CB base station antennas, outside television antennas, and supporting structures (except unpackaged pipe or nontelescoping mast sections less than eleven feet in length). In addition, warning statements are required to be located (1) at the beginning of any other instructions provided by the manufacturer of the product and (2) on either the packaging or the parts container supplied with the product. The warning statement is required to be legible and conspicuous, and the statement in the instructions must be in type that is at least as large as the largest type used on the remainder of the page (except for the logo and identification of the manufacturer, brand, model, or similar designations). A statement has been added to the final regulation to specify that the warning statement type size should preferably be no smaller than 10 point type. The Commission believes that it would be unusual for a smaller type size to be sufficiently legible and conspicuous. The instructions accompanying CB base station and TV antennas must also tell the consumer to affix the warning label to the supporting structure if that structure is not already labeled. Appendix I to this notice is a topical outline of an instruction booklet for CB base station antennas that would meet the requirements of Part 1402. It should be pointed out that except for the introductory warning statement, the Commission is not requiring any particular organization or wording of the instructions.

There is an exception to the labeling and instructions requirement for antenna supporting structures that consist of pipe or tubular nontelescoping mast sections less than 11 feet in length and that are not individually packaged or otherwise contained in packages intended for distribution to the consumer. This exception is provided because, based on the available information, the Commission believes that labeling and instruction requirements for these types of supporting structures would cause a large percentage price increase in these products. The customary way to distribute these pipe and tubular mast sections is to tie a number of them together with wire and ship them, generally to a distributor who keeps piles of mast sections in stock. These mast sections are relatively inexpensive (the wholesaler's cost is about $2 per 10-foot section), and the cost of labeling them individually and providing accompanying instructions would increase the wholesaler's cost up to 25 percent. Methods of providing individual instructions for these mast sections, such as by taping instruction sheets and labels on the outside of the mast or inserting them inside the mast, have been considered, but these methods are believed to be impractical and/or too expensive. In addition to the effect of the increased cost to consumers, the price increases that would be caused if these mast sections are not exempt from Part 1402 could encourage consumers to use other products, such as water pipe, as mast sections.

Even though instructions and labels are not required to be provided with these exempt mast sections, Part 1402 attempts to insure that the protection afforded by labels and instructions is extended to such mast sections by requiring that the manufacturers of antennas that can be mounted on these exempt masts include with the antennas a warning label that the consumer can attach to the mast. The requirement that a separate label be supplied with antennas should also result in the warning label being attached by the consumer to other products that are sometimes used as supporting structures, such as water pipe.

In order to increase the possibility that the labels on antennas and their supporting structures will remain visible until the antennas are taken down, the regulation should ideally require that the labels affixed to the products have an average expected life approximating that of the life of the products themselves. However, such a requirement does not appear to be economically feasible at this time since labels that would last that long are prohibitively expensive. The Commission is advised that a type of vinyl label with a polyester film covering that is now available at low cost will last for 3 years. The Commission believes that a requirement for a label that will last for at least 3 years, while not optimal, will reduce the risk of contact with powerlines when an antenna is being taken down.

In order to insure that the requirements for labels, warning statements, and instructions are being properly interpreted and followed, § 1402.4(b) requires manufacturers to provide the Commission with samples of all the labels, warning statements, and instructions that are used to satisfy the requirements of proposed Part 1402. The samples shall be submitted by October 27, 1978, or, in the case of a change in the instructions or warning statements or if a new product is introduced, within 30 days after the change or introduction. Separate samples need not be submitted to the Commission when parts of the instructions are changed which do not relate to the portions of the instructions required by this regulation. Also, this requirement is not a premarket clearance requirement, although, if requested to do so, the Commission's staff will give an informal opinion on whether any particular label, warning statement, or instruction complies with Part 1402.

The proposal contained an additional requirement that labels be provided to the Commission if they underwent any changes. However, since the requirements for labels are so specific, there should not be any changes that are significant from the standpoint of compliance with Part 1402. Therefore, the requirement to submit change labels has been deleted from the final regulation.

D. Comments on the Proposal

In response to the Federal Register notice proposing Part 1402, the Commission received comments from 23 firms and individuals. An explanation of the significant issues raised by the comments and the Commission's response is given below.

In support of the regulation. Seventeen of the 23 comments expressed or implied support for the proposed regulation. One of these, from the Michigan CB Council, stated that 23 persons had been electrocuted in antenna accidents in Michigan during 1 year alone. Another, from the Air Force Inspec-

tion and Safety Center, noted that approximately four off-duty Air Force personnel are electrocuted each year while installing antennas.

Many of these comments, while supporting the general approach of the proposed regulation, made additional comments which are discussed below under the appropriate subject category.

The comments opposing the regulation are also discussed below under the appropriate subject category.

Cost. A student commented that in his opinion the rule will not save lives and will impose excessive costs on the manufacturers of this equipment. He argues that the Commission should consider the costs involved versus the benefits received and should be more cost conscious in issuing rules.

A manufacturer commented that he felt that the regulation should be limited to warnings on the product cartons and to the instruction sheets already used by manufacturers, and that additional items should not be adopted until the effects of those requirements are analyzed. He stated that requiring an instruction booklet and labels on the products themselves would increase significantly the cost without improving the safety of the users.

An organization of CB operators disagreed with the Commission estimate that the cost would be 25 percent of the material cost and stated that labels could be obtained for $0.11 to $0.15. (The 25 percent increase was mentioned in the proposal in relation to the unpackaged mast sections that were exempted from the proposal. Since these do not have packages, other means to insure that the labels, warnings, and instructions stayed with the mast would have to be provided, thus accounting for the increase in cost.)

In response to those comments that contend the rule will increase costs and not increase safety, the Commission is convinced that the rule's requirements will reduce the number of deaths from electrocution associated with these products. If consumers are informed of the severe hazard that they face and are given the information on how to avoid it, the Commission believes that they will take the necessary steps to protect their own lives.

The Commission considers the probable economic effects of the safety regulations that it issues. The Commission is aware that manufacturers will have to incur certain kinds of costs as a result of this rule. These costs are primarily for materials, labor, and administrative costs associated with incoorporating labels and installation instructions with new products. In addition, there will be some costs for bringing existing inventory into compliance. Prior to proposing Part 1402, the Commission made a preliminary investigation of the economic impact of the rule. The information that the Commission has since obtained concerning economic effects of the rule merely confirms its original conclusion that the additional costs to manufacturers and consumers caused by the requirements of the rule are small compared to the expected benefits.

The CB base station antennas sell at retail for between $15 and $200, with the majority sold priced between $40 and $60. TV antennas range from $10 to $130, with most selling for $40 to $50.

A survey of manufacturers conducted by the Commission's staff indicates that the cost to manufacturers for labels may range between $0.02 and $0.05 each (or about $0.04–$0.10 per antenna package, since two labels per package would be required for antennas). Detailed information on the cost impacts of the proposal is included in the economic reports prepared by the Commission's staff. The economic analysis indicates that the cost to the manufacturer will probably be quite small (between $0.10 and $0.35 per product item). Retail prices may increase by about $1.00 per unit. In addition, since the rule will apply to units manufactured, packaged, or sold by the manufacturer 90 days after it is issued, costs for reworking existing inventory will also be incurred.

In view of the severe nature of the hazard associated with these products, the Commission believes that the small additional cost is justified.

Impose requirements on power companies. One manufacturer of antenna supporting structures commented that their products are not unsafe and that manufacturers "are the victims of a few, stupid people and the power companies[']) inability to warn the consumer about powerline hazards." He argues that it is unfair to impose requirements on the manufacturers of supporting structures "unless the power companies are forced to cooperate and do the same." He states that some power companies have issued public service warnings concerning this hazard and that the Commission should not take any further action until enough time has passed to determine whether a reduction in accidents occurs as a result of these warnings. He also requests a public hearing before any action is taken.

The request for a public hearing was previously denied by the Commission because there was no indication that the commenter had any information to present that could not be adequately presented in writing.

Although it would be helpful for power companies to warn consumers about the hazards of contact with power lines, the Commission believes that the most effective means of achieving a reduction in the number of deaths caused by contact of antennas and their supporting structures with powerlines is to have the warning accompany the product. This will make the warning available to the consumer at the time when it will do the most good; that is, when the device is to be installed or taken down. In view of the Commission's judgment that the most effective way of dealing with this problem is for the warnings to accompany the antennas and supporting structures, there is no need to wait in order to determine the degree of effectiveness of other means of reducing the risk. However, the Commission is preparing a notice that could be enclosed with utility bills and will encourage power companies to use it to help warn consumers of the dangers involved.

Type of antennas. One individual stated that he was in favor of warning labels on any type of antenna. A power company suggested that FM antennas be included within the scope of the rule.

The Electronics Industries Association (EIA) asks that TV antennas be excluded from the regulation for the first 18 months and that the need for their inclusion be reconsidered one year after the effective date. EIA contends that the electrocution risk from television antennas is only about one-tenth the risk from CB base station antennas, based on an incident ratio of 3:1 (3 CB to 1 TV) and an annual sales ratio of 1:3 (1 million CB base station antennas to 3 million television antennas). Since EIA estimates that the labeling rule will add about $1.00 to the cost of each antenna, EIA believes that the $3 million added cost to consumers is not cost effective to the protection afforded, especially in view of the EIA forecast of a trend away from erecting TV antennas on high structures.

As discussed above, the cost of complying with this rule is small compared to its expected benefits. Although the rule may be more urgently needed for CB antennas, it is still warranted for TV antennas if a substantial number of deaths are occurring involving these antennas.

The Commission obtains information concerning deaths associated with consumer products both from death certificate files and from newspaper clippings (newsclips). Data for 1976 and the presently incomplete data for 1977 in both files indicate a ratio of CB to TV antenna fatalities of about 3 or 4 to 1. The newsclip file indicates that the number of deaths associated with TV antennas stayed about the same in 1975 and 1976 while the death certificate file indicates a drop in 1976.

However, a comparison of the 14 TV antenna deaths reported in 1976

through death certificates with the 26 cases reported by newsclips revealed only one fatality that was present in both files. Thus, a minimum of 39 electric shock deaths were associated with television antennas during 1976. The almost complete lack of duplication is an indication of the incompleteness of each file, and the actual number of deaths must be considerably larger. Regardless of the trend in deaths associated with TV antennas, the number of deaths that are presently occurring is such that it is inadvisable to delay application of the rule to TV antennas.

The data available to the Commission do not support the need to include antenna types other than TV and CB antennas in the rule. For example, the CPSC files do not contain a record of any accidents that can be identified as involving FM antennas. Therefore, the Commission does not accept the suggestions of the commenters who asked that FM antennas and other types of antennas be included.

Exemption for unpackaged mast sections. As proposed, Part 1402 contained an exemption for unpackaged pipe or tubular nontelescoping mast sections less than 11 feet (335 cm.) in length.

Three comments were submitted relating to this exemption. One, from a manufacturer of such mast sections, states that much of such tubing is painted and packaged in cardboard boxes to protect its finish. This manufacturer suggests that the word "unpackaged" be eliminated (in which case, the exemption would apply to all nontelescoping mast sections less than 11 feet in length). Another comment, from the Electronic Industries Association (EIA), states that painted mast sections may be bulk shipped to distributors in cartons in order to protect the paint. The carton is removed before the pipe sections are offered to consumers. They suggest, therefore, that the term "pipe sections not individually packaged" be substituted for "unpackaged pipe."

One comment urged that there should be no exemption for these unpackaged mast sections because the fact that they are not labeled might create the illusion that it is safe to erect these mast sections in the area of powerlines.

The term "unpackaged" was included in the proposed exemption because, as discussed above, the Commission believed that the solutions to the problem of attaching the instructions, etc., to an unpackaged tubular mast section (so that the instructions would stay with the mast section without being damaged until sale to the consumer) were unreasonably expensive. This reason is applicable to any tubular mast section that is sold in the unpackaged state, regardless of whether it has been bulk packaged at some point in the distribution chain. Accordingly, the Commission has decided to make a change from the proposal and issue the exemption to apply to pipe sections "not individually packaged or otherwise contained in packages intended for distribution to the consumer." The Commission has adopted a modification of the language suggested by EIA so that the rule will cover mast sections that may be contained with other mast sections or components in a package intended for the consumer. Although the elimination of the term "unpackaged" as suggested by the manufacturer would exempt individual packages intended for consumers, this commenter has communicated to the staff that the request was intended to exempt only bulk packages. This concern is accommodated by the changed language in the final rule. In any event, the Commission concludes that, in the case where a mast section is individually packaged and the labels, warnings, and instructions could therefore be included in the package, the cost of requiring that labels, etc., accompany the mast section is not excessive and that masts that are packaged when delivered to the consumer should not be exempted from the rule.

The Commission does not agree with the comment opposing the exemption for unpackaged mast sections because the commenter believes the lack of labeling might create the illusion that it is safe to erect the antennas near powerlines. The label required to be present on the antennas and the instructions required to accompany the antenna should provide a sufficient warning when erecting the antenna and its supporting structure. The label on the supporting structure is being required in an attempt to warn the person taking down the antenna. As discussed above, the exemption for the shorter unpackaged mast sections is provided because of the high cost of providing the labels and instructions with this type of mast. However, if the user follows the instructions that come with the antenna, he or she will apply a label to the mast section if it does not already have one. Because of the cost factor (discussed above) and because protection is being provided by requiring the antenna manufacturers to enclose a label and provide instructions, the exemption for "pipe or tubular nontelescoping mast sections that are less than 11 feet (335 cm.) in length and that are not individually packaged or otherwise contained in packages intended for distribution to the consumer" is retained.

Labelling. a. *Pictogram.* Two comments suggested that the warning label should incorporate a pictorial representation of an antenna touching a powerline and sending out bolts of electricity. (A pictogram would not prevent the use of the textual material in the label shown in Part 1402.) One commenter submitted a sample pictogram that the Commission believes is unsuitable in the form submitted. One problem with the submitted pictogram is that the "lightning bolt" symbol is not universally recognized as meaning that there is a danger of electric shock. The Commission believes that the label as proposed, since its format is derived from long established labeling practices, will be effective in warning consumers of the danger. Accordingly, the proposed label is being retained. The Commission does not currently have available a pictogram that it believes will be useful in lieu of the labeling it is requiring. However, if the Commission becomes aware of an effective pictogram, it would consider approving its use. The Commission cannot justify a delay in issuing this rule in order to search for a possibly more effective label.

b. *Background color.* The Visual Alerting Systems Committee of the American National Standards Institute commented that the proposed label was not appropriate because "it mixes, without rationale, color meaning within a sign configuration which has a 40-year history of serving industry well." They also pointed out that the label differs from a label which the CPSC has endorsed for use on ladders. They state that the label should have a white background instead of the yellow background that was proposed.

The yellow background of the label was selected because of the need for the label to stand out from its background. A white background label does not offer enough contrast to the gray color of the aluminum to which it will often be attached. In this instance, the need to use a high visibility color such as yellow outweighs the desirability of white from the standpoint of consistency or usual meaning in an industrial context. Accordingly, no change in the background color is being made.

c. *Label on instruction and packaging.* One commenter suggested that the label should also be required on the instruction sheet and on the carton as a sealing label. The Commission, however, believes that the present warning statement, which is required to be legibly and conspiously placed on the first page of the instructions and on the packaging or the parts container, is sufficient to bring the hazard to the attention of the user. Therefore, additional requirements for labels are not necessary. Also, the Commission does not favor a sealing label because it might not be in a conspicuous position.

d. *"Life of label" requirement.* The Electronics Industries Association (EIA) stated that because of the possible impermanence of red inks and the problem of finding suitable methods of attachment for a variety of materials, the requirement that the label be legible for 3 years should be stated as an objective rather than a requirement. The Commission declines to accept this suggestion because label manufacturers have advised the Commission that a three year life expectancy requirement can be met, and the Commission concludes that there is no need to restate the requirement as an objective.

e. *Shape or form of the label.* EIA commented that manufacturers needed flexibility in the form, shape, and size of the label. They requested that manufacturers be allowed to develop the shape of warning labels provided that:

1. Visibility is enhanced by the change.

2. The full text and graphics are printed as in the standard labels.

3. The area of the label is at least 6.5 sq. in.

The Commission agrees that there may be a few limited circumstances in which a different label shape could be appropriate, such as where the design of the antenna so requires. However, the Commission does not believe that it is necessary or practical to devise a set of criteria that would fully define the label characteristics that should be maintained in such a changed label. Therefore, the change requested by this comment is denied. If the Commission becomes aware of a specific change that appears advantageous under certain circumstances, it would consider approving its use.

Effective date. As proposed, the rule's requirements would cover products manufactured, packaged, or sold by manufacturers 90 days after publication of the rule in the FEDERAL REGISTER. Two commenters (a manufacturer and EIA) requested an extension of the effective date applicable to the sale of products subject to the regulation because: (1) A time lag for production changeover exists for some firms with production facilities outside the United States; and (2) manufacturers' inventories of packaged products would be relatively high on the proposed effective date because CB base station antenna sales have been unexpectedly low in recent months. The trade association estimated the average one-time total cost of bringing inventory into compliance was approximately $24,000 per firm for TV antenna producers. EIA further estimated that these costs could be cut by more than half if the effective date were extended to 180 days after publication of the rule in the FEDERAL REGISTER. The two commenters also noted that the cost of inventory retrofitting would probably fall disproportionately on firms with relatively high inventories, thus affording an advantage to those firms with relatively low inventories. These commenters suggested that the effective date applicable to products sold by the manufacturer should be increased to 270 days. EIA also stated that if the Commission could indicate sufficiently far in advance that it would accept, for 1 year, labels and instructions that comply with the proposed rule, the effective date for sales could be reduced to 180 days.

The Commission's analysis of the probable economic effects of the rule confirms that a 90-day effective date applicable to sales would create a burden on certain manufacturers.

Firms with the largest sales of CB base station antennas are estimated to have inventories that range from a 4 to 12-month supply because of the recent decline in antenna sales. Firms with smaller sales are to be expected to have supplies that would last a shorter period of time. TV antenna producers may have a 6-9 month inventory on some slow-selling, specialty items. For other firms, inventories range from zero to 3-month supply.

The Commission estimates that more than 85 percent of manufacturers have been voluntarily labeling their products for over 8 months. These manufacturers include all of the large firms. The labels used by these firms are similar to those required by the proposed rule. Some firms are also voluntarily including installation instructions, but these materials are not as widely used as the labels. The number of firms not using labels or instruction sheets is believed to be small. These firms may account for between 10 percent and 20 percent of sales but are likely to have small inventories.

The economic data available to the Commission supports the contention that a longer effective date would reduce the adverse economic effect of the rule on manufacturers. However, in making its determination of an appropriate period for an effective date, the Commission has also considered: (1) the seriousness of the risk of electrocution while erecting or taking down CB base station and TV antennas that are not adequately labeled and accompanied by proper instructions, and (2) the fact that a significant number of fatal accidents are occuring each year. The Commission believes that the proposed 90 day period for manufacturers to comply with the rule is reasonable and necessary because it would not be possible for many manufacturers to comply with the rule in a shorter period of time. For this reason, a shorter effective date could cause an interruption in the availability of these products. However, this 90 day effective date would penalize those manufacturers who have been voluntarily labeling and/or providing instructions with their products, since these manufacturers would have to discard the unused labels and instructions that did not fully comply with the final rule. The Commission believes that the changes between the proposed label and the requirements of the final rule, which consist of different colors for some words plus some underlining, are not so significant as to warrant additional adverse economic effects on the manufacturers that have been voluntarily complying with the intent of the rule. Therefore, the Commission has decided to allow, for 1 year after the effective date of the rule, the continued use of labels and instructions that substantially comply with the proposed rule and that were ordered before the final requirements were issued.

Consequently, based on the seriousness of the risk of injury, the need for the rule, and the reduction in the economic impact of the rule because of the decision to permit the use of labels that do not fully comply for a one year period, the Commission concludes that the requests for an extension of the effective date must be denied. Thus, as in the proposal, the final requirements apply to all affected products that are manufactured or imported, or packaged, or sold by the manufacturer or importer, after September 26, 1978. Samples of the instructions, labels, and warning statements that comply with the final rule must still be provided to the Commission by October 27, 1978.

Immediate ban of products that do not comply with Part 1402. The original petitioner submitted a request that all TV and CB antennas should be "banned from the marketplace as of now" unless they comply with Part 1402. Another commenter supported this request.

The Commission is empowered to declare a product that presents an unreasonable risk of injury to be a banned hazardous product if no feasible consumer product safety standard would adequately protect the public. However, as discussed above, the Commission is currently investigating the question of whether a safety standard for these products is feasible. Therefore, the Commission cannot grant the request for an immediate ban because it cannot at this time make the finding that no feasible consumer product safety standard would adequately protect the public. It should be pointed out, however, that after the effective date of Part 1402, it is just as much a prohibited act under the CPSA for the manufacturer to violate Part 1402 as it would be for the manufacturer to distribute a product that was banned be-

cause it did not comply with Part 1402. Although the Commission could make Part 1402 effective immediately, it has, for the reasons given above, determined that an immediate effective date is not appropriate.

Insulation. One commenter suggested that insulating links, probably made of plastic or fiberglass, could be inserted between the sections of the mast to protect against electric shock.

EIA submitted a number of comments to the effect that a safety standard for these products to protect against electric shock is either unfeasible or unwise.

The Commission is presently evaluating the feasibility of a safety standard to protect against the hazard of electrocution caused by contact of the product with powerlines. The subject matter of these comments will be considered during this evaluation and is outside the scope of the proposed rule.

Instructions. (a) One commenter told of an incident in which a person was badly injured while taking down an antenna and stated that consumers should also receive instructions on how to safely take down antennas. The Commission notes that instructions for this are already required by the rule in §§ 1402.4(a)(1)(ii)(B)(*3*)(*ii*) and 1402.4(a)(2)(ii)(B)(*3*).

(b) The EIA suggested that the requirement for instructions concerning methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the antenna mast should be satisfied by an explanation that the minimum safe separation between the mounting point of the antenna and any overhead power line is a distance equal to two times the overall length of the antenna assembly. EIA maintains that any installation or removal within this distance should be accomplished only by professionals, or the power company should be requested to render their line safe during the installation or removal. They contend that to provide consumers with information on methods of erecting antennas in locations where there is a potential for power line contact might encourage consumers to undertake the attempt, thereby exposing them to the hazard of electrocution.

For purposes of clarification, the Commission states that site selection and measurement instructions, without more information, do not satisfy the requirements for an explanation of methods to reduce the possibility of electrocution (§§ 1402.4(a)(1)(ii)(B)(*3*)(*ii*), 1402.4(a)(2)(ii)(B)(*3*)). These sections require an explanation of the techniques and physical restraints needed to prevent contact with the power line while the antenna is being put up or taken down. The Commission believes that such an explanation is essential for the purpose of the rule. It is obvious that many people are not now following the site selection rule advocated by EIA. The Commission believes that many persons would violate the "two times" rule for reasons of convenience. In addition, many persons may not have enough land to be able to comply with such a rule. (For a 60-foot antenna, the separation distance is 120 feet. A half circle of 120-foot radius covers an area of over one-half acre.)

(c) A power company suggested that the instructions should include a comment on the fact that TV and CB antennas become "top-heavy" and are hard for inexperienced persons to handle. Although it is not required that the instructions mention the weight distribution along the antenna, the requirement that the instructions explain the risk of electrocution requires an explanation of the difficulties involved in attempting to erect the antenna. Thus, the regulation appears to satisfy the intent of the comment. The Commission is not able to estimate at this time the degree to which the weight distribution of the antennas may contribute to the electrocution hazard.

Sale for installation by consumers. The Electronic Industries Association (EIA) requested that the rule apply only to those antennas sold *for installation by* consumers rather than to those merely sold to consumers. They state that since the product itself is not hazardous, the warnings and instructions are unnecessary for the class of "professional products." They refer specifically to "items such as certain large towers, specialized receiving antennas for CATV headend systems, and antennas and mounting structures which are installed and maintained by professional service organizations under contract."

The Commission does not believe that the requested change is necessary or desirable. Antennas and mounting structures that are truly "professional" (that is, that are not sold to consumers or used more than occasionally by consumers) would not be "consumer products" as defined by section 3(a)(1) of the Consumer Product Safety Act and thus are not subject to the rule. The Commission believes that consumers will attempt to install at least a substantial portion of any type of antenna or mounting structure that they personally use or purchase. For these products, therefore, the warnings and instructions required by the rule are necessary in order to enable consumers to protect themselves.

E. Statutory Findings.

Section 27(e) of the Consumer Product Safety Act authorizes the Commission to "by rule require any manufacturer of consumer products to provide to the Commission such performance and technical data related to performance and safety as may be required to carry out the purposes of this Act and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act." As provided in section 2(b) of the Consumer Product Safety Act (15 U.S.C. 2051(b)), one purpose of the Act is "to protect the public against unreasonable risks of injury associated with consumer products."

The Commission has considered the injury data associated with the antennas and supporting structures subject to this rule. The number of deaths by electrocution associated with these products is very high. The Commission believes that the provisions of part 1402 will enable consumers to protect themselves against this risk of injury and that this will substantially reduce the number of deaths from this cause in the future. The Commission estimates that the cost of complying with Part 1402 will be from $0.10 to $0.35 per product item plus the cost of reworking inventory. This cost is quite small, compared with the benefits of the reduced fatalities that are expected to occur as a result of the rule. The utility of the product to consumers will not be affected by the rule. Especially in view of the 1-year period for manufacturers to use labels and instructions ordered before the effective date that substantially comply with the proposed label and instructions, the availability of the products to consumers should not be adversely affected. After considering these factors, the Commission has concluded that there is an unreasonable risk of injury presented by CB base station antennas, outdoor TV antennas, and their supporting structures that do not comply with the requirements of Part 1402. The Commission therefore concludes that, in order to carry out the purpose of the CPSA to protect the public against unreasonable risks of injury, it is necessary to require the manufacturers of these products to provide the notifications required by part 1402 as set forth below.

Therefore, under provisions of the Consumer Product Safety Act (Sec. 27(e), Pub. L. 92-573, 86 Stat. 1228; 15 U.S.C. 2076(e)), the Commission amends Title 16, Chapter II, of the Code of Federal Regulations by adding to subchapter B a new part 1402, reading as follows:

Sec.
1402.1 Scope.
1402.2 Background.
1402.3 Definitions.
1402.4 Requirements to provide performance and technical data.

AUTHORITY: Sec. 2, 27, Pub. L. 92-573, 86 Stat. 1207, 1228 (15 U.S.C. 2051, 2076).

§ 1402.1 Scope.

(a) This part 1402 requires manufacturers (including importers) of Citizens Band (CB) base station antennas, outdoor television (TV) antennas, and their supporting structures to provide notification of ways to avoid the hazard of electrocution which exists when these products are allowed to come near powerlines while the antennas are being put up or taken down. The notification must be provided to (1) prospective purchasers of such products at the time of original purchase and (2) the first purchaser of such products for purposes other than resale. The notification consists of instructions to accompany the products, warning labels on the products, and warning statements on the packaging or parts container. Samples of the instructions, labels, and warning statements must also be provided to the Consumer Product Safety Commission.

(b) This part 1402 applies to any of the following that are "consumer products" as defined in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and that are manufactured or imported, or packaged or sold by the manufacturer or importer, after September 26, 1978.

(1) Antennas designed or intended to be used as outdoor CB base station antennas (referred to in this rule as "CB base station antennas").

(2) Antennas designed or intended to be used as outdoor TV receiving antennas (referred to in this rule as "TV antennas").

(3) Antenna supporting structures, which are elements that are intended to support these types of antennas at a higher elevation. These structures include towers, tripods, and masts. Devices which merely secure the antenna in place are not included.

§ 1402.2 Background.

As a result of numerous electrocutions which have occurred when consumers contacted powerlines with CB base station and outside TV antennas while putting these antennas up or taking them down, the Consumer Product Safety Commission has determined that it is necessary to require that warnings and instructions be furnished with these antennas and their supporting structures so that consumers can be made aware of the hazards involved and of safe ways to put up and take down these antennas. The Commission anticipates that this regulation will help protect the public against the unreasonable risk of injury associated with CB base station antennas, outside TV antennas, and supporting structures due to contact with overhead powerlines.

§ 1402.3 Definitions.

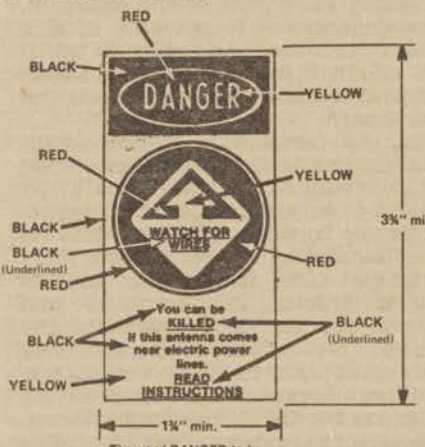
(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1402.

(b) "Antenna supporting structures," "CB base station antennas," and "TV antennas" are defined in § 1402.1(b)(1-3).

§ 1402.4 Requirements to provide performance and technical data by labeling and instructions.

(a) *Notice to purchasers.* Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall give notification of performance and technical data related to performance and safety to prospective purchasers of such products at the time of original purchase and to the first purchaser of such product for purposes other than resale, in the manner set forth below.

(1) *Antennas.* CB base station antennas and TV antennas shall be provided with the following:



The word DANGER to be printed in either Helvetica or New Gothic 30 Pt. (Bold) compressed.
WATCH FOR WIRES to be printed in 10 Pt. Helvetica Medium.
The remaining copy to be printed in 10 Pt. Helvetica Medium.

FIGURE 1

(i) *Label.* (A) The antenna shall bear the label shown in fig. 1 so that the label will be conspicuous to the installer during installation.

(B) If pipe or tubular nontelescoping masts are a suitable supporting structure for the antenna, a separate label as shown in fig. 1 shall accompany the antenna. The label shall be suitable for mounting by the consumer on such a mast.

(C) The label in figure 1 shall be made and attached in such a manner that it will be legible for an average expected life of at least 3 years.

(D) The word "product" may be substituted for "antenna" in the label of Fig. 1.

(E) (*1*) The colors stated in figure 1 shall conform to the following American National Standards designations or, for red and yellow, to Color Tolerance Charts available from The Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590, and are on file at the Office of the Federal Register. The American National Standards designation and Color Tolerance Charts are incorporated by reference.

Color	ANSI [1]
Red	Z53.1-1971 (Safety Red).
Yellow	Z53.1-1971 (Safety Yellow).
Black	Z53.1-1971 (Safety Black).

[1] ANSI refers to standards of the American National Standards Institute. These may be obtained from ANSI, 1430 Broadway, New York, N.Y. 10018, and are on file at the Office of the Federal Register.

(*2*) Color limit values shall be determined by either ASTM D-1535-68[2] or, for red or yellow, by the Department of Transportation Color Tolerance Charts, which display the desired colors within the tolerance limits. The ASTM standard is incorporated by reference.

(ii) *Instructions.* CB base station antennas and TV antennas shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS". This statement shall be legible and conspicuous and shall be in type that is at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, or similar designations, and that is preferably no smaller than 10 point type.

(B) The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and readily understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(*1*) An explanation of the risk of electrocution caused by contacting powerlines while putting up or taking down the antenna.

[2] ASTM D-1535 is a standard of the American Society for Testing and Materials, and may be obtained from ASTM, 1916 Race St., Philadelphia, Pa. 19103. It is also on file at the Office of the Federal Register.

(2) An identification of the generally available types and sizes of antenna supporting structures that are suitable for use with the antenna. If a generally available type or size of supporting structure is not identified as suitable, an explanation of why it is not suitable shall be included.

(3) If pipe or tubular non-telescoping masts are a suitable supporting structure for the antenna, the instructions shall contain the following in relation to installation of the antenna on such masts:

(i) How to select and measure the installation site.

(ii) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the antenna mast.

(iii) Instructions for properly attaching the separate label that is required to accompany the antenna by paragraph (a)(1)(i)(B) of this section.

(iv) A statement that if the supporting structure to be used with the antenna does not have a label of the type provided by the manufacturer, the provided label should be attached to the base of the supporting structure by the installer.

(2) *Antenna supporting structures.* Antenna supporting structures, except pipe or tubular nontelescoping mast sections less than 11 ft. (335 cm.) in length that are not individually packaged or otherwise contained in a package intended for distribution to the consumer, shall comply with the following requirements:

(i) *Label.* (A) Antenna supporting structures shall bear the label shown in fig. 1, which shall be legible for an average expected life of at least 3 years. The label shall be attached so that it is conspicuous during installation and is 3 to 5 ft. (91 to 152 cm.) from the base of the supporting structure.

(B) The word "product" may be substituted for "antenna" in the label, as may "tower", "tripod", or other term, if it accurately describes the supporting structure.

(ii) *Instructions.* Antenna supporting structures shall be accompanied by instructions that include the following:

(A) The following warning statement, placed on the first page of the document(s) containing the instructions and at the beginning of the body of the instructions: "WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS." This statement shall be legible and conspicuous and shall be in type that is at least as large as the largest type used on the remainder of the page, with the exception of the logo and any identification of the manufacturer, brand, model, and similar designations, and that is preferably no smaller than 10 point type.

(B) The information set forth below, which shall be in a part of the instructions that is conspicuously identified as containing information concerning the risk of electrocution caused by contact with powerlines. No particular wording is required for this information, but it shall be in legible English and understandable to a user with a sixth grade reading ability (other languages may be included as appropriate).

(1) An explanation of the risk of electrocution caused by contacting powerlines while putting up or taking down the supporting structure.

(2) How to select and measure the installation site.

(3) An explanation (pictorial where appropriate) of methods that can be used to reduce the possibility of contact with powerlines when putting up and taking down the supporting structure.

(3) *Packaging.* (a) The following warning statement shall legibly and conspicuously appear on either the packaging or the parts container of any CB base station antenna, TV antenna, or antenna supporting structure: "Warning: Installation of this product near powerlines is dangerous. For your safety, follow the enclosed installation directions."

(b) *Data provided to the Commission.* (1) Manufacturers of CB base station antennas, TV antennas, and antenna supporting structures shall provide to the Commission samples of all the labels, warning statements, and instructions which will be used to satisfy the requirements of paragraph (a) of this section. These samples shall be provided to the Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Md. 20207, by October 27, 1978, or, in the event of a subsequent change in the warning statements or instructions or if a new product is introduced, within 30 days after the change or introduction.

(2) Manufacturers need not submit a separate sample for each model of antenna or supporting structure where different models use the same label and warning statement and where the portion of the instructions required by this part is the same for the different models (even though the remainder of the instructions may be different for each model). Changes in instructions which do not affect the portions of the instructions required by this Part do not require the submission of additional samples.

Dated: June 20, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register June 22, 1978.

APPENDIX I

RECOMMENDED OUTLINE FOR INSTRUCTION BOOKLET ON "HOW TO SAFELY INSTALL YOUR CB BASE STATION ANTENNA"

I. Required Warning Label Statement.
II. Statement of Hazard.
III. General Safety Instructions:
A. Seek professional assistance.
B. Select your site with safety in mind.
C. Call your electric power company.
D. Plan your procedure.
E. What to do if the assembly starts to drop.
F. What to do if the assembly contacts powerlines.
G. What to do in case of electric shock.
IV. Site Selection (How to select and measure the installation site):
A. Distance from powerlines.
B. FCC height limitations.
C. Alternate locations:
1. Roof.
2. Chimney.
3. Side of house.
4. Free standing.
V. Types and Sizes of Support Structures and Mountings:
A. Tripod:
1. Where it can be used.
2. Limitations.
3. Suitable mounting methods.
B. Tubular Mast:
1. Non-telescopic:
a. Where it can be used.
b. Limitations.
c. Suitable mounting methods.
2. Telescopic:*
a. Where it can be used.
b. Limitations.
c. Suitable mounting methods.
C. Tower:*
1. Where it can be used.
2. Limitations.
3. Suitable mounting methods.
VI. Installation Instructions:
A. General Instructions:
1. Materials.
2. Assembly.
3. How to walk-up a tubular mast:
a. Height limitations.
b. Tying off.
c. Raising the mast with an X-frame.
d. Raising the mast without an X-frame.
4. Guy Wires.
B. How to Install a Tripod:
1. Preparation.
2. Erecting the assembly.
3. Securing the assembly.
C. How to Install a Non-telescopic Tubular Mast:
1. Roof Mount:
a. Preparation.
b. Erecting the assembly.
c. Securing the assembly.
2. Chimney Mount:
a. Preparation.
b. Erecting the assembly.
c. Securing the assembly.
3. Side of House Mount:

*Detailed instructions for installing these supports would come with the product.

a. Preparation.
b. Erecting the assembly.
c. Securing the assembly.
4. Free Standing Mount:
a. Preparation.
b. Erecting the assembly.
c. Securing the assembly.
VII. Grounding Your Antenna:
D. How to Install a Telescopic Mast:*
1. Preparation.
2. Erecting the assembly.
3. Securing the assembly.
E. How to Install a Tower:*
1. Preparation.
2. Erecting the assembly.
3. Securing the assembly.
VIII. Instructions for Attaching Label to Antenna and Supporting Structure:

[FR Doc. 78-17850 Filed 6-28-78; 8:45 am]

federal register

THURSDAY, JUNE 29, 1978
PART III

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM AMENDMENT NO. 5

Amended Effective Dates

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17034; Amdt. No. 121-146]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Operations Review Program Amendment No. 5: Amended Effective Dates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: On May 25, 1978, the FAA amended certain of its regulations which are contained in part 121. The amendments were made to update and improve the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, and records of air carriers and commercial operators of large aircraft. This rule changes the effective dates of certain of those amendments in response to comments from the Air Transport Association of America.

EFFECTIVE DATE: June 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

History and Review of Effective Dates

On May 15, 1978, the FAA issued amendments to part 121 of the Federal Aviation Regulations (Amendment No. 121-144; published in the Federal Register (43 FR 22643; May 25, 1978) to become effective June 26, 1978).

The Air Transport Association of America (ATA) has informed the FAA that they have been advised by their airline members that implementation of several of the regulations contained in amendment No. 121-144 would be physically impossible within the time frame as given in the amendment, without placing an undue burden on the airlines and the public it serves. However, the FAA was not made aware prior to the publication of these amendments of any problems concerning the effective dates contained therein. It was not until we were contacted by ATA that we were made aware of this problem.

ATA states that revisions of airline policies and procedures, FAA approval of amended training programs, manual changes, implementation of internal directives, and modification of scheduling practices, as well as lead time necessary for printing such material and its dissemination as required, cannot be accomplished by the June 26 effective date. Thus, in accordance with part 11, ATA requested an extension of the effective date of the following amended sections contained in amendment No. 121-144: for § 121.437, an extension of 2 years; for §§ 121.417, 121.439, 121.571, and 121.573, an extension of at least 90 days; and for § 121.434, an extension of 6 months. The FAA does not concur with ATA's request for an extension of the effective date for § 121.439. This is a safety related item applicable to pilot crewmember qualifications and recency of experience requirements. Most of these requirements may be accomplished in a flight simulator and the FAA does not believe that this extension is warranted.

With regard to the requirements contained in § 121.437(b), these amendments prescribed additional qualification requirements for pilots who act as other than pilot in command in part 121 operations, by requiring that part 121 pilots hold the appropriate category and class ratings for the aircraft concerned. However, in order to provide adequate time for certificate holders and pilots affected by this revision to achieve compliance with the new requirements contained in § 121.437(b), the FAA has established a new effective date of July 1, 1980, for this section. The FAA believes that this 2 year extension of the effective date is needed to avoid requiring certificate holders to remove from flight status those flight crewmembers who do not possess the appropriate category and class ratings for the aircraft concerned.

The FAA concurs with ATA's belief that the effective date of June 26, 1978, for the amendments to §§ 121.417, 121.434, 121.571, and 121.573 may not provide certificate holders with adequate time to achieve compliance with these new requirements, and has established a revised effective date of September 29, 1978, for these sections. The FAA believes that this extension should provide adequate time for the certificate holders to revise their training programs and manuals to comply with the revised rules.

Since this amendment imposes no additional burden on any person and, in fact, relieves certain restrictions of the effective date, I find that notice and public procedure are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

Drafting Information

The principal authors in this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

Adoption of the Amendments

Accordingly, effective June 22, 1978, the effective date for amendment No. 121-144 (43 FR 22643; May 25, 1978) is amended as follows:

1. As it applies to an amendment to § 121.437(b), substitute therefore an effective date of July 1, 1980.

2. As it applies to amendments to §§ 121.417, 121.434, 121.571, and 121.573, substitute therefor an effective date of September 29, 1978.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. §§ 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Excutive Order 12044, and set forth in proposed "Department of Transportation Regulatory Policies and Procedures" published in the Federal Register June 1, 1978 (43 FR 23925). In addition, this amendment is procedural in nature and the Federal Aviation Administration has determined that the expected impact of this amendment is no minimal that it does not require an evaluation.

Issued in Washington, D.C., June 22, 1978.

Quentin S. Taylor,
Acting Administrator.

[FR Doc. 78-17943 Filed 6-28-78; 8:45 am]

federal register

THURSDAY, JUNE 29, 1978
PART IV

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

CIVIL SUPERSONIC AIRPLANES

Noise and Sonic Boom Requirements and Decision on EPA Proposals

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 10494 and 15376; Amdt. 21-47, 36-10, and 91-153]

CIVIL SUPERSONIC AIRPLANES

Noise and Sonic Boom Requirements

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Final rule.

SUMMARY: These final rules (1) require all civil supersonic airplanes (SST's), except Concordes with flight time before January 1, 1980 (presently expected to include 16 Concordes), to comply with the noise limits of Part 36 of Title 14 of the Code of Federal Regulations ("part 36") that were originally applied to subsonic airplanes, in order to operate in the United States; (2) prohibit the issuance of U.S. standard airworthiness certificates to Concordes that do not have flight time before January 1, 1980, and that do not comply with part 36; (3) prohibit the operation in the United States of the excepted Concorde airplanes if they have been modified in a manner that increases their noise; (4) prohibit scheduled operations of the excepted Concorde airplanes at U.S. airports between 10 p.m. and 7 a.m., and (5) prohibit SST's that are outside the United States from causing sonic booms in the United States when flying to or from U.S. airports. These provisions respond to the public need for the control of sonic boom and SST noise in accordance with § 611 of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972. The rules do not establish certification noise limits for future design SST's, since the technological feasibility of such standards is at present unknown. The FAA's goal is not to certificate, or permit to operate in the United States, any future design SST that does not meet standards then applicable to subsonic airplanes. This rule is issued following close coordination with the U.S. Environmental Protection Agency (EPA). A detailed discussion of FAA's disposition of EPA's proposals concerning SST noise is contained in a separate notice of decision published in this issue of the FEDERAL REGISTER.

EFFECTIVE DATE: July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Tedrick, Program Management Branch (AEQ-220), Environmental Technical and Regulatory Division, Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-9027.

SUPPLEMENTARY INFORMATION:

I. SYNOPSIS

A detailed section-by-section analysis of these rules is furnished at the conclusion of this preamble. Briefly, these rules are substantively the same as those proposed in notice No. 77-23 on October 13, 1977, and have the following effects:

A. SST OPERATIONS IN THE UNITED STATES

Except for the 16 Concordes which are expected to have flight time before January 1, 1980, all SST's are required by these rules to comply with the noise limits of part 36 in effect on January 1, 1977 ("stage 2 noise limits"), in order to operate in the United States. These are the same noise limits that were originally applicable to subsonic airplanes by part 36. It is the FAA's goal not to certificate or permit to operate in the United States any future design SST that does not meet standards then applicable to new design subsonic airplanes. Accordingly, consistent with technological developments, the noise limits in this rule are expected to be made more stringent before a future design SST is either type certificated or permitted to operate in the U.S.

B. THE FIRST 16 CONCORDES

The first 16 Concordes, which is the maximum number that Britain and France are expected to manufacture before January 1, 1980, are excepted from compliance with the stage 2 noise limits of part 36. There is presently no expiration date on this exception. However, under these rules, the excepted Concordes may not be operated on flights scheduled, or otherwise planned, for takeoff or landing at U.S. airports after 10 p.m. and before 7 a.m. local time. Moreover, these rules subject the excepted Concordes that operate in the United States to an "acoustical change" requirement identical to that applied to U.S. type-certificated subsonic airplanes that have not been shown to comply with stage 2 noise limits. Like those subsonic airplanes (which are called "stage 1 airplanes" in part 36), the noncomplying Concordes may not be operated in the United States if their design is changed in a way that increases their noise levels.

C. LATER CONCORDES: "NEW PRODUCTION" RULE

Although it is expected that Concordes will not be produced beyond January 1, 1980, such production is possible. Accordingly, for any Concorde that does not have flight time before January 1, 1980, this rule prohibits the issuance of a U.S. standard airworthiness certificate unless the airplane complies with at least the stage 2 noise limits of part 36.

D. CONCORDE TYPE CERTIFICATION: NOISE LIMITS

The British-French Concorde is the only SST for which application has been made for a U.S. type certificate. A U.S. type certificate constitutes FAA approval of the safety and environmental aspects of an airplane type and is necessary for American air carriers to operate the airplane. Because there is no presently known technology which would reduce Concorde noise levels, the maximum noise limits (for approach, takeoff, and sideline) authorized at this time by these rules for the purposes of a U.S. type certificate are the current noise levels of that airplane.

E. CONCORDE TYPE CERTIFICATION: TEST PROCEDURES

These rules broaden the detailed noise measurement and evaluation procedures of part 36 to cover supersonic (as well as subsonic) civil airplanes. In addition, various flight test provisions unique to the Concorde are included because of the special takeoff and approach testing considerations posed by the delta wing of that airplane.

F. AIRPORT PROPRIETORS' "LOCAL OPTION": NO CHANGE

These rules do not in any way affect the existing legal authority of airport proprietors, acting as proprietors, to exercise their "local option" to limit the use of their airports in a manner that is not unjustly discriminatory, and does not unduly burden interstate and foreign commerce. As stated in § 36.5 of part 36, an FAA determination of compliance or noncompliance with part 36 does not bind an airport proprietor in its determination whether an airplane is acceptable or unacceptable for operation at its airport.

G. SONIC BOOM

These rules prohibit SST's from producing sonic booms in the United States while they are going to or from U.S. airports, even if the airplane is outside the United States at the time. Prior to these rules, supersonic flight was prohibited only while the airplane itself was in U.S. airspace.

H. CONTINUED OPERATIONS OF CONCORDE

Consistent with the provisions of these rules, FAA amendments to operations specifications of air carriers that operate Concorde may be issued without additional environmental analysis up to the numbers of total Concorde operations specified for each

airport analyzed in the final environmental impact statement (EIS) for these rules. Federal issuance or amendment of operations specifications has no bearing on local airport proprietor approval of Concorde operations.

By the terms of the FAA operations specifications issued to the British Airways and Air France in April 1976, the 16-month demonstration period at Dulles Airport ended September 24, 1977. After Secretary of Transportation Brock Adams announced his decision on September 23, 1977, to issue notice No. 77-23, the two carriers were issued amendments to their operations specifications to permit the number of Concorde operations that were originally approved on February 4, 1976 (one flight per day per carrier), to continue until the issuance of these rules. After the effective date of these rules, upon application by an air carrier, Concorde operations will be authorized at Dulles International Airport up to the numbers specified in the EIS for these rules.

The 16-month demonstration period at John F. Kennedy International Airport ("J. F. K."), for which two Concorde flights per day for each carrier were authorized, began on November 22, 1977. However, the issuance of these rules supersedes that authorization. Authorization of Concorde operations up to the number studied in the EIS will not require further environmental analysis.

I. CONSISTENCY WITH SAFETY

These rules regulate only the noise of SST's. They do not dispose of airworthiness issues concerning the Concorde that are currently being evaluated under applicable airworthiness regulations. These rules are consistent with the highest degree of safety in air commerce.

J. FUTURE SST'S: PROGRESSIVE NOISE REDUCTION

With the issuance of these rules, the FAA takes the first step toward ensuring that future SST's are subject to the same noise levels as subsonic aircraft, and are made as fully compatible with future airport environments as possible. It is anticipated that no future SST design will be type certificated without the issuance by the FAA, after full public participation, of noise regulations that are environmentally effective and consistent with the economic and technological considerations in § 611 of the Federal Aviation Act of 1958.

II. PRIOR HISTORY

These rules conclude a process that began formally with an advance notice of proposed rulemaking in 1970, and has since involved three notices of proposed rulemaking ("NPRM"), numerous public hearings, demonstration of the Concorde at Dulles and J. F. K. Airports, the preparation of two comprehensive environmental impact statements, and the consideration of over 11,300 comments from airport neighbors and other concerned citizens, airport proprietors, aircraft operators, aircraft manufacturers, and Federal, State, and local governmental agencies. These comments have greatly assisted the effort to develop requirements that are balanced in their responsiveness to divergent public concerns, and are effective in terms of public relief from the noise of civil supersonic air transportation. These rules were developed over the course of 1 year in close consultation between Secretary of Transportation Brock Adams and FAA Administrator Langhorne Bond. The rules reflect the Secretary's responsibility for overall national transportation policy and his concern that these final rules properly take into account all aspects of that policy—including environmental, economic, and international aviation considerations. The history of this regulatory action is described more fully in notice 77-23, which is the most recent NPRM preceding these rules, 42 FR 55176 (October 13, 1977). The major events are as follows:

A. *Notice No. 70-33.* On August 4, 1970, the FAA issued advance notice of proposed rulemaking No. 70-33, published in the FEDERAL REGISTER (35 FR 12555) on August 6, 1970. That notice initiated the public process of determining the nature and scope of the factors that must be considered in the development of noise ceilings for SST's.

Notice No. 70-33 requested public comment on a number of issues and stated FAA's intent to ensure that SST's, like subsonic airplanes, are subject to type certification standards that require the application of all economically reasonable noise reduction technology. Many public comments were received in response to this early invitation to public participation in the FAA's rulemaking on this matter and were considered in the adoption of these rules.

B. *Notice No. 75-15.* On February 27, 1975, EPA transmitted to FAA proposed regulations for the control and abatement of SST noise. These proposals were developed and submitted pursuant to section 611(c)(1) of the Federal Aviation Act of 1958, as amended, which provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare, and that the FAA "shall consider such proposed regulations submitted by EPA and shall within thirty days of its submission to the FAA publish the proposed regulations in a notice of proposed rulemaking."

In accordance with this requirement, the FAA issued notice No. 75-15 on March 25, 1975 (published in the FEDERAL REGISTER (40 FR 14093), on March 28, 1975) containing the EPA proposals. The FAA conducted public hearings on these EPA proposals in accordance with section 611(c)(1) in Los Angeles on May 16, 1975, and in Washington, D.C., on May 22, 1975.

The 1975 EPA proposal would have required: (1) Future design SST's to meet noise standards applicable to new type subsonic airplanes; (2) existing types of supersonic airplanes (the Concorde and Russian TU-144) upon which "substantive productive effort" had not commenced before the date of the EPA notice to meet the stage 2 requirements of part 36; and (3) SST's already under production (at least 9, possibly 16, Concordes and an unknown number of TU-144's) to be treated separately. Public comments in response to this notice, including hearing transcripts, have been reviewed and considered in the process of developing these rules. Insofar as certain aspects of the EPA proposals and options contained in notice 75-15 are not adopted herein, the reasons for not adopting them are discussed in the "Notice of Decision Concerning EPA Proposals" published in this issue of the FEDERAL REGISTER.

C. *Notice No. 76-1.* On January 19, 1976, EPA submitted additional proposed regulatory language to FAA, which was published by the FAA as notice No. 76-1 (41 FR 6070) on February 12, 1976. A public hearing was held by FAA on the proposal on April 5, 1976, in Washington, D.C. The additional EPA proposal would have prohibited any SST that does not have flight time before December 31, 1974, from operating to or from an airport in the United States unless it complies with the stage 2 noise limits of part 36. In issuing these rules, the FAA has considered public comments, including hearing transcripts, submitted in response to notice 76-1.

D. *Concorde demonstration flights.* On application of British Airways and Air France to operate the Concorde into the United States, former Secretary of Transportation William T. Coleman, Jr., issued a decision on February 4, 1976, establishing 12-month demonstration periods for the Concorde at Dulles and J. F. K. Airports, each followed by a 4-month evaluation period.

This decision was made following analysis of comments and testimony presented at a public hearing in Washington, D.C., on January 5, 1976. Public hearings were also held by FAA in Washington, D.C., on April 14 and 15, 1975, in New York City on April 18,

19, and 24, 1975, and in Sterling Park, Va., on April 21, 1975, concerning the draft environmental impact statement prepared prior to the decision. This decision was reaffirmed in 1977 by Secretary of Transportation Brock Adams.

A comprehensive monitoring effort was undertaken which included the measurement of noise and emissions at Dulles and J. F. K. and in the surrounding communities; possible sonic booms along the east coast of the United States near the planned Concorde flight tracks; low-frequency, noise-induced structural vibration of buildings near Dulles and J. F. K.; and local community response to the Concorde. The monitoring reports concerning Concorde operations at Dulles and J. F. K. have been made available to the public, and were considered in resolving the issues presented in relation to these rules.

E. *Notice No. 77-23.* This notice was issued on October 13, 1977, following: (1) review of public comments concerning notice Nos. 70-33, 75-15, and 76-1; (2) review of testimony and statements presented in public hearings; (3) review of environmental impact statement data concerning noise, emissions, fuel usage, and other impacts; (4) review of 12 months of comprehensive monitoring reports concerning Concorde operations at Dulles; and (5) consultation with the EPA and other Federal agencies. The proposals in this notice were substantially similar to these rules.

Following the issuance of notice No. 77-23, three additional public hearings were held to encourage public review of these proposals in relation to the EPA proposals in notices 75-15 and 76-1 and to assist the Secretary and the Administrator in making the final determination. For this latter purpose, the comment periods of those earlier notices were reopened.

The first of these additional public hearings was held in Washington, D.C., on December 15, 1977. Additional public hearings were held in Honolulu, on January 11, 1978, and in Los Angeles, on February 27, 1978.

III. Consideration of Public Comments

Notice 77-23 outlined, for public comment, seven factors to be considered in the decisionmaking process to ensure a well-founded regulatory response to the problem of SST noise. These factors are:

1. The potential environmental impacts of the Concorde, including its air quality, climatic, ozone layer, noise and vibration, and energy consumption impacts.

2. The need to maintain, to maximum extent possible, the trend of reduced noise exposure around the Nation's airports.

3. The economic and technical considerations that determine whether the proposed regulatory measures would produce discriminatory or other unfair burdens on international aviation.

4. The need to assure that U.S. regulatory measures affecting foreign air carriers and airplanes are equitable in light of the treatment that has been afforded by foreign governments to U.S. air carriers and airplanes manufactured in the United States.

5. The benefits that will result from SST's with respect to improved international travel and communication, technological advances in aviation, and improved international relations.

6. The need to assure that domestic and foreign airplanes are treated equally by the United States, and the need to assure that the same type of treatment that has been afforded by the United States to subsonic airplanes is afforded to SST's.

7. The need to develop regulatory measures that do not infringe upon the existing legal authority of airport proprietors to regulate noise at their airports in a nondiscriminatory manner that does not impose an undue burden on interstate or foreign commerce.

Virtually all of the commenters, including the advocates of SST operations, supported the noise abatement objectives of the EPA and FAA proposals in the three notices. This was also the pattern at the public hearings. The bulk of the discussion centered around the best means of weighing this noise abatement objective against the potential technological, economic, and other impacts of regulating SST development and operations. The following discussion addresses the major issues and arguments raised by the commenters.

A. NOISE IMPACTS

By far the greatest number of comments, numbered in the thousands, concerned the noise and other environmental impacts of SST operations. Many private citizens, local citizen organizations, and national organizations concerned with environmental questions testified at the hearings and commented on the far-reaching impacts of aircraft noise on family life, on the conduct of businesses, the operation of schools and hospitals, the overall quality of life in airport neighborhoods, and the value of property around airports.

Many comments contained the urgent request that any further increases in airport noise be prohibited, including those that would result from Concorde operations. They suggested methods of doing so, ranging from a total ban to bonus payments for further noise reduction or economic penalties for operators of noisy aircraft. Several commenters urged that economic considerations be divorced from decisions concerning control of SST noise. Other commenters suggested that limited service at some airports might be permissible if strict operational restrictions were established and made mandatory at each airport. Some commenters strongly supported the night curfew as a reasonable means of permitting SST operations to exist while also preventing the most serious intrusions of SST noise into the environments of neighboring communities.

The deep public concern regarding the potential noise impacts of the Concorde and other SST's was, in many comments, a reflection of years of annoyance and interruption of normal living patterns by the noise of subsonic aircraft.

In addition to the written comments submitted to the docket, the public hearings provided direct contact with persons who feared the noise exposure from SST's would exacerbate the many years of subsonic aircraft noise annoyance.

The recent steady reduction in the noise levels of subsonic aircraft was cited by many persons as a reason for requiring the same kind of progress for supersonic aircraft and not permitting an increase of noise by permitting SST operations. It was urged that it is not reasonable to regard SST's as a separate class for noise abatement purposes and that SST's should all be required to meet rules identical with those applied to subsonic aircraft.

Other commenters argued that, since subsonic aircraft are required to reduce their noise levels to comply with part 36 noise limits by 1985 (subpart E of 14 CFR Part 91) the exemption of the Concorde from part 36 noise limits is contrary to the purposes of the Noise Control Act of 1972 to reduce noise and will make the noise of that airplane more obvious and troublesome as the noisiest jets are phased out of operation.

A considerable number of comments stated that the Concorde will benefit far fewer persons than it will adversely impact. An additional aspect of many of these comments was the great concern that introduction of the Concorde would reduce property values in communities surrounding airports.

In an effort to assemble the best possible environmental information base and to assure that regulatory decisions fully respond to these public comments concerning SST noise, the FAA has prepared a comprehensive final environmental impact statement (EIS) addressing the potentially significant environmental impacts of the introduction of civil supersonic air transportation. The noise data in this EIS include the result of extensive monitoring of Concorde operations at

Dulles and JFK Airports. As the EIS indicates, the recorded noise levels of the Concorde are consistent with the predicted levels set out in the Concorde Supersonic Transport Final Environmental Impact Statement issued in November 1975 ("1975 EIS") which was used in the decision to permit temporary commercial operations at JFK and Dulles. The monitoring also confirmed that, compared to the loudest jet subsonic transports, the Concorde is twice as noisy on takeoff and approximately as loud on approach.

The following technical information is explained and analyzed in far greater detail in the EIS and in the 1975 EIS, both of which were considered in this rulemaking. They are available without charge from FAA headquarters and all regional offices.

On departures from Dulles the average effective perceived noise level in decibels (EPNdB) as measured for Concorde at a point under the flightpath at 3.5 miles from the start of takeoff roll was 119.4 EPNdB. On approach, the average noise level as measured under the flight path for Concorde flights at 1 mile from runway threshold was 116.5 EPNdB.

The greatest increment in the impact of the Concorde compared to subsonic transports is its single-event noise, that is, the impact of individual flyovers. The EIS indicates that the introduction of Concorde service will extend the area within a "contour" on the ground within which the noise is 100 EPNdB or more from one individual flyover ("100 EPNdB single event contour") into areas which either have not experienced significant aircraft noise before or have not experienced this level of aircraft noise. The 100 EPNdB contour from a Concorde departure may extend 20 miles or more from the start of takeoff roll. In terms of practical effects, outdoor communication at a distance of 2 feet could require shouting for those persons within the 100 EPNdB single-event contour. This impact would last for the duration of the noise at this level, not more than 30 seconds per operation. Assuming normal indoor attenuation from a structure, the 100 EPNdB single-event contour indicates the areas within which there is likely to be speech interference indoors as well as outdoors. Thus, assuming average attenuation from the structure, indoor communication at 2 feet could require a raised voice for up to 30 seconds during a Concorde flyover as far as 20 miles away from airports served by the Concorde.

The single-event noise contours for Concorde may vary significantly in the regions beyond roughly 10 miles from the airport. Data gathered during the Concorde demonstration period at Dulles have shown that high sound levels occur at locations beneath the Concorde flight path at the time of climb power reapplication, usually when the aircraft is between 7,000 to 10,000 feet above ground level. The exact magnitude and location of this noise impact will vary from airport to airport with the flight path, the time of climb power reapplication, and the climb profile to the point of climb power reapplication.

Based on study of these departure contours, it can be expected that noise impact resulting in annoyance may occur in "spot areas" up to 25 miles from the airport. These single-event contours for the Concorde cover significantly more area than those of subsonic aircraft. These larger noise contours for the Concorde clearly distinguish it from even the loudest subsonic airplanes and are in large part the basis for the distinctive regulatory treatment afforded to the Concorde by these rules.

For each airport analyzed in the EIS, the cumulative energy noise contours, as distinguished from the single-event noise contours, are also included in the EIS and are graphically displayed as NEF (Noise Exposure Forecast) contours on maps showing land use areas with proposed flight tracks of the Concorde superimposed for illustration. In addition, these maps are available for inspection at the FAA Regional offices.

In practical terms, in assessing community reaction to aircraft noise exposure, the following interpretations of NEF values are often used:

Less than NEF 30—Essentially no complaints expected; noise may interfere with community activities.
NEF 30 to NEF 40—Individuals may complain; group action possible.
Greater than NEF 40—Repeated vigorous complaints expected; group action probable.

The impact at each airport is calculated in terms of the number of people and the land area contained within the NEF and NEF 40 contours. The NEF 30 and NEF 40 contours have been computed and their results tabulated in the EIS in the specific analysis for each airport. Each airport-specific analysis shows the noise impact with and without Concorde operations. In view of the current aircraft noise regulation, it was assumed that all subsonic aircraft will meet the stage 2 noise limits of part 36 in 1987. Other important fleet compliance assumptions are set forth in the EIS.

The EIS data considered in the adoption of these rules include data showing the specific impact of Concorde operation on kinds of land use, such as residential, parks and recreation, commercial, and industrial land users.

The EIS contains comprehensive noise data for 13 airports considered for potential Concorde operations through 1987. At three of these airports (Miami, Houston, and Anchorage), the population within the NEF 30 and 40 contours will be essentially the same in 1987 as in 1978, with or without Concorde operations, even though all subsonic aircraft will be required to meet stage 2 noise limits by 1985, because of the forecast trends of increasing traffic demand and population density near the airport. At the other 10 airports studied, the forecast shrinkage in the NEF 30 and 40 contours would, without the Concorde, cause a reduction in the population within these contours by 1987. Addition of the Concorde to meet its forecast traffic demand would not reverse this reduction, but would retard the rate at which the population encompassed by high NEF contours would be reduced.

The EIS also contains a detailed discussion of human response to aircraft noise. The conclusion reached by the FAA based on review of this data, in relation to the limited Concorde operations permitted by these rules, is that Concorde will not subject people to prolonged or sustained exposure to intense noise levels. In addition, there is no indication that the Concorde produces significant physiological effect. However, short of physiological effects, the noise levels generated by Concorde will have definite impact. The principal effect is expected to be increased annoyance within the NEF 30 contour. This annoyance will not merely be the result of the Concorde's noise level considered in the abstract, but will be a function of the various elements including the attitudes, judgments, and beliefs of individuals. The increased annoyance will be caused primarily by interruption of normal communications.

Regulatory Conclusion. Thorough analysis of the extensive noise impact data developed for the Concorde indicates that the Concorde's perceived loudness under the takeoff flight path is approximately double that of a B707, four times as loud as a B747, and eight times as loud as a DC-10. These comparisons confirm the need for distinctive regulatory treatment of the Concorde.

After extensive environmental analysis and monitoring and careful review of the many public comments, the FAA has determined that the impact of Concorde operations will be substantial relative to even the noisiest subsonic aircraft, and therefore that the unrestricted introduction of Concorde operations cannot be justified. Consequently, the effective limitation on numbers of Concordes that may operate in the United States, the prohibition against operation of Concordes in the United States if they are modified in a manner that increases their noise, and the Federal prohibition of

night operations, are reasonable and essential aspect of these rules even though these restrictions are not applicable to other aircraft types.

B. IMPACTS ON AIR QUALITY

Public comments submitted to the docket expressed concern regarding the potential impact of SST emissions on air quality. As the EIS indicates, at each airport considered, the emissions associated with SST operations will have an insignificant impact on air quality. The air quality impact analysis also shows that regional impacts resulting from SST operations are expected to be very minor, even at airports where relatively large changes in airport emissions are forecast.

The percentage changes in local emissions projected for 1987 at each airport as a result of permitting Concorde flights are reflected in detail in the EIS for these rules. Forecast impacts of Concorde on air quality at the airports are based on the same aircraft fleet forecasts that were used in the noise analysis. At each airport, the aircraft emissions (carbon monoxide, hydrocarbons, and nitrogen oxides), have been calculated for the projected 1987 fleet mix for two alternate cases: (1) The fleet mix if Concorde flights are prohibited; and (2) the fleet mix if the maximum number of Concorde flights addressed in the EIS are permitted. The calculations of aircraft emissions assumed that current aircraft emissions factors remained unchanged.

During the Concorde test period at Dulles Airport there was an air quality monitoring program to determine the effect of Concorde emissions upon air quality locations at and near the airport. The pollution background was measured upwind and downwind of the airport to detect any possible effect of airport (and Concorde) emissions on a nearby community of Sterling Park, which is approximately 1 mile north of the airport boundary. Conventional background measurement equipment was used, and pollutant concentrations were averaged over periods of 1 hour. To identify emissions from a single aircraft, there were also measurements locations close to the aircraft involved, and measurements were recorded over the short time it takes for the emission plume to be transported by the wind over the monitoring stations.

Measurements of Concorde and other aircraft exhaust emissions at Dulles and nearby established that:

(1) Concorde emissions at Dulles dilute to background levels within 2,000 feet of the aircraft.

(2) Emissions measured on the airport property could not be detected at Sterling Park even when Sterling Park was downwind from the airport.

(3) Actual Concorde operations were less polluting than had been indicated in the 1975 EIS.

Pertinent results of a recent EPA survey regarding the attainment status of each State in relation to national ambient air quality standards (43 FR 8962, March 3, 1978) are reflected in the EIS in relation to airport impacts. Most of the airports are in regions that are not presently meeting all of the national ambient air quality standards. In most cases the exceeded standard is the one for oxidants (which is influenced by the hydrocarbon and nitrogen oxide in the region's atmosphere), and in a few cases the standard for carbon monoxide is violated. Considering the attainment status of each region and the changes in regional air quality due to Concorde operations, it is clear that the maximum number of Concorde flights proposed in the EIS will not have a significant impact with respect to air quality. In fact, in the Dulles case, where predicted and measured emission levels could be compared, the impacts actually monitored were less than even the negligible impacts that were predicted for that area.

Regulatory Conclusion. With respect to public comments concerned with the emissions of SST's, FAA's monitoring and analysis indicate that, while under the "worst case," addition of a large number of Concorde operations at an airport could produce some increase in carbon monoxide and hydrocarbons, the changes would be small relative to total emissions in the air quality control region. Considering the SST in relation to other emission sources affecting the air quality regions, and based on the detailed assessment of the probable absolute contribution of the SST to these other sources, the FAA concludes that the limited Concorde operations permitted under these rules will have no significant impact on air quality.

C. HIGH ALTITUDE IMPACTS

The potential impact of SST's on stratospheric ozone was cited as a potential problem in public comments in response to all regulatory proposals issued by the FAA since notice 70-33. This issue has concerned the public and the governments of several nations for many years. The long history of governmental concern and study of this issue is outlined in the EIS.

Concern over the impact of the Concorde's emissions on the stratosphere centers of two issues: (1) The possible reduction of the amount of atmospheric ozone and the likelihood of a resulting increase in the incidence of skin cancer (due to increased ultraviolet radiation brought about by reduced ozone); and (2) the possible effect on the Earth's climate.

1. *Ozone Reduction.* With respect to the probability of ozone reduction by SST's, the latest and best available data indicate that data derived from earlier programs substantially overestimated this effect, and that it is questionable whether SST operations would reduce ozone at all. It is equally doubtful, therefore, that SST operations would have any effect whatsoever on the incidence of skin cancer. The FAA study of upper atmosphere effects of SST operations is continuing to further substantiate these current findings in the EIS.

The National Academy of Sciences recently submitted a report to the Congress entitled "Response to the Ozone Protection Sections of the Clean Air Act Amendments of 1977: An Interim Report," by the National Research Council Committee on the Impacts of Stratospheric Change. This report supports these recent FAA findings. The report states that "the estimated impact of NOx (nitrogen oxides) from the exhausts of SST's and other high-flying aircraft on stratospheric ozone is now quite small, almost certainly not a matter of immediate concern." Ample time exists for additional tests and measurements and to continue the FAA-sponsored High Altitude Pollution program to reduce the remaining uncertainties and further analyze these new findings.

2. *Climate.* The second concern regarding SST impacts on the upper atmosphere involved the potential changes in the Earth's climate. The theory supporting atmosphere temperature changes from SST operations is outlined in the EIS. Although simultaneous injection of sulfur dioxide, water vapor, and nitrogen oxides into the upper atmosphere might affect atmospheric temperatures, it is concluded in the EIS that the possible effect of the Concorde on the mean surface temperature is insignificant. Estimates on the likely changes in associated climatic variables, such as rainfall are not possible at the present time, but these correlative effects are also believed to be insignificant.

Regulatory Conclusion. The FAA believes that research should be continued into the possible impacts of SST operation on high altitude ozone, incidence of cancer, mean surface temperature, and climatic changes. However, based on the studies accomplished to date, it is concluded that the SST operations permitted by these rules will have no significant upper atmosphere effects. No reason for delaying the adoption of the amendment can be validly attributable to upper atmospheric impacts.

D. FUEL USE

Many public comments submitted to the docket and in public hearings expressed concern that the Concorde, and possibly other SST's, would be a relatively inefficient consumer of precious petroleum fuels.

The Concorde uses approximately two to three times as much fuel per seat mile as subsonic airplanes. Although it is expected that future design SST's will be more fuel-efficient than current SST's, fuel efficiency is generally inversely proportional to speed, and SST's will always require more fuel per seat-mile or ton-mile than subsonic aircraft of comparable size.

The national interest in petroleum conservation is of great concern. This is true not only because of the need for petroleum products, but also because aviation fuel, which is the lifeblood of the national air transportation system, is exclusively petroleum based. Petroleum is the only fuel which will be used in aviation for the foreseeable future. The various modes of transportation use approximately 60 percent of the total petroleum consumed in the United States, of which approximately 10 percent is consumed by all aviation users.

A comprehensive national regulatory framework exists for the purpose of fuel allocation. The Department of Energy regulates the allocation of Petroleum among all users, not merely transportation. 10 CFR Part 211, entitled "Mandatory Petroleum Allocation Regulations" contains a broad framework for apportioning fuel not only among aviation users and all other users, but also among aviation users. Those regulations specifically address and provide for the quantity of fuel allocations. Fuel used for supersonic as well as subsonic aircraft is covered by those rules.

Regulatory Conclusion. The best available information indicates that SST's may use several times the fuel of subsonic jets per seat-mile or ton-mile. However, the FAA does not have authority to prohibit SST operations for that reason alone.

E. LOW FREQUENCY NOISE/VIBRATION

As noted by several commenters, another aspect of the noise generated by Concorde operation is that the low frequency content of an airplane noise signature is important because these frequencies may induce vibrations in structures near the flight path. Some comments suggested that Concorde operations would increase the vibration impact on residences that are now experiencing some vibration from subsonic aircraft operations.

The low frequency content of the Concorde's engines generates more energy in the low frequency band than do subsonic jet aircraft engines. The EIS concludes that a greater amount of sound energy at low frequencies in the Concorde's noise spectrum could induce correspondingly greater amounts of vibration in nearby structures than is the case for subsonic airplanes. However, the analytical studies used for the Concorde EIS and verifed by NASA studies during the Dulles and JFK monitoring programs show that sturctures near airports are not endangered by noise-induce vibrations from Concorde.

More particularly, the following conclusions enumerated in the EIS are based on vibration response measurements at Dulles and JFK International Airports.

(1) The vibration response of windows, walls, and floors is directly proportional to the sound pressure level of the aircraft noise and virtually independent of aircraft type.

(2) Concorde operations resulted in higher noise levels and, consequently, higher vibration levels than subsonic jet aircraft.

(3) Certain normal household events such as door and window closing resulted in vibration levels equal to or higher than those associated with Concorde operations.

(4) Comparison of the response levels with structural damage criteria shows the measured vibration levels to be less than those expected to cause damage such as cracked plaster or broken windows.

(5) All measurements were below the International Standard Organization's threshold of perception.

(6) Most measurements were close to or below the International Standard Organization's proposed "minimum complaint level."

Regulatory Conclusion. The difference in vibration impact between Concorde and subsonic aircraft is not considered to be significant. Low frequency vibration effects are therefore not forecast to be significantly greater for SST operations at given airports than the vibration effects caused by subsonic airplanes at those airports.

F. SONIC BOOM

1. *Extension of Current Rule.* The amendment of the sonic boom rule was not the subject of much comment. These rules extend the current sonic boom rule (§ 91.55) to civil aircraft outside United States airspace but operating to or from an airport in the United States. This extends the scope of sonic boom protective policies previously established by the FAA in 1973.

The problem addressed by these rules is that the shock wave generated by supersonic flight can extend for many miles from the airplane. The monitoring of sonic booms from Concordes operating to and from Dulles and the results of that effort, are described more fully in notice 77-23 and in the monitoring reports contained in the docket. No pattern of sonic boom was experienced. However, as stated in the notice, one sonic boom (with no reported community reaction) was recorded by the Shark River station. It is estimated that the arriving airplane was 19 miles from the New Jersey coast. Since the airplane was not in the United States, no violation of § 91.55 was involved. The operator, however, changed its flight procedures for future flights to insure that supersonic speed is not attained or maintained closer than 25 miles from the coast. If the number of supersonic operators requesting approval to operate from U.S. airports increases, there will be a need for positive requirements to prevent a repetition of the Shark River sonic boom. These rules accomplish this result.

One comment suggested that these rules be further expanded to cover the flight of SST's that do not enter the United States. The FAA recognizes that there is a potential that an SST, traveling close to the United States, may create a sonic boom in the United States but believes that the problem is best addressed, initially, by the International Civil Aviation Organization (ICAO). In this regard, the ICAO Air Navigation Commission on November 21, 1974, recommended the following amendment to be added to ICAO Annex 2, *Rules of the Air:*

> 3.1.9—Sonic Boom. An aircraft when operating over the high seas adjacent to the territory of a State which has decided and duly published its decision to protect its territory from adverse effects of sonic boom shall not be flown in a manner that will cause such adverse effects.

Although ICAO has not yet completed final approval of its proposed amendment, the proposal shows recognition of the problem and the importance of publishing a clear decision to protect U.S. territory from civil sonic booms wherever generated. Consistent with the ICAO proposed amendment, these rules constitute and duly publish the decision of the United States to protect its territory from the adverse effects of sonic boom from SST's operating outside the United States.

2. *Secondary Effects of Sonic Boom.* Since the issuance of notice 77-23, sonic boom monitoring has detected very low energy, long-rise-time pressure events that sound much like the faint, muffled rumble of distant thunder but do not have the startle effects of sonic booms. These events, while they have on occasion been called "secondary sonic booms", are not considered to be sonic booms, since they do not have the rapid pressure rise and sharp audible characteristics of the sonic boom pressure signature. Moreover, these secondary effects have none of the potential that a sonic boom has for adversely affecting the environment. This secondary pressure phenomenon appears to reach the surface, with very low energy, after being refracted (bent) by the atmosphere, possibly over distances much greater than the distance that a sonic boom travels to reach the surface. The FAA

is continuing its monitoring to determine whether SST flight path adjustment can avoid even this impact.

G. IMPACTS ON PASSENGERS

The decision to adopt these rules involved an analysis of potential environmental impacts associated with the effects on passengers of the speed and high cruising altitude of SST's. The detailed analysis in the EIS is summarized here.

1. *Jet Lag.* "Jet lag" refers to the effect upon passengers who cross several time zones quickly. Since SST's travel more than twice as fast as subsonic transports, more time zones can be traversed in a given period of time and jet lag effects may be increased. On the other hand, this high speed also reduces travel fatigue, which is related to the length of the flight time. Since SST's reduce flight times by approximately 50 percent, the travel fatigue will be greatly diminished for SST passengers. The net result of increased jet lag and decreased travel fatigue appears to be that there will be no overall adverse effects on passengers.

2. *Transmission of Diseases.* Disinfection rules to prevent the transmission of disease by planes have been developed by the World Health Organization for international air transportation. These rules are implemented by ICAO.

The reduced flight time of SST's is concluded not to create a problem for health authorities in the detection of passenger-borne diseases. The varying incubation times of passenger-borne diseases have not presented a problem on Concorde flights to date, nor on subsonic international flights ranging from less than one hour flying time to more than 15 hours flying time.

3. *Cosmic Radiation.* As discussed in more detail in the EIS, cosmic radiation is always present in the atmosphere and is encountered in subsonic and supersonic flight. Cosmic radiation rates vary with altitude. At the cruise altitudes of SST's, the rates were found to be approximately double those at subsonic aircraft cruise altitudes. However, since SST flight times are approximately half of those of subsonic aircraft, the total dose per flight is about the same for SST passengers and subsonic aircraft passengers. The total dose is the significant factor in determining the impact on passengers. This dose is approximately the same as the impact on subsonic passengers traveling the same distance and is concluded, as for subsonic passengers, not to be harmful.

4. *Solar Flares.* A potential radiation hazard at SST altitudes is caused by solar flare radiation. On rare, unpredictable occasions—there have been three since 1956—the radiation at SST altitudes from a solar flare may reach levels considered sufficiently high to warrant reducing the flight altitude in order to increase shielding by the atmosphere. It is expected that SST's will carry radiation monitoring devices that measure the radiation rate and warn the pilot during a solar proton event which precedes a solar radiation increase from a solar flare, although such devices are not presently required. When this warning occurs, the pilot can descend to flight levels that assure safety.

Regulatory Conclusion. Based on a review of public comments and other data, potential impacts on SST passengers are not sufficient to warrant modification of the terms of these rules.

H. ECONOMIC AND TECHNOLOGICAL CONSIDERATIONS

As discussed above, the major portion of the comments presented at the public hearings and submitted to the rules docket concerned the issue of whether SST's, particularly the first-generation Concordes, should be required to comply with the noise limits of part 36 that were originally applied to new subsonic turbojet designs in 1969. (Those noise limits are also referred to as "stage 2"). The environmental desirability of this objective was agreed to by virtually all who commented, including the manufacturers and operators of the Concorde. Considering only the noise abatement result of such a restriction, EPA and the FAA also agree that the regulatory response would be simple: All SST's would be banned unless they meet part 36.

However, as pointed out in notice 77-23, section 611(d)(4) of the Federal Aviation Act requires that the FAA, in prescribing and amending standards and regulations under section 611, shall

> Consider whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply.

The FAA is thus specifically required, by its primary noise abatement authority, to consider the economic and technological consequences of noise regulations as they are related to particular aircraft types. This requisite balancing of environmental, technological and economic values is also part of the National Environmental Policy Act of 1969 ("NEPA"). NEPA, while requiring awareness of the environmental consequences of major actions (section 102 (2)(C)), states that those factors are to be given appropriate consideration "along with economic and technological considerations" (section 102(2)(B)). The Declaration of National Environmental Policy (section 101) points out the need to maintain the "conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans". The FAA believes that these statutes contemplate a reasoned consideration and balancing of environmental, economic and technological factors in decisionmaking.

The FAA has reviewed the voluminous technological and economic data submitted in response to notices 70-33, 75-15, 76-1 and 77-23, in relation to the noise abatement objectives of those proposals. The FAA, after consultation with the Secretary of Transportation and EPA, is convinced that, of all the proposals and options studies to date, these rules provide the most appropriate result in terms of balancing all of the myriad of factors.

In order to outline the economic and technological relationship between SST noise and SST airframe and engine design and operations, the discussion is in two parts: Concorde design factors and future SST designs.

1. *Concorde Design.* Extensive and detailed comments were submitted concerning the impact of the several EPA and FAA regulatory proposals on the Concorde. Based upon this information, it is apparent that a part 36 stage 2 noise limit on the Concorde would be tantamount to a ban of the Concorde from the United States.

The most effective use of technology to achieve maximum noise control occurs in the design and development of new aircraft types. Application of basic design principles and acoustical treatment for the control of noise can be most effectively planned when they are integrated into the total engine-airframe design from the beginning. From a time-sequencing point of view, the Concorde type design, as a total engineering concept, was "frozen" several years before the FAA received its first authority to control the design of aircraft for noise purposes (Pub. L. 90-411, 82 Stat. 389, July 21, 1968).

In accordance with U.S. type certification procedures, engine selection, a vital determinant of performance and, of course, noise, was made prior to the application for a U.S. type certificate. The application for a U.S. type certificate was made in 1965. Construction of two prototype Concordes began in February, 1965. The first of these, Concorde 001, was rolled out in December 1967, underwent engine tests in early 1968, and had its first flight on March 2, 1969.

In view of this chronology, the question facing the FAA with respect to Concorde noise is not how to incorporate acoustically effective features into the basic Concorde design, but whether refinements in the final design might be effective. Review of

Concorde manufacturing data indicates that modifications to the airframe and engines might achieve noise reductions, but not nearly sufficient to comply with FAR part 36 stage 2 standards. Airframe changes, such as enlarging the wing tips and improving the lift-to-drag ratio by altering the drooped leading edges along the whole wing span, do not produce significant noise reduction. Replacing the present engine with a turbofan power plant would generally increase the mass airflow and decrease the exhaust gas velocity, which would reduce perceived noise; however, it would also change performance characteristics in relation to the basic aircraft design. In short, replacing the present engine of the aircraft would constitute a major aircraft design change. Additionally, there is no existing engine technology which would provide supersonic flight capability and concurrently reduce noise.

The conclusion drawn from these data is that it is neither technologically practicable nor economically reasonable to require that the Concorde be altered to comply with the stage 2 noise limits of part 36 at this time.

Another question under section 611(b)(2) is whether additional noise reduction might be achieved during type certification. That section provides that the Administrator of the FAA—

> * * * shall not issue an original type certificate * * * for any aircraft for which substantial noise abatement can be achieved by prescribing standards and regulations in accordance with this section, unless he shall have prescribed standards and regulations in accordance with this section which apply to such aircraft and which protect the public from aircraft noise and sonic boom consistent with the considerations listed in subsection (d).

The Concorde cannot now comply with the current noise limits for subsonic aircraft. The above-cited section requires an investigation of the noise reduction potential of the Concorde consistent with the considerations in section 611(d)(4). The economic and technological considerations prescribed by section 611(d)(4) are in terms of a standard that is "appropriate for the particular type of aircraft * * * to which it will apply." These rules require a determination during type certification of the Concorde that is noise levels are "reduced to the lowest levels that are economically reasonable, technologically practicable, and appropriate for the Concorde type design."

It is a fundamental requirement of aircraft engine design that the velocity of the exhaust gas exiting the engine must be much higher than the forward speed of the aircraft. This requirement makes turbojet engines generally more suitable for airplanes like the Concorde than generally quieter turbofan engines becaue of the lower exhaust gas velocity in turbofan engines. Since the Concorde SST is designed to fly at between two and three times the speed of subsonic jet aircraft, the existing technology does not support the use of turbofan engines. Thus, for the same reason that the original Concorde design could not be made quieter, the FAA concludes that the initial Concorde design cannot now be modified to further reduce noise levels.

As the Concorde development program progressed, some design changes with a potential to reduce noise were studied. These included:

(a) The use of partial displacement of the thrust reverser buckets to minimize sideline noise;

(b) The use of retractable spade silencers to minimize flyover noise; and

(c) The development of an engine control system to permit the largest practical nozzle area for the takeoff and landing conditions to minimize exhaust gas velocity.

In March and July 1973, noise flight tests were conducted using a Concorde equipped with these devices. The results were disappointing in that no appreciable in-flight noise reduction was provided by either method (a) or (b). The development of the propulsive nozzle control system, however, was effective both in the reduced power takeoff flyover and, to a greater extent, in the approach flyover. Following these tests, the spade silencers and use of the partial deflection of the thrust reverser buckets we deleted from the production Concorde but the nozzle area control schedule was modified to the operationally acceptable standard and incorporated on the production Concorde.

In addition to these design efforts, considerable work was carried out to obtain the best aircraft operation techniques to minimize the noise impact. The techniques which result in reduced noise levels include power cutback after takeoff, decelerating approach, and adjustment of ground track over less populated areas. All three of these techniques produce a significant noise reduction and are being utilized.

Regulatory Conclusion. As demonstrated during operations at Dulles and JFK Airports, power reduction on takeoff, decelerated approach techniques, and ground track adjustment can reduce the noise impact. In terms of design noise reduction measures, the regulatory conclusion under section 611(b)(2) of the act is that no further substantial noise reductions can presently be achieved for the initial Concorde design by the adoption of specific standards. The noise levels currently generated by the Concorde will be the type certification noise levels for that airplane under the general, qualitative provision of § 36.301(b), drawn from the corresponding language of section 611(d)(4) of the act.

2. *Future Design SST's.* These rules require all SST's operating in the United States, other than Concordes with flight time before January 1, 1980, to comply with the stage 2 noise limits of part 36 in order to operate in the United States. This decision is based upon a review of the economic and technological implications of this requirement over the long term, weighed against the potentially serious long term environmental impacts of an indefinite postponement of such a requirement.

With regard to the expected noise levels of future design SST's, NASA has sponsored extensive work to define technological improvements that would be required to create an economically viable and environmentally acceptable advanced design SST. These theoretical studies have been based on aerodynamics, propulsion, structures, controls, and noise suppression technologies which, while not yet established or demonstrated, are assumed to be available within the next 5 to 10 years. Aircraft employing these technologies would not be expected to enter commercial service in less than 15 to 20 years.

Preliminary studies in both the United States and Europe indicate that the payload capacity could be significantly improved for a second generation SST by the use of advanced technology and design, and choice of optimum powerplant. Operating costs could also be greatly improved over the first-generation SST. Unless noise reduction features are incorporated into an SST design from the initial stages, it may be necessary to add equipment or sound absorbing material for noise control purposes which could reduce the payload, increase operating costs, and affect the commercial viability of the airplane. Thus, noise must be a major design constraint from the beginning, in order to be effectively controled during certification.

A further constraint on the evolution of a satisfactory second-generation SST will be the retention of a proper balance between the subsonic and supersonic capabilities of the design so that mission flexibility within a route structure is not compromised.

Future SST's must meet flexible performance requirements and maintain environmental acceptability. These, in turn, create major problems for the propulsion system which must accommodate two distinct modes of operation: (1) A high airflow, low exhaust gas velocity turbofan-like mode for low noise takeoff and efficient subson-

ic cruise; and (2) a high exhaust gas velocity turbojet-like mode for supersonic cruise.

The environmental requirements of future supersonic engines accommodating two distinct modes of operation have led to the technological innovation called multi- or variable-cycle engines (VCE). The variable cycle engine concepts show an inherent noise attenuation in small-scale static tests.

However, an ideal engine configuration for subsonic operation would reduce performance at supersonic cruise. A compromise design may therefore be considered, that is not optimum for either subsonic or supersonic flight. The rationale for the VCE, then, is its potential ability to provide a better performance match at the various operating conditions while also satisfying environmental constraints.

There are other concepts for dual-mode (subsonic/supersonic) engines that are under consideration for advanced SST's. However, none of the dual-mode concepts has been developed and tested. Recent study results indicate that noise levels at least as low as or even a few decibels lower than stage 2 noise limits of part 36 may become technically achievable by advanced technology SST's. FAA recognizes that, as performance specifications are made more demanding (such as larger payloads and expanded range), reduced noise levels become more difficult to attain.

FAA recognizes that, in the absence of a regulatory noise limit, there is a concern that noise attenuation goals may be relaxed in order to meet performance objectives. Balancing considerations of economic reasonableness and technological practicability and the need to protect the public health and welfare under section 611 of the Federal Aviation Act, the FAA has concluded that the stage 2 noise limits should be applied to the operation of future SST types, in order to provide a firm limit on the escalation of SST noise while research defines the potential for applying still further noise reductions at the type certification stage. The FAA, however, fully expects to promulgate stricter standards before such future SST types may enter into service.

Several comments requested that these rules require future SST types to meet the same noise rules, at any given point in time, as are applied to subsonic aircraft at that time. The FAA's goal is not to certificate or permit to operate in the United States any future design SST that does not meet standards then applicable to subsonic airplanes. If it is technologically infeasible to produce such an airplane, the FAA will consider setting a less stringent standard but in no event will that standard be less stringent than the noise levels of stage 2. However, the FAA does not believe that it would be appropriate to establish at this time a permanent future linkage between supersonic and subsonic noise levels below the stage 2 noise limits. Such a policy might ignore the unique economic and technological factors affecting supersonic flight. Permanent linkage might also retard the future noise reduction progress of the total air transportation fleet to that reasonably attainable by SST's.

As stated in the Notice of Decision accompanying these rules, the FAA is currently addressing the long-term application on subsonic noise standards to supersonic aircraft in its evaluation of EPA proposals in notice No. 76-22, published in the FEDERAL REGISTER (41 FR 47358) on October 28, 1976. In the meantime, future SST's will be held to at least stage 2 noise limits by the operating provisions of these rules (see § 91.311). American carriers could not operate such airplanes in any event until a certification noise rule is promulgated.

With regard to requiring achievement of levels more stringent than stage 2, conceptual designs that theoretically may achieve lower noise levels have not yet been demonstrated. An ICAO Working Group is assessing the current status of SST noise control technology and should identify the availability of that technology for derived versions, newly-manufactured and future SST airplanes. Using data on available technology, the SST design studies currently in progress will identify technically achievable noise levels for the time periods 1980–1985 and beyond 1985. These technical studies will identify projected SST noise levels for incorporation in the proposed standards and in the associated test and measurement techniques for type certification. The studies will contribute to an economic assessment of proposed standards which will also be assessed for consistency with the protection of the health and welfare of airport neighbors.

Regulatory Conclusion. In view of the above, the FAA has concluded that it does not have adequate technical information at this time to use as a basis for establishing type certification noise standards for future design SST's. There is no known active program to construct a second-generation SST. The FAA intends to monitor ongoing research closely and will propose appropriately lower standards as soon as there is sufficient technological information to support an informed consideration of economic and technological factors under section 611(d)(4) of the act. Operationally, however, a firm commitment to noise limits for future design SST's at least as quiet as the stage 2 limits is justified while this research continues.

I. NONDISCRIMINATORY TREATMENT OF CONCORDE

Many of the comments related to whether the rules are discriminatory in their treatment of SST's as compared with subsonic transports. One of the major concerns is that the SST noise rules not be unjustly discriminatory, be consistent with basic principles of fairness, and be in agreement with the international obligations of the United States under the Chicago Convention and the bilateral civil aviation agreements. This requires that unjust discrimination in the treatment afforded by the noise rules to SST's in comparison with subsonic airplanes be avoided.

Comments submitted in response to notice 77-23 stated that these rules would discriminate against the Concorde, while other comments state that the rules would discriminate in favor of the Concorde. Before addressing these comments, it is necessary to set forth two elements of the analytical framework which is used to determine whether unjust discrimination will result.

First, a prohibition against unjust discrimination is not a prohibition against any and all differences in treatment; it is a prohibition against any difference in treatment for which there is no rational and reasonable basis. Indeed, a blanket requirement of identical treatment for all airplanes in all situations would in itself be arbitrary and discriminatory because it fails to consider differences in airplane types—i.e., jet airplanes are different from airplanes with reciprocating engines, big airplanes are different from small airplanes, and, SST's different from subsonic airplanes. Thus, the principle that unjust discrimination be avoided has been applied in this rulemaking by assuring that differences in treatment between SST's and subsonic airplanes are rationally and reasonably related to the differences between SST's and subsonic airplanes.

Second, as advances in technology have led to quieter airplanes, the reasonable expectations of the public concerning airplane noise have moved in the direction of demanding quieter airplanes. These expectations have, in turn, helped to force further advances in technology to produce quieter airplanes. Within this ever-changing context, it is not possible to establish permanent airplane noise limits. For this reason, the FAA has promulgated increasingly stringent airplane noise standards. Consequently, remedies considered to be adequate in relation to a given level of noise years ago are considered less acceptable today. This does not mean that today's airplanes are being discriminated against because today's remedies are farther reaching than the remedies of years ago; it merely reflects the develop-

ment of technology and growing demand of the public for quieter airplanes and for a quieter airport environment.

The public comments from supporters of the Concorde were largely to the effect that the noise rules would discriminate against SST's generally, and therefore against the Concorde in particular.

Some of the commenters stated that the FAA is imposing a "manufacturing cutoff date" which is both arbitrary and irrational because a Concorde manufactured in 1981 may be quieter than a Concorde manufactured in 1979. These comments assert that the more sensible method of limiting Concorde noise is the imposition of a limit on the number of Concorde operations in the United States.

While it is true that an earlier Concorde might be louder than a later Concorde, it is not true that the 1980 date established by these rules is a manufacturing cutoff date, nor is that date arbitrary or irrational. Although a limit on the number of Concorde operations in the United States would help to control the noise impact of Concorde, the use of a date after which subsequently manufactured Concordes must meet stage 2 noise limits in order to operate in the United States avoids several major problems inherent in the use of an operations limit.

First, a limit on the number of Concorde operations in the United States would have to be applied either as a national total or as an airport-by-airport limit within the national total. The creation of a regulatory framework which would require the FAA to parcel out Concorde operations among particular airports and carriers would interfere with the effectiveness of the airport proprietor's local option authority to establish nondiscriminatory noise measures which do not unduly burden commerce. This would also put the FAA in the business of deciding airport levels of service, which is a matter reserved to local airport authorities. Moreover, the establishment of airport-by-airport limits would be contrary to the priciples of open competition in air transportation that this Administration has espoused, both for domestic and foreign commercial aviation. A national limit, on the other hand, would allow Concorde operators to concentrate all of their operations at one or two U.S. airports, to the disproportionate detriment of the neighbors of those airports, to a far greater extent than if only the first 16 Concordes were allowed to operate in the United States. Moreover, as the number of Concorde operations approached the national limit, it might be necessary to revert to an airport-by-airport allocation, with all of its attendant pitfalls. A limit based on when the airplane was manufactured keeps the FAA out of the position of having to interfere in either the operational decisions of airport proprietors or in the management decisions of individual air carriers.

Second, adopting an operations number limit could place the United States in a position that is contrary to its international obligations. When the number of Concorde operations reached the limit, the FAA would either have to prorate the operations within the total or deny further applications. Proration would be contrary to the well-known U.S. opposition to quotas or frequency or capacity controls on international operations. On the other hand, limitation to the first Concorde operators which seek to operate in the United States might be contrary to our Chicago Convention obligation to apply U.S. laws and regulations uniformly without distinction as to nationality and with our obligation under bilateral agreements not to restrict unilaterally the frequency or capacity of foreign air carrier operations into the United States.

Third, a limit on the number of operations would not provide the well-defined economic incentive to the manufacturer to create quieter airplanes, but would weaken the finality and clarity that is established by the cutoff date.

Some of the commenters stated that no nation should unilaterally impose a noise standard on airplanes in international commerce. The United States has consistently agreed with this position and is currently working through ICAO to develop a uniform international approach to the problem of SST noise. However, until such international agreement is reached, the FAA has an obligation to protect U.S. citizens from the uniquely severe noise impacts of the Concorde, as discussed in more detail above and in the EIS.

Some commenters also stated that no nation has ever imposed a noise standard upon subsonic airplanes for which compliance was not economically practicable and technologically feasible. The FAA believes that the higher noise levels of the Concorde are a valid basis for the noise-related limitations imposed by these rules. Moreover, these rules reflect the need to continue the trend towards quieter airport environments, the increasing technological capability to produce quieter airport environments, and the increasingly lower tolerance for airplane noise. Finally, to the extent the British and French have themselves forecast a need for only 16 Concordes, which these rules will allow, the weight of the argument that these rules impose practically unattainable requirements upon Concordes produced after January 1, 1980, diminishes substantially.

A few commenters stated that the United States has never imposed a nationwide curfew in relation to subsonic airplanes. This curfew is justified primarily on the basis of the significantly higher single-event noise impact of the Concorde as compared with subsonic transports, as discussed in detail in the EIS. In addition, the night curfew is an important condition upon the privilege of operating the Concorde in the United States while subsonic airplanes are being brought into compliance with part 36.

Some commenters stated that these rules prohibit modifications of the Concorde which would make it louder, while the manufacturers of subsonic transports are not prohibited from introducing advancements which increase the noise. In fact, so far as FAA approval of type design changes is concerned, while subsonic airplanes which meet stage 2 standards may be modified if the modified airplane continues to meet stage 2 standards, subsonic airplanes which have not been shown to meet stage 2 may not be made louder. Similarly, SST's which do not meet stage 2 noise standards may not be made louder. The FAA is, by these rules, effectively imposing the same acoustical change requirements upon the Concorde as are applicable to any subsonic airplane which has not been shown to meet stage 2 noise levels.

A few commenters stated that these rules fail to consider the unique aspects of the Concorde which could be used in operation to decrease the noise impact. In particular, the decelerating approach, which the Concorde can make, creates less noise than a constant speed approach, but only the constant speed approach is permitted under the closely controlled noise measurement provisions of part 36. These procedures of part 36 are intended to ensure that, for comparison purposes, all aircraft are flown the same way during certification. While the decelerating approach is used in Concorde operations, it is not part of the noise testing procedures of part 36. As noise measurement techniques and operational practices become increasingly sophisticated, differences in flight characteristics can more appropriately be taken into account; but until such sophistication becomes available, it is necessary to use the same part 36 measuring procedures for all airplanes.

Many commenters argued that the noise rule discriminates in favor of Concorde because operators of many subsonic transports are required to retrofit or replace their airplanes for noise compliance, while the initial Concordes are being allowed to operate in the United States at their current noise level, and are not now subject to the 1985 FAR 36 compliance date. This argument fails to recognize

that the FAA has chosen to implement its noise reduction program as a *phased* program. An examination of this phased program at any point in time prior to completion of the entire program leads to the appearance of unequal treatment because, by definition, the phasing causes the different aspects of the program to be at different stages of completion at any point in time. The part 36 requirements for subsonic airplanes of new design were imposed in 1969; in 1973 the requirements were extended to newly manufactured airplanes, irrespective of their date of application for a type certificate; and in 1976 the requirements were extended to certain subsonic airplanes, irrespective of the date of their manufacture or their date of application for a type certificate. An analysis of this process in 1971 could have led to the conclusion that the rule then discriminated in favor of airplanes for which type certification had been sought before the cutoff date, while such an analysis today would lead to the conclusion that the rule presently discriminates in favor of aircraft not manufactured after 1973. However, in 1985, after the phasing has been completed for subsonic airplanes, all subsonic airplanes will be subject to the same noise standards. Thus, it is apparent that a phased program should be viewed in its entirely for comparative purposes rather than at any point in time before the phasing has been completed. With respect to Concorde and SST's generally, these rules apply the same procedures and concepts as were applied to subsonics. These rules cannot be compared in their present stage to the later stages of the phasing in the subsonic noise rule.

Several commenters also stated that the rules discriminate in favor of the Concorde by permanently excepting those manufactured before January 1, 1980, while subsonic airplanes were only grandfathered temporarily. This assertion is incorrect because there is no commitment to grandfather the Concorde permanently. If operational compliance by the excepted Concordes later becomes technologically practicable and economically reasonable, they too, will be required to meet appropriate noise standards. However, just as the timing for the operational cutoff date was not specified for noncomplying subsonics when the manufacturing cutoff was imposed, for subsonic airplanes, it is not known at this time when an operational cutoff date will be appropriate for the excepted Concordes.

J. INTERNATIONAL FAIRNESS

Most of the public comments relating to the international obligations of the United States were from persons who questioned the fairness of these rules as applied to international transportation.

Some of the commenters alleged that these rules are contrary to longstanding international agreements and that these rules stifle the introduction of new technology by another country and, by limiting its market, could limit the production of airplanes by another country, which is unprecedented.

With respect to the authority to promulgate these noise rules while international discussions continue, the preamble of notice 77-23 notes that the applicable international agreements which define the obligations of the United States in this respect are the Chicago Convention, and the bilateral air services agreements between the United States and Great Britain, and between the United States and France. These agreements, taken together, recognize the authority of the participating countries to establish uniform, nondiscriminatory noise rules if the failure to establish such rules would produce a result that is inconsistent with the need of the participating country to protect its environment. The discussion of public comments relating to the treatment of subsonic transports versus SST's demonstrates that these rules are nondiscriminatory. The discussion of the major policy underlying these rules indicates that these rules are necessary in order to produce a result that meets the need of the United States to protect its environment.

With respect to whether the promulgation of these rules is unprecedented, it is appropriate to compare the stated intention of the United States to promulgate subsonic transport noise operational standards if ICAO does not do so promptly. In this sense, the treatment of SST's and subsonic transports is quite similar, and the noise standards in these rules are not unknown to international air transportation. In addition, U.S. noise operating rules are applied to foreign subsonic transports. The noise abatement operating provisions of § 91.87 of 14 CFR part 91 are an example.

Some commenters stated that the United States should await the results of ICAO's efforts in promulgating SST noise standards, in order to assure international fairness and in order not to prejudice ICAO's efforts. More particularly, the comments refer to ICAO Resolution A22-12, which "urges States to refrain from unilateral measures that would be harmful to the development of international civil aviation." In response, it is noted that ICAO Resolution A22-14 specifically recognizes the possible need for unilateral treatment of SST's by urging all governments to use "noise levels applicable to subsonic jet aeroplanes * * * as the guiding principles for the acceptance of supersonic transport aeroplanes *until such time as standards and recommended practices for the noise certification of supersonic civil aircraft have been adopted by ICAO*" (emphasis added). In accordance with Resolution A22-14, the intent is stated in these rules to use the subsonic noise standards as the ultimate goal, the "guiding principles," for SST noise standards until ICAO adopts SST noise standards.

With respect to the urging in Resolution A22-12 against unilateral measures which "* * * would be harmful to the development of international civil aviation * * *" it is noted that these rules will allow the operation into the United States of the first 16 Concordes. Inasmuch as this is the total number of Concordes which the British and French are estimating they will manufacture, these rules do not harm the development of international civil aviation.

One commenter noted that these noise rules are inconsistent with Working Paper 54, submitted by the United States to ICAO, which seeks to encourage nations to work with other nations in establishing noise rules. This comment overlooks the fact that Working Paper 54, which was adopted as ICAO Resolution A22-15, relates to subsonic noise rules and reflects the urging of the United States that other nations join with the United States to establish through ICAO international subsonic noise standards for inservice subsonic airplanes in order to avoid the need for the United States to extend its 1985 domestic operating cutoff date to subsonic transports in international service.

Some commenters noted that even if the United States imposed subsonic noise standards on all Concordes (which, at this time, these rules do not) such an imposition would not be unfair because the British and French have been on notice at least since 1962 that ICAO expected the SST to meet subsonic noise standards, citing ICAO Resolution A14-7. In response, it is noted that in 1962 it could not have predicted that subsonic noise technology would have advanced as rapidly as it has in the last several years, or that supersonic noise technology would have encountered so many obstacles. In recognition of the technological infeasibility of applying subsonic noise standards to Concordes at this time, Resolution A14-7 was superseded by Resolution A22-14, which provides that subsonic noise standards will be used as "guiding principles" for SST noise standards until ICAO adopts SST standards.

Some commenters cited the fact that the British and French have an SST but the United States does not to support the argument that there would be no unfairness in banning the Concorde from the United States. For example,

the commenters stated that the United States should not exempt the first 16 Concordes because the British and French have never exempted any U.S. airplane from their noise rules; or that to the extent international fairness is a consideration, the result might even be to prohibit a U.S. SST while allowing the Concorde; or that it is not consistent to require foreign subsonic transports to satisfy part 36 stage 2 noise limits in order to operate in the United States after 1985 without also requiring the same of foreign SST's. The FAA has considered these arguments but rejects them because they do not take cognizance of the fact that the Concorde is the first of a kind, and is sufficiently different from subsonics in some respects, and new enough in comparison with most of the subsonics, that it cannot presently be thrown into the pool with the subsonics and treated identically. This point is developed more fully in this preamble in this discussion which compares the noise rules applicable to SST's and subsonic transports.

IV. Relation to "Local Option"

Many comments concerned the authority of airport proprietors to exercise their "local option" to control SST operations at their airports.

At one extreme, the commenters requested the Federal Government to preempt airport proprietors totally with respect to noise related airport use restrictions. At the other extreme, the comments stated that all local governments, not only airport proprietors, should be permitted to take any action locally desired to exclude aircraft. It was argued that introduction of the Concorde would disrupt land use plans established in order to accommodate aircraft complying with part 36 noise limits, and that the Concorde should be limited only to runways where the takeoff is over water. Several comments suggested that the FAA use its airport certification authority to deny certificates for airports that have inadequate land use plans. This suggestion is currently being reviewed as part of FAA's consideration of a proposal by EPA concerning a possible airport noise regulation (see notice 76-24, published at 41 FR 51522 on November 22, 1976). A similar comment suggested that the FAA prohibit the introduction of Concorde service into a particular airport until that airport has established an adequate land use plan.

Several comments requested that these rules define clearly the role of the airport proprietor. The FAA agrees that a restatement of Federal policy concerning the "local option" authority might be helpful. Notice 77-23 contained a concise description of this authority. As stated there, those rules do not affect the existing legal authority of local airport proprietors to issue noise related airport use restrictions that are not unjustly discriminatory or inconsistent with international obligations, and that do not impose an undue burden on air commerce.

Congress has the power under the Constitution to regulate the operations of airports for noise abatement purposes, but it has chosen not to do so. This congressional policy leaves airport proprietors responsible for the regulation of their airports for noise abatement purposes. The proprietors may issue noise-related airport use restrictions that are not unjustly discriminatory and do not impose an undue burden on interstate or foreign commerce. The Chicago Convention and bilateral air services agreements do not alter this basic feature of American aviation law.

This legal principle has most recently been affirmed by the United States Court of Appeals for the Second Circuit in *British Airways Board* v. *Port Authority*, 564 F. 2d 1002 (2d Circ. 1977). The court stated:

> Our initial opinion in this case delineated the extremely limited role Congress had reserved for airport proprietors in our system of aviation management. Commonsense, of course, required that exclusive control of airspace allocation be concentrated at the national level, and communities were therefore preempted from attempting to regulate planes in flight. See *Allegheny Airlines* v. *Village of Cedarhurst*, 238 F. 2d 812 (2d Cir. 1958); *American Airlines* v. *Town of Hempstead*, 398 F. 2d. 369 (2d Cir.), cert. denied, 393 U.S. 1017 (1969). The task of protecting the local population from airport noise, however, has fallen to the agency, usually of local government, that owns and operates the airfield. *Air Transport Assn.* v. *Crotti*, 389 F. Supp. 58 (N.D. Cal. 1975) (three-judge court); *National Aviation* v. *City of Hayward*, 418 F. Supp. 417 (N.D. Cal. 1976). It seemed fair to assume that the proprietor's intimate knowledge of local conditions, as well as his ability to acquire property and air easements and assure compatible land use, cf. *Griggs* v. *Allegheny County*, 369 U.S. 84 (1962), would result in a rational weighing of the costs and benefits of proposed service. Congress has consistently reaffirmed its commitment to this two-tiered scheme, and both the Supreme Court and executive branch have recognized the important role of the airport proprietor in developing noise abatement programs consonant with local conditions. 564 F. 2d. at 1010, 11.

This recognition of the unique capacity and responsibility of the airport proprietor to effect a "rational weighing of the costs and benefits of proposed service" is the foundation of the "local option" policy underlying FAA noise abatement rulemaking since part 36 was originally issued in 1969. With respect to further refinement of this policy, as requested in public comments, the FAA is continuing to work closely with individual airport proprietors to assist them in the development of airport use restrictions in accordance with the extensive and detailed guidelines concerning "local option" in the November 18, 1976, Aviation Noise Abatement Policy of the DOT/FAA.

These rules, accordingly, do not determine or affect the right of the operator of any Concorde or other SST to fly to a particular airport. American civil airports other than Dulles International and Washington National are operated by authorities other than the Federal Government. FAA consideration of authorization of Concorde flights to particular airports will include environmental assessments for each airport. However, for the Concorde operations covered in the EIS for these rules, further environmental assessment under NEPA should not be necessary.

Finally, the curfew provisions of these rules, while extending the scope of Federal action under section 611 of the act, for SST's, does not preempt in any way the authority of airport proprietors to take legitimate additional action to protect airport neighbors.

V. Type Certification Procedures

These rules, as proposed in notice 77-23, contain several provisions of a highly technical nature that were designed to fit the Concorde, a high-speed delta-wing aircraft, into the flight test and related noise measurement procedures used for the evaluation of subsonic aircraft in part 36. Comments from the Concorde manufacturers addressed these proposals.

A. Flight Procedures

One commenter recommended that the noise type certification procedures for SST's should measure the total noise contours of those aircraft and that this be done by adding a new set of measurement points outside the points currently prescribed. The FAA believes that this concept may have merit and is evaluating it for possible future application. However, such a revision would be beyond the scope of the proposals issued to date.

B. Takeoff Test Speed

One comment indicated that it is too early in the development of the SST's to define a specific takeoff noise demonstration speed for those airplanes. The FAA does not concur with this comment as applied to the Concorde (which is the only airplane covered by the takeoff test speed proposal). The "minimum approved value of V_2+35 knots" and the "all-engines-operating speed at 35 feet" are readily ascertainable under the type certification regulations that define the airworthiness requirements for the Concorde. The use of these terms in § C36.7(f)(2) assures consistency with those airworthiness requirements.

C. ACOUSTICAL CHANGE

One comment objected to the application of the subsonic "acoustical change" rule to SST's without change. The "acoustical change" rule is intended to insure that airplanes are not modified in a way that makes them louder. The primary objection was that, unlike subsonic airplanes, SST's should be permitted to use reduced thrust in the takeoff noise compliance testing. The FAA believes that the use of power cutbacks permits real noise increases caused by design changes (such as larger engines) to be "masked" by the use of different thrust schedules before and after the type design change. For this reason, this provision (see § C36.7) is adopted as proposed.

D. OTHER NOISE TEST COMMENTS

Several comments were received concerning the method of testing SST's for noise. The FAA has reviewed these comments but has decided that their adoption would not materially improve, and could degrade, the current part 36 procedures as valid indicators of SST noise levels related to the levels of subsonic airplanes. These comments included a request that an entirely separate regulation, outside of part 36, be issued for SST's; the use of dBA rather than EPNdB as the unit of measure; additional noise measurement points to accommodate the noise characteristics of SST's; and the use of revised takeoff and approach test procedures to account for the different operating procedures that could be used in actual operation. One comment requested revisions of the tradeoff provisions of § C36.5(b), which allow, for example, the approach noise to exceed the prescribed limits by a limited amount if the noise levels at the other measuring points are below the limits for those points. The FAA believes that the current tradeoff provisions are necessary in order to account for minor variations in the noise signature of airplanes that are essentially identical in their overall noise impact.

VI. Section-by-Section Analysis

These rules amend provisions in three parts of the Federal Aviation regulations—part 21 (14 CFR part 21), which contains the procedural requirements for the certification of aeronautical products; part 36 (14 CFR part 36), which contains the substantive noise limits and related noise measurement and test procedures that must be complied with for the issuance of type certificates and airworthiness certificates; and part 91 (14 CFR part 91), which sets forth the flight and other requirements that apply to the operation of aircraft.

A. CHANGES TO PART 21 (14 CFR PART 21)

1. *Acoustical change: Certification.* Section 21.93(b) (1) and (2) are amended by deleting the word "subsonic." The effect of this amendment is to make the definition of the term "acoustical change" equally applicable to supersonic and subsonic airplanes. Under these procedures, for both supersonic and subsonic airplanes, an "acoustical change" exists whenever a voluntary change in the type design of airplane is applied for that might increase the noise levels of the airplane. Therefore, for both supersonic and subsonic airplanes, the acoustical change provisions of part 36 (§ 36.7) must be complied with prior to approval of that type design change (see also the discussion of the proposed change to § 36.7 and § 91.309(b)(1), below).

2. *SST "new production" rule.* Section 21.183(e)(1) is amended by deleting the word "subsonic." The effect, for supersonic as well as subsonic airplanes, is that a standard airworthiness certificate (which is the class of airworthiness certificate required for U.S. air carrier operation and similar operations) is not issued for airplanes that have not had flight time before the dates specified in part 36 (§ 36.1(d)), unless compliance with the applicable noise standards in part 36 is shown. (See also the discussion of the proposed revision of § 36.1(d).) This would extend, to SST's, the rules applied to subsonic airplanes in amendment 36-2—popularly called the "new production" rule published in the Federal Register (38 FR 29569) on October 26, 1973.

B. CHANGES TO PART 36 (14 CFR PART 36)

1. *Part 36 scope.* Section 36.1 is amended by adding a new subparagraph (a) (3) extending the applicability of part 36 to cover the issuance of a type certificate, and changes to that type certificate, and the issuance of standard airworthiness certificates, for the Concorde airplane. This brings Concordes within the overall scope of part 36.

2. *Airworthiness certificate.* Section 36.1(d) is amended by deleting the word "subsonic," in the lead-in, by adding the word "subsonic" to the current subparagraphs containing compliance dates, and by adding a new compliance date for Concorde airplanes. This requires Concordes without flight time before January 1, 1980, to comply with the stage 2 noise limits of part 36 in effect on the date of publication of notice 77-23 (October 13, 1977), in order to obtain an original standard airworthiness certificate. It is noted that the compliance dates in § 36.1(d) are related to "flight time." Part 1 of the Federal Aviation regulations (14 CFR Part 1) defines "flight time" as the time from the moment an airplane first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing.

3. *Definitions: "Subsonic" and "supersonic."* Section 36.1(f) is amended by adding new definitions of "subsonic airplane" and "supersonic airplane." The dividing line between these classes is Mach 1 in terms of the maximum operating limit speed, M_{mo}, as defined in FAR part 1. Note that these definitions apply wherever the terms "subsonic airplane" and "supersonic airplane" are used in part 36, and also where they are used in part 91 because of the change to § 91.301(d), discussed below.

4. *Retroactivity.* The amendment to paragraph (a) of § 36.2 is editorial in nature. It consolidates language. The purpose of that paragraph is to supersede § 21.17 of part 21, with respect to the designation of applicable type certification regulations, wherever part 36 imposes type certification requirements that apply to airplanes for which an application for a type certificate has already been submitted.

5. *Acoustical change.* Section 36.7 is amended by deleting the term "subsonic." The effect of this change (and of the deletion of the term "subsonic" from § 21.93, discussed above) is to apply to SST's the same acoustical change rules that currently apply to subsonic airplanes. Currently operating Concordes are "stage 1 airplanes" under § 36.7 since they have not been shown to comply with the noise limits for "stage 2 airplanes" or "stage 3 airplanes." The stage 1 acoustical change provisions of § 36.7(c) provide that an airplane, after a type design change, may not exceed the noise levels created prior to that change. These rules amend § 36.7 to include Concordes.

6. *SST noise measurement.* The changes to subpart B of part 36 make it clear that subpart B (which, beginning with § 36.101, requires transport category large airplanes and turbojet-powered airplanes to comply with Appendices A and B of part 36) covers supersonic as well as subsonic airplanes.

7. *Subpart C limited to subsonics.* The changes to subpart C, of part 36 make it clear that subpart C, as amended, applies only to subsonic airplanes.

8. *New subpart D: Supersonic airplanes.* A new subpart D, applying to SST's is added to part 36. In this new subpart, new § 36.301, "Noise limits: Concorde airplanes," is also added, containing requirements for Concorde corresponding to those for the first subsonic airplanes covered by current § 36.201 (the first Boeing 747, which was originally unable to comply with the noise limits in part 36). Like § 36.201, new § 36.301(a) provides that compliance with the applicable noise limits must be shown, for Concorde

airplanes, with noise levels measured and evaluated as prescribed in subpart B of part 36. This requires compliance with the detailed noise measurement requirements in appendix A of part 36 and the detailed requirements in appendix B concerning the evaluation of noise data received in accordance with appendix A. Compliance must be demonstrated at the same measuring points (i.e., takeoff, sideline, and approach) as are required under appendix C for subsonic airplanes.

9. *Concorde noise levels.* Paragraph (b) of new § 36.301 provides that, for the Concorde airplane, it must be shown in accordance with the provisions of part 36 in effect on the publication date of notice 77-23 (October 13, 1977), that the noise levels of that airplane are reduced to the lowest levels that are "economically reasonable, technologically practicable, and appropriate for the Concorde-type design." This standard corresponds to considerations prescribed by the Congress in section 611(d)(4) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972.

10. *Operating limitations.* The term "subsonic" is deleted from § 36.1581(c). The effect of this change is that, for both supersonic and subsonic airplanes, weights used in complying with the takeoff or landing noise limits of part 36, if less than the maximum weight or design landing weight, respectively, must be furnished as operating limitations.

11. *"Reference speed."* The changes to §§ C36.7 and C36.9 are intended to incorporate, for the Concorde noise test, the concept of "reference speed" which is the speed presently used, instead of stalling speed, in the takeoff and landing test requirements for that airplane. "Stalling speed" has relevance only for conventionally winged subsonic aircraft, not for delta winged supersonics like Concorde.

C. CHANGES TO PART 91 (14 CFR PART 91)

1. *Sonic boom.* The changes to §§ 91.1(b)(3) and 91.55 are intended to protect the coastal areas of the United States from sonic boom. The current rule prohibits the creation of sonic boom by civil airplanes that are in the United States by prohibiting flight in excess of Mach 1 while the airplane is within U.S. territorial limits. These rules extend the sonic boom protection to cover SST's that, while physically outside the United States, are going to or from airports in the United States.

This provision would require that information available to the flight crew include flight limitations that ensure that no sonic boom on the surface in U.S. territory will result from flights entering and leaving the United States. In order to operate to or from any U.S. airport, the SST operator is required to comply with these limitations with other limitations issued to the operator in an authorization to exceed Mach 1 under appendix B of part 91. Those authorizations are issued in the rare cases specified in that appendix, for specific operations (such as flight testing of supersonic airplanes) in designated flight test areas.

2. *Scope of subpart E.* The amendment of § 91.301(a) reflects the expansion of subpart E of part 91 to include SST's. Subpart E—Operating Noise Limits, contains phased noise limits for certain subsonic turbojet airplanes, leading to final compliance with part 36 by January 1, 1985.

The revision of § 91.301(a) highlights the different scopes of each section in revised subpart E. Section 91.301(a)(1) makes it clear that current §§ 91.303 through 91.307 are limited to subsonic airplanes and to U.S.-registered airplanes. For consistency with this scope, § 91.307 is amended to limit the foreign air commerce provision to subsonic airplanes. No substantive change to §§ 91.303 through 91.307 is made by these rules.

3. Parts 91, 121, 123, 129, and 135 covered. Section 91.301(a)(2) provides that the newly proposed operating restrictions in §§ 91.309 and 91.311 (for SST's that do not comply with the stage 2 noise limits of part 36), apply to U.S.-registered airplanes having standard airworthiness certificates, and foreign registered airplanes that would be required to have standard airworthiness certificates, for the intended operations if they were registered in the United States. That provision covers operations under Parts 91, 121, 123, 129, and 135.

4. *Definitions: "Subsonic" and "supersonic".* Section 91.301 is amended to incorporate the new part 36 definitions of "subsonic airplane" and "supersonic airplane" in subpart E of part 91. See discussion, above, of new § 36.1(f) (7) and (8).

5. *Subsonic dates unchanged.* The revisions of §§ 91.303 and 91.305 make it clear that the current dates for phased and final compliance with part 36, ending on January 1, 1985, apply only to subsonic airplanes. See new § 91.311 for application of parts 36 to SST's.

6. *SST operating noise rules.* Section 91.309 is added, containing operating rules that apply to SST's that operate to or from a U.S. airport but have not been shown to comply with the stage 2 noise limits of part 36 in effect on the publication date of notice 77-23 (October 13, 1977). Note that use of the tradeoff provisions of part 36 is allowed. This section applies equally to U.S.-registered and foreign-registered supersonic airplanes.

New § 91.309(b) prescribes the operational restrictions intended to protect airport environments from the excessive noise of SST's that do not comply with the "stage 2" noise limits of part 36. Section 91.309(b)(1) requires that no person in the United States may land or take off an airplane covered by the section if its noise has been increased (as measured under part 36) through modification of the type design of the airplane. This is the operational counterpart of the acoustical change provisions of § 36.7 of part 36 (see above discussion). The words "regardless of whether a type design change approval is applied for under part 21 of this chapter" extend the acoustical change type certification concept to the operation of airplanes not covered by U.S. type certification rules.

Section 91.309(b)(2) provides that no flight may be scheduled, or otherwise planned, for takeoff or landing at any U.S. airport after 10 p.m. and before 7 a.m., local time.

Section 91.311 provides that, except for Concorde airplanes having flight time before January 1, 1980, no SST may be operated in the United States that does not comply with the stage 2 noise limits of part 36 in effect on the publication date of notice No. 77-23 (October 13, 1977).

ADOPTION OF AMENDMENTS

Accordingly, Chapter I of Title 14 of the Code of Federal Regulations is amended, effective July 31, 1978, as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

I. Part 21 of the Federal Aviation Regulations (14 CFR Part 21) is amended as follows:

§ 21.93 [Amended]

A. By amending § 21.93(b) (1) and (2) by deleting the word "subsonic" wherever it appears.

§ 21.183 Amended]

B. By amending § 21.183(e)(1) by deleting the word "subsonic" wherever it appears.

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

II. Part 36 of the Federal Aviation Regulations (14 CFR Part 36) is amended as follows:

1. In § 36.1, paragraph (a)(3) is added, paragraph (d) is amended, and paragraphs (f)(7) and (f)(8) are added, all to read as follows:

§ 36.1 Applicability and definitions.

(a) * * *

(3) A type certificate and changes to that certificate, and standard airwor-

thiness certificates, for Concorde airplanes.

* * * * *

(d) Each person who applies for the original issue of a standard airworthiness certificate for a transport category large airplane or for a turbojet powered airplane under § 21.183 must, regardless of date of application, show compliance with the following provisions of this part (including appendix C):

(1) The provisions of this part in effect on December 1, 1969, for subsonic airplanes that have not had any flight time before—

(i) December 1, 1973, for airplanes with maximum weights greater than 75,000 pounds, except for airplanes that are powered by Pratt & Whitney Turbo Wasp JT3D series engines;

(ii) December 31, 1974, for airplanes with maximum weights greater than 75,000 pounds and that are powered by Pratt & Whitney Turbo Wasp JT3D series engines; and

(iii) December 31, 1974, for airplanes with maximum weights of 75,000 pounds and less.

(2) The provisions of this part in effect on October 13, 1977, including the stage 2 noise limits, for Concorde airplanes that have not had flight time before January 1, 1980.

* * * * *

(f) * * *

(7) A "subsonic airplane" means an airplane for which the maximum operating limit speed, M_{mo}, does not exceed a Mach number of 1.

(8) A "supersonic airplane" means an airplane for which the maximum operating limit speed, M_{mo}, exceeds a Mach number of 1.

2. By amending paragraph (a) of § 36.2 to read as follows:

§ 36.2 Special retroactive requirements.

(a) Notwithstanding § 21.17 of this chapter, and irrespective of the date of application, each person who applies for a type certificate for an airplane covered by this part must show compliance with the applicable provisions of this part.

* * * * *

§ 36.7 [Amended]

3. By amending the section heading and paragraph (a) of § 36.7 by deleting the word "subsonic" wherever it appears.

4. By amending the heading of subpart B to read as follows:

Subpart B—Noise Measurement and Evaluation for Transport Category Large Airplanes and Turbojet Powered Airplanes

§ 36.101 [Amended]

5. By amending § 36.101 by inserting the words "For transport category large airplanes and turbojet powered airplanes" before the words "the noise generated * * *."

§ 36.103 [Amended]

6. By amending § 36.103 by inserting the words "For transport category large airplanes and turbojet powered airplanes," before the words "noise measurement information * * *."

7. By amending the heading of subpart C to read as follows:

Subpart C—Noise Limits for Subsonic Transport Category Large Airplanes and Subsonic Turbojet Powered Airplanes

§ 36.201 [Amended]

8. By amending paragraph (a) of § 36.201 by inserting the words "For subsonic transport category large airplanes and subsonic turbojet powered airplanes" before the words "compliance with * * *."

9. By adding a new subpart D to read as follows:

Subpart D—Noise Limits for Supersonic Transport Category Airplanes

§ 36.301 Noise limits: Concorde.

(a) *General.* For the Concorde airplane, compliance with this subpart must be shown with noise levels measured and evaluated as prescribed in subpart B of this part, and demonstrated at the measuring points prescribed in appendix C of this part.

(b) *Noise limits.* It must be shown, in accordance with the provisions of this part in effect on October 13, 1977, that the noise levels of the airplane are reduced to the lowest levels that are economically reasonable, technologically practicable, and appropriate for the Concorde type design.

§ 36.1581 [Amended]

10. By amending paragraph (c) of § 36.1581 by deleting the word "subsonic" before the words "transport category * * *."

Appendix C [Amended]

11. By amending appendix C as follows:

a. By amending the appendix heading by deleting the word "Subsonic" before the words "Transport Category."

b. By amending the introductory clause of § C36.7(f) to read as follows:

§ C36.7 *Takeoff test conditions.*

* * * * *

(f) For applications made for subsonic airplanes after September 17, 1971, and for Concorde airplanes, the following apply:

* * * * *

c. By amending § C36.7(f)(1) by inserting the words "For subsonic airplanes" before the words "the test day speeds", in the first sentence only.

d. By redesignating § C36.7(f)(2) as § C36.7(f)(3).

e. By adding a new § C36.7(f)(2) to read as follows:

§ C36.7 *Takeoff test conditions.*

* * * * *

(f) * * *

(2) For Concorde airplanes, the test day speeds and the acoustic day reference speed must be the minimum approved value of V_2 + 35 knots, or the all-engines-operating speed at 35 feet, whichever speed is greater as determined under the regulations constituting the type certification basis of the airplane, except that the reference speed may not exceed 250 knots. These tests must be conducted at the test day speeds ± 3 knots. Noise values measured at the test day speeds must be corrected to the acoustic day reference speed.

f. By amending the introductory clause of § C36.9(f) to read as follows:

§ C36.9 *Approach test conditions.*

* * * * *

(f) For applications made for subsonic airplanes after September 17, 1971, and for Concorde airplanes, the following apply:

g. By amending § C36.9(f)(1) by inserting the words "For subsonic airplanes" before the words "a steady."

h. By redesignating § C36.9(f)(2) as § C36.9(f)(3).

i. By adding a new § C36.9(f)(2) to read as follows:

§ C36.9 *Approach test conditions.*

* * * * *

(f) * * *

(2) For Concorde airplanes a steady approach speed, that is either the landing reference speed +10 knots or the speed used in establishing the approved landing distance under the airworthiness regulations constituting the type certification basis of the airplane, whichever speed is greater, must be established and maintained over the approach measuring point.

PART 91—GENERAL OPERATING AND FLIGHT RULES

III. Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended as follows:

§ 91.1 [Amended]

1. By amending § 91.1(b)(3) by deleting the words "and § 91.55" and insert-

ing the word "and" between the word "§ 91.38" and the word "§ 91.43."

2. By amending § 91.55 by adding the words "in the United States" between the words "civil aircraft" and the words "at a", by designating the current text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 91.55 Civil aircraft sonic boom.

* * * * *

(b) In addition, no person may operate a civil aircraft, for which the maximum operating limit speed M_{mo} exceeds a Mach number of 1, to or from an airport in the United States unless—

(1) Information available to the flight crew includes flight limitations that insure that flights entering or leaving the United States will not cause a sonic boom to reach the surface within the United States; and

(2) The operator complies with the flight limitations prescribed in paragraph (b)(1) of this section or complies with conditions and limitations in an authorization to exceed Mach 1 issued under appendix B of this part.

3. By amending paragaraph (a) of § 91.301 to read as follows:

§ 91.301 Applicability; relation to part 36.

(a) This subpart prescribes operating noise limits and related requirements that apply, as follows, to the operation of civil aircraft in the United States:

(1) Sections 91.303, 91.305, and 91.307 apply to U.S. registered civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds and having standard airworthiness certificates. Those sections apply to operations under this part and under parts 121, 123, and 135 of this chapter, but do not apply to operations under part 129 of this chapter.

(2) Sections 91.309 and 91.311 apply to U.S. registered civil supersonic airplanes having standard airworthiness certificates, and to foreign registered civil supersonic airplanes that, if registered in the United States, would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane. Those sections apply to operations under this part and under parts 121, 123, 129, and 135 of this chapter.

§ 91.301 [Amended]

4. By adding the following new sentence at the end of paragraph (b) of § 91.301: "For the purpose of this subpart, the terms 'subsonic airplane' and 'supersonic airplane' have the meanings specified in part 36 of this chapter."

§ 91.303 [Amended]

5. By amending § 91.303 by amending the section heading to read "Final compliance: subsonic airplanes" and by adding the word "subsonic" between the word "any" and the word "airplane."

§ 91.305 [Amended]

6. By amending § 91.305 by amending the section heading to read "Phased compliance under parts 121 and 135: subsonic airplanes", and by adding the word "subsonic", in paragraph (a), between the word "operating" and the word "airplanes."

§ 91.307 [Amended]

7. By amending § 91.307 by adding the word "subsonic" between the word "the" and the word "airplanes."

8. By adding a new § 91.309 to read as follows:

§ 91.309 Civil supersonic airplanes that do not comply with part 36.

(a) *Applicability.* This section applies to civil supersonic airplanes that have not been shown to comply with the stage 2 noise limits of part 36 in effect on October 13, 1977, using applicable tradeoff provisions, and that are operated in the United States after July 31, 1978.

(b) *Airport use.* Except in an emergency, the following apply to each person who operates a civil supersonic airplane to or from an airport in the United States:

(1) Regardless of whether a type design change approval is applied for under part 21 of this chapter, no person may land or take off an airplane, covered by this section, for which the type design is changed, after July 31, 1978, in a manner constituting an "acoustical change" under § 21.93, unless the acoustical change requirements of part 36 are complied with.

(2) No flight may be scheduled, or otherwise planned, for takeoff or landing after 10 p.m. and before 7 a.m. local time.

9. By adding a new § 91.311 to read as follows:

§ 91.311 Civil supersonic airplanes: noise limits.

Except for Concorde airplanes having flight time before January 1, 1980, no person may, after July 31, 1978, operate, in the United States, a civil supersonic airplane that does not comply with the stage 2 noise limits of part 36 in effect on October 13, 1977, using applicable trade-off provisions.

(Secs. 307, 313(a), 601(a), 603, 611, Federal Aviation Act of 1958, as amended (49 U.S.C. § 1348, 1354(a), 1421(a), 1423, and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); Executive Order 11514, March 5, 1970).

Issued on June 26, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-18188 Filed 6-27-78; 8:45 am]

[4910-13]

[Docket Nos. 10494 and 15376]

CIVIL SUPERSONIC AIRPLANE NOISE

FAA Disposition of EPA Proposals; Decision

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of decision concerning certain U.S. Environmental Protection Agency (EPA) noise regulatory proposals.

SUMMARY: This notice contains FAA's reasons for not adopting certain regulatory proposals submitted by EPA concerning the noise of civil supersonic airplanes (SST's). A final rule regulating SST's is also published in this issue of the FEDERAL REGISTER. It should be pointed out that many aspects of that final rule regulating SST's are consistent with the EPA proposals. This notice describes and explains the differences between the FAA regulation and the EPA proposals. FEDERAL REGISTER publication of this notice is required by § 611(c) of the Federal Aviation Act of 1958.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Tedrick, Program Management Branch (AEQ-220), Environmental Technical and Regulatory Division, Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-9027.

SUPPLEMENTARY INFORMATION: Under section 611(C)(1)(B) of the Act, if the FAA elects not to prescribe an amendment in response to an EPA regulatory proposal, it must publish in the FEDERAL REGISTER a notice of that decision and a detailed explanation. The following discussion constitutes FAA's notice that it is not prescribing certain regulatory provisions in response to EPA's proposals contained in notice 75-15 and notice 76-1, together with an analysis of the reasons therefor. The detailed history concerning the issuance of those notices is contained in the preamble to the amendments of the SST noise and sonic boom rules in this issue of the FEDERAL REGISTER. Those amendments

are referred to here as "the final rule".

THE EPA PROPOSALS

The first set of proposals submitted to the FAA by EPA were published as Notice 75-15 by the FAA in the FEDERAL REGISTER (40 FR 14093) on March 28, 1975.

NOTICE 75-15

The proposals in Notice 75-15 would have had the following effects:

EPA PROPOSAL 1: NEW PRODUCTION

Each person who applies for a U.S. standard airworthiness certificate for an SST for which "substantive productive effort" was "commenced" after the date of notice 75-15 (March 28, 1975) would have been required to show compliance with the noise level limits of part 36 as they existed in 1969 (including appendix C of part 36); EPA defined "substantive productive effort commenced" as meaning that "parts have been fabricated or delivered or are on order (in a legally binding financial commitment) for the airplane in question equivalent in total value to 5 percent or more of the selling price of the airplane."

FAA DISPOSITION OF PROPOSAL 1

The final rule, by requiring compliance with the "stage 2" noise limits of part 36 for the issuance of a U.S. Standard Airworthiness Certificate for Concordes other than those having first flight time before Janury 1, 1980, accomplishes the intent of EPA proposal 1 with respect to those airplanes. However, unlike the EPA proposal, the new production aspect of the final rule applies only to the Concorde, not to all SST's, and excludes Concordes that do not have "flight time" before January 1, 1980, rather than "substantive productive effort" before March 28, 1975. The final rule incorporates "the stage 2 noise limits of part 36 in effect on October 13, 1977," rather than part 36 as effective on December 1, 1969, because of the clarifying and technically improved measurement standards of part 36 that became effective since 1969.

The decision to use the term "flight time" in the final rule, rather than the term "substantive productive effort", was made because "flight time" is a readily identifiable occurrence which is precisely defined in part 1 of the Federal Aviation Regulations (14 CFR Part 1). The term "substantive productive effort" on the other hand, is difficult to define, implement, enforce, or monitor because (1) the manufacturing, marketing and financial data needed to determine whether parts and materials orders "equivalent in total value to 5 percent or more of the selling price of the airplane" have been made is often proprietary, and unavailable, and is subject to an unacceptably wide scope of interpretation; and (2) the EPA definition of the term "substantive productive effort" would place the FAA in the position of determining whether each order is a "legally binding financial commitment." This is a matter best left to the courts and the contracting parties.

With respect to EPA's proposal to permit the issuance of a U.S. standard airworthiness certificate for any SST for which parts and materials equivalent to at least 5 percent of the purchase value of the airplane were merely "on order" as of March 28, 1975, the FAA believes that such a rule could be broad enough to permit the issuance of standard airworthiness certificates to any Concorde airplane covered in the long term production commitments already established by the British and French manufacturers by that date, even if the particular airplane were not finally produced until after January 1, 1980. To establish a firm cutoff date and to avoid the essentially open-ended effect of the "on order" clause of the EPA proposal the final rule limits the exception to airplanes with "flight time" before a date certain.

The date selected is January 1, 1980, because it has been determined to be the earliest cutoff possible without causing unnecessarily severe adverse impacts, in view of the requirement in section 611(d) of the act that the FAA consider whether its noise rules are "economically reasonable" and "technologically practicable." An adverse impact on U.S. relations with Great Britain and France may also be expected to result from an earlier date.

Where EPA proposed to apply its new production rule to all SST types, the corresponding provision of the final rule is limited to the Concorde, since, except for the Concorde, there has been no application for certification, and no submittal of type design data upon which the FAA has been able to assess economic and technological impact as required by section 611(d)(4) in relation to its duty to insure that noise standards achieve the "highest degree of safety" (section 611(d)(3)). Unlike the subsonic "new production" rule, which was based on a substantial history of application of noise standards to specific subsonic airplane type designs, there is very little information concerning the impact of noise standards on potential SST types other than the Concorde.

A second reason for limiting the "new production" rule to Concordes is that the FAA, in consultation with EPA, is continuing its efforts ultimately to require future SST types to comply with noise levels more stringent than the "stage 2" noise limits of part 36. The FAA hopes to require "new production" subsonic airplanes to meet the lower "stage 3" noise limits of part 36, and is studying economic and technological data to determine how soon this might be done. As noted below in conjunction with EPA proposal 2 concerning type certification, these technological and economic considerations are currently being reviewed in response to detailed noise reduction proposals submitted by EPA and published in the FEDERAL REGISTER, as notice 76-22, on October 28, 1976 (41 FR 47358). The FAA therefore believes it would be inappropriate, at this time, to determine that future SST's should be allowed to obtain U.S. standard airworthiness certificates by complying with the "stage 2" noise limits of part 36, or determine that still lower noise levels, such as "stage 3" noise limits, can be applied to SST's consistent with the economic and technological considerations in section 611. A commitment to "stage 2" at this time would appear to encourage potential manufacturers of SST's to invest extensively in technologies limited to "stage 2" noise reduction capability. In the certification area, the FAA believes that the proper approach to assuring maximum noise reduction potential of future SST's is to encourage the research needed to support reduced noise limits, and then issue those lower limits based on an accurate appraisal of that noise reduction potential. In the meantime, growth of noise levels higher than the stage 2 limit is effectively capped, for further SST types, by the operating prohibition in section 91.311. This is consistent with the EPA recommendation that "new production" of current design SST's be required to meet noise standards now applicable to current design subsonic airplanes. This creates a maximum degree of flexibility by laying a sound foundation for lowering the noise limits for the type certification of future SST types, while assuring that no SST's other than the first group of Concordes is permitted to operate in the United States unless they meet at least the stage 2 noise limits of Part 36.

EPA PROPOSAL 2: TYPE CERTIFICATION

Each person who applied after August 6, 1970, for a U.S. type certificate for any SST, except for "those airplane types that have flown before December 31, 1974," would have been required to show compliance with the noise level limits of part 36. EPA has indicated that the intent of their proposal is to establish a commitment to apply all future reductions in subsonic noise limits to supersonic aircraft for which applications for type certification are made after those lower limits become effective.

DISPOSITION OF PROPOSAL 2

There are two fundamental differences between the EPA proposal and

the final rule. First, EPA's proposal, by excepting SST types for which application for a type certificate was made before August 6, 1970, and which have flown before December 31, 1974, would not apply any of the provisions of part 36 to the Concorde, whereas the type certification provisions of the final rule applies the noise measurement procedures to Concordes with flight time before January 1, 1980, under a "quiet as practicable" standard. Second, the EPA proposal is intended to apply all future reductions in subsonic noise limits to SST's, whereas the type certification provision in the final rule is limited to the Concorde and leaves open the question of what future noise limit reductions should be applied to future SST types.

With respect to the first difference, it should be noted that both EPA and FAA agree that the Concorde cannot reasonably be required to comply with the numerical noise limits of appendix C to part 36. However, the FAA has determined the Concorde should not be completely excepted from the other provisions of part 36 (as would be the case under EPA's proposed revision of § 36.201(c) in notice 75-15). The application of part 36 to the Concorde in the final rule, while it does not apply stage 2 noise levels to that airplane, accomplishes the following: It requires identification of accurate noise levels obtained under the detailed noise measurement and evaluation procedures of appendices A and B; and it requires that these numbers be put in the Airplane Flight Manual. Once these noise levels are established, they define the "parent" design for the purpose of preventing possible increases in noise by future modification of the airplane (such as changes in weight or thrust), known as "acoustical changes." By specifying a standard in terms of the lowest noise levels that are "economically reasonable, technologically practicable, and appropriate to the particular type design", type certification of the Concorde, under the final rule, constitutes an FAA determination, based on the specific details of the Concorde type design, that further substantial noise reductions cannot be obtained, prior to the issuance of the type certificate, by the issuance of regulations (consistent with the economic and technological considerations required by section 611(d) of the act).

The FAA's reason for not adopting a general rule applying all future subsonic noise reductions to future SST types is the same as the reason for not including future SST types in the provisions of the final rule concerning the issuance of standard airworthiness certificates as stated above in response to EPA's proposal 1, namely, that these precise issues are the subject of subsequent detailed noise reduction proposals submitted to FAA by EPA which are being reviewed, in depth by the FAA. Subsequent to the issuance of notice 75-15, EPA submitted these lower noise levels, known as "stage 3", "stage 4", and "stage 5" noise levels, and proposed that they apply equally to subsonic and supersonic aircraft, through the 1985 time period. These proposals were published as notice 76-22, on October 28, 1976 (41 FR 47358). A public hearing on these proposals was held in Washington, D.C. on December 15, 1976. The FAA is currently reviewing public comments submitted to the docket (Docket No. 16231), the hearing transcript, and economic and technological data to determine, in depth, the appropriate response to these detailed EPA proposals. Accordingly, the FAA believes that it would be premature, at this time, to decide whether or not SST's should or should not be subject to all future noise reductions imposed on subsonic aircraft. Nothing in the final rule conditions the FAA's ultimate response to the EPA proposals in notice 76-22 as applied to SST's. As stated in the preamble to the final rule, the FAA agrees with EPA that every possible effort should be made to achieve the goal of full future compliance, by SST's, with the same noise levels that are applied to subsonic aircraft.

EPA PROPOSAL 3: OPERATION

All SST operations to or from airports in the United States would have been prohibited, unless the airplane to be operated complies with the noise requirements for supersonic airplanes of part 36, "taking into account the date on which substantive productive effort (as defined in the EPA type certification proposal) was commenced on the airplane."

DISPOSITION OF PROPOSAL 3

The concept of this EPA proposal is adopted in the final rule for SST's other than Concordes that had flight time before January 1, 1980. However, the "flight time" cutoff is preferred over the "substantive production effort" cutoff for the reasons stated above in response to proposal 1.

NOTICE 76-1

In addition to these proposals, EPA submitted a further operating proposal intended to supplement its proposed operating rule contained in notice 75-15. This additional EPA proposal was published as notice 76-1 by the FAA in the FEDERAL REGISTER (41 FR 6270) on February 12, 1976. It would have had the following effect:

EPA PROPOSAL 4: OPERATION

All SST operations to or from airports in the United States would have been prohibited unless the airplane complies with "the noise level requirements for subsonic transport category airplanes of part 36 of this chapter", and unless the airplane had flight time before December 31, 1974.

DISPOSITION OF PROPOSAL 4

The final rule contains a flight time cutoff date of January 1, 1980, rather than December 31, 1974, and excludes only Concordes (but no other SST) having flight time before that date. Unlike the EPA proposal, the final rule contains a night curfew, and an acoustical change requirement, for all SST's that do not comply with part 36 noise limits (expected to be the first 16 Concordes only).

An operational cutoff of December 31, 1974, by permitting only the first two prototype Concordes to operate in the United States would be tantamount to a ban on U.S. operations of virtually all of the planned production Concordes. Such a ban is not employed in the final rule, as noted in the response to proposal 1.

Considering the limit on the total number of noncomplying Concordes to those having flight time before January 1, 1980, the 10 p.m. to 7 a.m. curfew, and the prohibition against modifications of those few airplanes in a way that increases their noise levels, the FAA believes that the total ban of Concorde operations inherent in the December 31, 1974, date would be unduly harsh in relation to the limited environmental impact posed by these 16 Concordes.

EPA OPTIONS CONSIDERED

As discussed above, notice 75-15, in addition to containing the specific regulatory proposals discussed above included a discussion of 8 possible regulatory options. EPA has advised the FAA that its proposal in notice 76-1 (treated above as EPA proposal 4) was intended to supersede its earlier discussion of these options in notice 75-15. However, these options were considered in the public hearing conducted in connection with notice 75-15, as well as the hearings conducted under notice 76-1 and 77-23, and were assessed during the development of the final rule. Public discussion of this FAA review is therefore appropriate.

THE EIGHT OPTIONS

The eight options listed by EPA in the preamble of NPRM 75-15 included the following:

EPA Option 1: Outright ban. Prohibit all SST operations in the United States.

Response. Public comments from many sectors strongly supported a total ban on all SST's. FAA's careful review of all of these comments and other available data indicates that a total ban on SST's as an option, cannot be reasonably supported.

Such a ban would disregard those economic and technological considerations that go to the heart of reasonable rule making effecting aircraft design and operations. Further, because there is no noise or environmental impact level specified under this option, no degree of quieting or other improvement would lift the ban. The FAA believes that this kind of a noise abatement regulation cannot be justified as a matter of basic fairness.

EPA Option 2. Imposition of part 36 requirements. This would prohibit the operation of all SST's that do not meet the noise limits of part 36.

Response. Except for the Concorde airplanes with flight time before January 1, 1980, the approach taken in the final rule is that all SST's are required to meet part 36 noise standards in order to operate in the United States. The exception for these Concordes is concluded to be reasonable, considering the probable environmental impact of those airplanes as compared with the impact of an outright ban.

EPA Option 3. Allow SST operation at designated airports with restrictions. Under this option, current SST operations would be permitted at federally designated airports, subject to certain operating restrictions.

Response. The FAA believes that the authority of the airport proprietor is of major importance in determining whether an aircraft should be admitted. In addition, the air transportation market is more appropriate than a federal designation, as a means of determining which airports should receive SST service.

EPA Option 4. Impose restrictions on SST operators at SST airports. This option is the same as option 3, except that market forces would be allowed to determine the airports at which SST operations would be introduced.

Response. Insofar as this option permits market forces and local noise abatement policies and incentives to determine the classes of air transportation service by specific airports, the FAA agrees with its objectives. However, the FAA believes that the Federal Government should not substitute its judgment for that of the State or local Governments who own and operate nearly all of our Nation's airports.

Moreover, although specific operating procedures at specific airports are an essential aspect of an overall noise abatement program, detailed requirements for each airport are better handled on an airport-by-airport basis rather than as a general requirement such as that in the final rule. Finally, air traffic control procedures and other nonregulatory procedures to minimize noise impact offer a more flexible approach to localized airport noise problems, while also assuring the highest degree of safety in the consistantly changing flight management judgments that must be made by pilots and air traffic controllers.

EPA Option 5: Impose restrictions on all operators at SST airports. This is an variant of option 4 under which *new* operations of *all* aircraft (not only SST's) must comply with noise abatement operating restrictions.

Response. This option is similar in its objectives to the overall noise abatement program of the FAA, except that the kinds of operating restrictions imposed by the FAA (such as the noise abatement preferential runway and arrival and departure procedures of §91.87 of part 91) are not limited to new operations and are not limited to SST airports only. As stated in response to EPA option 4, nonregulatory procedures directed at air traffic controllers and advisory information for pilots are, in many cases, the most effective means of achieving noise abatement objectives consistent with the need for those pilots and air traffic controllers to adapt rapidly and effectively to changing operational circumstances. The FAA has developed, and is consistantly improving a wide range of nonregulatory approaches to aircraft noise abatement which apply to all operations at all airports.

EPA Option 6: Increasingly stringent restrictions on SST source noise. Under this option, manufacturers of SST's would be required to show compliance with currently projected (or "best effort") levels for the first 20 airplanes, 6 db below this for the second 20 airplanes, 10 db below "first production" for the third 20 airplanes, and appendix C of part 36 for all subsequent airplanes.

Response. This option would be unnecessarily lenient and would unnecessarily broaden the class of noncomplying SST's. The FAA believes that SST's other than Concordes having flight time before January 1, 1980, should be required at the outset to conform to at least the stage 2 noise limits of part 36 in order to operate in the United States.

EPA Option 7: No regulation. Under this option, no regulatory action would be taken with respect to the noise of current or future SST's.

Response. FAA and EPA have agreed that the total exclusion of an aircraft from all noise abatement type certification, airworthiness certification, and operating rules, merely because it is supersonic, would not adequately discharge the FAA's duty, under § 611 of the Act, to protect the public health and welfare from aircraft noise.

EPA Option 8: Airport noise regulation. Under this option, an SST regulation would be delayed until an airport noise regulation is adopted. Such a regulation would "provide the ground rules and procedures for cooperative decisions and actions by local communities, employing land use controls, and airport management, with the collaborative support of the FAA."

Response. The issue of inclusion of SST noise abatement rules in an overall airport noise regulation is best resolved in connection with FAA's processing of EPA's proposed airport noise regulation under section 611 of the Act. In response to this EPA proposal, the FAA issued notice 76-24, which was published at 41 FR 51522 on November 22, 1976. A public hearing was held in Washington, D.C. on January 17, 1977. The potential operating and related noise abatement concepts in that NPRM exceed the scope of NPRMs leading to the final rule. In addition, delaying the provisions of the final rule until disposition of EPA's specific regulatory proposals in notice 76-24 would unnecessarily delay the early realization of the noise abatement benefits of the final rule including the night curfew, the acoustical change rule, and the imposition of Part 36 noise limits on future SST types operating in the United States.

(Secs. 307, 313(a), 601(a), 603, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421(a), 1423, and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued on June 26, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-18189 Filed 6-28-78; 8:45 am]

federal register

THURSDAY, JUNE 29, 1978
PART V

DEPARTMENT OF TRANSPORTATION

Coast Guard

SAFETY ORIENTATION OF PASSENGERS

Operators of Small Passenger Carrying Vessels Requirements

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 26, 78, and 185]

[CGD 78-009]

SAFETY ORIENTATION OF PASSENGERS

Operators of Small Passenger Carrying Vessels Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing a safety regulation which will require the operators of small passenger carrying vessels to conduct a safety orientation for all passengers before getting the vessel underway. This regulation will ensure that passengers on all vessels are made aware of: (a) Procedures to follow in the event of an emergency and; (b) the stowage locations for and proper use of lifesaving equipment.

DATES: All comments received on or before August 14, 1978, will be considered before further action is taken on this notice.

ADDRESSES: (a) Comments: Written comments should be submitted to Commandant (G-CMC/81), (CGD 78-009) 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. (b) Draft evaluation: A copy of the draft evaluation from which the economic summary in this document is taken is available for examination at the address listed in paragraph (a) above. (c) Other materials: A copy of the NTSB report referred to in this notice is available for examination at the address listed in paragraph (a) above. Copies of the report may be obtained from the National Technical Information Service, Springfield, Va. 22151.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include docket number (CGD 78-009), the name and address of the person submitting the comments, the specific section of the proposal to which each comment is addressed, and the reasons for the comment. The final action on this proposal may be changed in light of comments received before the expiration of the comment period.

No public hearing is contemplated but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by anyone desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are Lt. Kenneth A. Rock, Project Manager, Office of Merchant Marine Safety and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF PROPOSED REGULATIONS

These proposed regulations are applicable to all vessels subject to 46 CFR Part 185, Rules and Regulations for Small Passenger Vessels; vessels carrying 6 or fewer passengers for hire subject to 46 CFR Part 26, Rules and Regulations for Uninspected Vessels, and 46 CFR Part 78, Rules and Regulations for Passenger Vessels.

This proposal is based on the recommendation (M-77-24) of the National Transportation Safety Board (NTSB) Report No. NTSB-MAR-77-1 entitled "Charter Fishing Boat *Pearl-C;* Sinking on the Columbia River Bar near Astoria, Oreg.: September 13, 1976." In this incident passengers were neither informed of the inherent dangers of being towed across a hazardous bar nor were they apprised of the need for and proper method of wearing life preservers.

The *Pearl-C* was a Coast Guard inspected small passenger vessel. Its mode of operation and passenger clientele are nearly identical with those of uninspected commercial passenger vessels which carry 6 or fewer passengers for hire. Therefore in an attempt to provide a uniform level of safety for all passengers, this proposal applies parallel requirements to all passenger carrying vessels.

The authority to regulate uninspected vessels carrying six or less passengers for hire is contained in section 5 of the Federal Boat Safety Act of 1971. Section 6 of this act requires consultation with the National Boating Safety Advisory Council (NBSAC) with respect to proposed regulations issued under the authority of section 5. Accordingly, the regulations proposed in this notice for commercial uninspected vessels carrying six or fewer passengers for hire will be presented to NBSAC for its consideration.

This proposal has been reviewed under DOT Notice 78-1 entitled "Improving Government Regulations" (43 FR 9582) and a draft evaluation has been prepared.

In consideration of the foregoing, the Coast Guard proposes to amend Title 46, Code of Federal Regulations as follows:

PART 26—OPERATIONS

1. By adding new sections §§ 26.03-1 and 26.03-2 to Part 26 to read as follows:

§ 26.03-1 Safety orientation.

(a) Before getting underway in any vessel carrying 6 or fewer passengers for hire, each licensed operator shall ensure that all passengers are:

(1) Informed of the stowage locations of the life preservers;

(2) Instructed how to put on and adjust life preservers;

(3) Informed of the types and location of all lifesaving devices carried aboard the vessel; and

(4) Informed of the location of and encouraged to read the Emergency Checkoff List; § 26.03-2.

§ 26.03-2 Emergency instructions.

(a) The operator in charge of any vessel carrying 6 or fewer passengers for hire, shall ensure that an emergency checkoff list is posted in a conspicuous, continuously accessible place to serve as a notice to the passengers and a reminder to the crew of precautionary measures which may be necessary in the event of an emergency situation.

(b) Except where any part of the emergency instructions are deemed unnecessary by the Officer-in-Charge, Marine Inspection; the emergency checkoff list must contain not less than the applicable portions of the sample emergency checkoff list which follows:

SAMPLE EMERGENCY CHECKOFF LIST

Measures to be considered in the event of:

(a) *Rough weather at sea or crossing hazardous bars.*

- ☐ All weathertight and watertight doors, hatches and airports closed to prevent taking water aboard.
- ☐ Bilges kept dry to prevent loss of stability.
- ☐ Passengers seated and evenly distributed.
- ☐ All passengers wearing life preservers in conditions of very rough seas or if about to cross a hazardous bar.
- ☐ An international distress call and a call to the Coast Guard over radiotelephone made if assistance is needed.

(b) *Man Overboard.*

- ☐ Ring buoy thrown overboard as close to the victim as possible.
- ☐ Lookout posted to keep the victim in sight.
- ☐ Crew member, wearing a life preserver and lifeline, standing by ready to jump into the water to assist the victim back aboard if necessary.
- ☐ Coast Guard and all vessels in the vicinity notified by radiotelephone.
- ☐ Search continued until after radiotelephone consultation with the Coast Guard, if at all possible.

(c) *Fire at Sea.*

- ☐ Air supply to the fire cut off by closing hatches, ports, doors, and ventilators etc.

- ☐ Portable extinguishers discharged at the base of the flames of flammable liquid or grease fires or water applied to fires in combustible solids.
- ☐ If fire is in machinery spaces, fuel supply and ventilation shut off and any installed fixed CO_2 system discharged.
- ☐ Vessel maneuvered to minimize the effect of wind on the fire.
- ☐ Coast Guard and all vessels in the vicinity notified by radiotelephone of the fire and vessel location.

2. By adding the following entries in numerical sequence to the part 26—Operations Table of Contents:

Sec.
26.03-1 Safety orientation and Emergency Instructions. 26.03-2

3. By adding the following references in alphabetical sequence to the index for 46 CFR Subchapter "C"—Uninspected Vessels:

Emergency check-off list 26.03-2
Safety orientation 26.03-1

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

PART 78—OPERATIONS

4. By amending existing § 78.17-50(b)(5) of Part 78 as follows:

§ 78.17-50 Fire and boat drills.

* * * * *

(b) * * *

(5) The passengers shall be encouraged to fully participate in these drills and shall be instructed in the use, adjustment and locations of stowage of the life preservers.

(46 U.S.C. 481, 49 CFR 1.45(a)(2).)

PART 185—OPERATIONS

5. By adding a new paragraph (c) to § 185.25-1 of Part 185 as follows:

§ 185.25-1 Emergency instructions.

* * * * *

(c) *Safety orientation.* Prior to getting underway, the operator in charge of any vessel subject to the regulations in this subchapter shall ensure that all passengers are:

(1) Informed of the stowage locations of life preservers;

(2) Instructed how to put on and adjust life preservers;

(3) Informed of the types and location of all lifesaving devices carried aboard the vessel; and

(4) Informed of the location of and encouraged to read the "Emergency Checkoff List".

6. By adding the following reference in alphabetical sequence to the index for 46 CFR Subchapter "T"—Small Passenger Vessels:

Safety Orientation ..... 185.25-1(c)

(46 U.S.C. 390b, 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 22, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-18149 Filed 6-28-78; 8:45 am]

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