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highlights

IMPROVING GOVERNMENT REGULATIONS

Announcing a New Feature

To assist readers wishing to comment on agency proposals implementing the President's Executive Order 12044, the FEDERAL REGISTER is adding a new listing to the weekly Reminders section published every Wednesday. Beginning with today's issue, the Reminders section includes a listing of next week's deadlines for comments on agency proposals.

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Treasury/IRS proposes regulations relating to material participation requirements for valuation of certain farm and closely held business real property; comments by 9-18-78 31039

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FCC proposes to consider changes in its rules to apply multiple ownership limitations; comments by 11-15-78 31047

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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
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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.

NOTE: As of July 3, 1978, documents from the following agencies in the Department of Health, Education, and Welfare are no longer being assigned to the Tuesday/Friday schedule: Alcohol, Drug Abuse and Mental Health Administration (ADAMHA); Center for Disease Control (CDC); Health Resources Administration (HRA); Health Services Administration (HSA); National Institutes of Health (NIH); and Public Health Service (PHS).

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rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Prune Reg. 16]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation prescribes minimum grade and size requirements on the handling of fresh Washington-Oregon prunes during July 25, 1978, through August 31, 1979. This regulation takes into consideration the marketing situation facing the Washington-Oregon prune industry and is necessary to assure that shipments of prunes will be of suitable quality and size in the interest of consumers and producers.

EFFECTIVE DATES: July 25, 1978, through August 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On June 16, 1978, notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 26026), regarding a proposed regulation to be made effective under the marketing agreement, as amended, and Order No. 924, as amended (7 CFR Part 924), regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oreg. This notice allowed interested persons until July 5, 1978, to file written data, views, or arguments pertaining to this proposed regulation. None were submitted.

The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This action is based on an appraisal of the crop and current and prospective market conditions. Shipments of prunes from the production area are expected to begin on or about July 25, 1978. The regulation is designed to prevent the handling of low quality and small sized prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers consistent with the objectives of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (43 FR 26026), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act.

§ 924.316 Prune Regulation 16.

Order. (a) During the period July 25, 1978, through August 31, 1979, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two thirds of the surface of the prune is required to be purplish color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided,* That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerance for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay, or

(2) Such prunes are handled in accordance with paragraph (b) of this section.

(b) Notwithstanding any other provision of this regulation, any individual shipment which, in any aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520-51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (April 29, 1978), and in the Oregon State Department of Agriculture Standards for Italian Prunes (October 5, 1977); the term "diameter" means the greatest dimension measured at right angles to a line from the

stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(d) Prune Regulation 15 (42 FR 38576) is hereby terminated July 25, 1978.

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

Dated: July 14, 1978.

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

[FR Doc. 78-19946 Filed 7-18-78; 8:45 am]

[1505-01]

CHAPTER XVII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

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

Correction

In FR Doc. 78-17106 appearing at page 26561 in the issue for Tuesday, June 21, 1978; on page 26562, second column, "(c)" of § 1822.83 should read "(e)".

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. T; Docket No. R-0165]

PART 220—CREDIT BY BROKERS AND DEALERS

Subordinated Credit for Capital Purposes

AGENCY: Board of Governers of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment will relax the rule covering subordinated loans between brokers and dealers so as to permit any individual or firm subject to regulation T to extend and maintain subordinated credit to another broker or dealer for capital purposes. The present rule limits these loans to intra-company loans and loans between members of the same exchange. In addition, the amendment removes certain restrictions on the use of the loan proceeds if the borrower has no other customer relationship with the lender. The Board is adopting this rule change under authority of sections 7 and 23 of the Securities Exchange Act of 1934 in order to improve the capital-raising ability of the entire industry and, by removing existing requirements related to exchange membership, to provide equal treatment for all brokers and dealers. The amendment was published for comment on May 31, 1978 (43 FR 23588) and the Board adopted it on July 12, 1978, to be effective immediately.

EFFECTIVE DATE: July 12, 1978

FOR FURTHER INFORMATION CONTACT:

Theodore W. Prush, Securities Regulations Analyst, Securities Regulation Section, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: All of the comments received on the Board's proposal to relax the rule on subordinated loans between broker/dealers were favorable. The rule was adopted as proposed.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and w) the Board amends 12 CFR Part 220 as follows:

§ 220.4 Special accounts.

* * * * *

(b) *Special miscellaneous account.* In a special miscellaneous account, a creditor may:

* * * * *

(2) * * *

(ii) Extend and maintain a subordinated loan to another creditor for capital purposes: Provided, That

(*a*) Either the lender or the borrower is a firm or corporation which is a member of a National securities exchange or national securities association, the other party to the credit is an affiliated corporation of such firm or corporation, the credit is not in contravention of any rule of the exchange or association and the credit has the approval of appropriate committees of the exchange or association, or

(*b*) The lender as well as the borrower is a creditor as defined in § 220.2(b), the subordinated loan agreement has the approval of the appropriate Examining Authority as defined in Securities and Exchange Commission Rule 15c3-1(c)(12) (12 CFR 240.15c3-1(c)(12)) and such examining authority is satisfied, in the case of a borrower who would be considered a customer of the lender apart from the subordinated loan, that the loan will not be used to increase the amount of dealing in securities for the account of the borrower, his firm or corporation or an affiliated corporation of such firm or corporation.

By order of the Board of Governors, July 12, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-19904 Filed 7-18-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 78-242]

PART 153—ANTIDUMPING

Modification or Revocation of Dumping Finding Antidumping—Clear Sheet Glass Weighing Over 28 Ounces Per Square Foot From France

AGENCY: United States Treasury Department.

ACTION: Modification of Dumping Finding.

SUMMARY: This notice is to inform the public that Saint Gobain Industries of France is no longer selling clear sheet glass weighing over 28 ounces per square foot from France at less than fair value under the Antidumping Act, 1921. In addition, Saint Gobain has given assurances that it is not, and does not intend to resume selling clear glass weighing over 28 ounces per square foot to the United States.

EFFECTIVE DATE: July 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara J. Victor, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On December 9, 1971, a finding of dumping with respect to clear sheet glass weighing over 28 ounces per square foot from France was published in the FEDERAL REGISTER as Treasury Decision 71-293 (37 FR 23360). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise from France, produced and sold by Saint Gobain Industries, was published in

the FEDERAL REGISTER of August 18, 1977 (42 FR 41695).

Reasons for the tentative determination were published in the above-mentioned notice and interested persons were afforded an opportunity to provide written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," clear sheet glass weighing over 28 ounces per square foot from France, produced and sold by Saint Gobain Industries, is not being, nor is likely to be, sold at less than fair value, and T.D. 71-293 is hereby modified to exclude the subject merchandise produced and sold by Saint Gobain Industries.

§ 153.46 [Amended]

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is amended to exclude clear sheet glass weighing over 28 ounces per square foot from France, produced and sold by Saint Gobain Industries, from that finding of dumping:

Merchandise	Country	T.D.	Modified by
Clear sheet glass weighing over 28 ounces per square foot except that produced and sold by Saint Gobain Industries	France	71-293	78-242

This notice is published pursuant to § 153.44(d) of the Customs Regulations (19 CFR 153.44(d).)

(Sec. 201, 407, 42 Stat. 11, as amended, 19; 19 U.S.C. 160, 173.)

Dated: July 13, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-19929 Filed 7-18-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R-78-489]

PART 200—CARPET WITH FOAM RUBBER CARPET CUSHION (FLOWED-ON)

Acceptability

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule issues Use of Materials Bulletin No. UM 44c, addendum 3 which replaces HUD Standard UM 44b, addendum 1 dated January 26, 1970. It integrates into the UM 44c standard or its addendums all carpet products acceptable to HUD, with and without attached cushions. By so doing, the HUD Carpet Certification Program will automatically be extended to fully cover all acceptable carpet products instead of just those lacking an attached cushion.

DATE: August 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James Kanegis, Materials Acceptance Branch, Office of Technical Support, Department of Housing and Urban Development, Room 6176, Washington, D.C. 20410; telephone: 202-755-5929.

SUPPLEMENTARY INFORMATION: On November 28, 1977, the Department of Housing and Urban Development published in the FEDERAL REGISTER at 42 FR 60571 a proposed HUD Standard for Carpet with Foam Rubber Carpet Cushion (Flowed-on) to be designated as Use of Materials Bulletin No. UM 44c, addendum 3. Interested parties were invited to submit written comment. We find that these comments basically fall into several general categories. These are reviewed and analyzed below. The final position taken by HUD on these points is also detailed briefly.

It was suggested that the proposed minimum values of ⅛" thickness, and 32 and 38 oz/yd² weights for classes 1 and 2 respectively are inadequate for this specific type of polymer or compounding procedure. No substantiating evidence was presented. Since these minimums were selected only after careful study of prior input and a review of existing standards before they appeared in the FEDERAL REGISTER HUD sees no reasonable basis for altering them. Further, for class 2, if the flowed-on density is specifically formulated to be 17 lb/ft³, the thickness is more than likely to be in the neighborhood of 5/16" than ⅛". Even for a classs 1 flowed-on cushion of the same density, the final cushion is more likely to be around 0.16" than 0.125" (⅛") thick. If classes 1 and 2 were both formulated to be ⅛" thick, either their densities or their weights would be higher than the prescribed minimums.

It was also suggested that there should be full equivalency in minimum physical requirements for both detached and attached cushions if they are basically the same formulation. As an example, is was noted that the proposed HUD standard for detached foam cellular rubber cushion which was published in the FEDERAL REGISTER at 43 FR 4065 had higher weight and thickness requirements than for the proposed attached cushion equivalent.

HUD is not subscribing to the concept of complete equivalency, and no significant technical arguments were presented for substantiating the propriety of such equivalency. In an attached cushion system, we are dealing with one single product, with the backing substantially reinforcing the cushion and adding improved tensile characteristics to it. Other compression characteristics are also given an assist. Detached carpet over cushion does not lend such strength values to the cushion, and it should have certain other minimum properties apart from strength because it is a single product which must be judged on its own merits.

An additional consideration in equating weights is that the actual amount of foamed latex on the back of a carpet is somewhat greater than test data indicates. The referenced test procedures do not really lead to the complete removal of all the flowed-on latex. Some residual particles remain embedded in the backing and the yarn. Thus, the true minimum weight of the flowed-on latex cushion versus the detached cushion weights are closer than the ratios indicate—32:38-5 percent for class 1, and 38:45-5 percent for class 2.

The earlier HUD standard for attached carpet cushion, UM 44b, addendum 1 had only one class and therefore only a single weight and density requirement. The proposed standard has two classes—to conform to the UM 44c requirement for carpet. The only weight requirement in UM 44b, addendum 1 was 38 oz/yd.² A point was raised that by developing a class 1 weight of 32 oz/yd,² while maintaining 38 oz/yd² for class 2, HUD was in effect, lowering its previous requirement. This, HUD feels, is an incorrect interpretation.

HUD designates class 1 carpet for moderate traffic, and class 2 for heavy traffic. For its 38 oz/yd² product, UM 44b, addendum 1 states that it is suitable for heavy traffic. Since HUD had originally assigned that value for heavy traffic it is reasonable to assume that there should be a lower requirement for a class 1 product. HUD feels that the 32 oz/yd² minimum is a reasonable one for that class. For that matter, HUD has received comment completely opposite to this one. They are to the effect that 32 oz/yd² is too high for a class 1 product. We are not disposed to drop below this figure at this time. Similar suggestions were made about the minimum density requirement of 17 lb/ft.³ Some felt that value also should be lower. Again, HUD is not disposed to lower that value at this time. Should a lower weight or density prove desirable in

the future, our present minimum requirements will be reexamined.

The proposed standard has compression resistance values for classes 1 and 2, of 5 and 6 lb/in^2 respectively. In view of further study, HUD has agreed that 5 and 5 would be reasonable since even 5 lb/in^2 represents a difficult value to achieve commercially.

In testing for compression set the HUD proposal has a 5±½-hour recovery time for remeasuring the thickness of the plied specimens. Comment on this ranged from replacing that with a ½-hour recovery time (as first proposed in UM 44b, addendum 1) to 24 hours. It has been decided to retain the 5±½-hour. While a 24-hour recovery time would be advantageous to the laboratories in fitting their compression set tests into two 8-hour working days HUD does not have sufficient data on hand to know whether such a change would result in too much of a drop in compression set values to be acceptable if the presently proposed 15 percent maximum compression set value was maintained.

Some changes have been made in testing for delamination strength to allow for instances in which there is tearing in the foam before completion of the test itself.

HUD will be entertaining another category of attached cushion, the rubber sponge variety. Some input on this has already been received and will be considered at a later date.

Cushion which meets the requirements of UM 44c, addendum 3 may be attached only to carpet which itself fully meets the requirements of UM 44c, or addendums thereto. If it does not, the resultant carpet will not be accepted in the HUD Carpet Certification Program.

HUD reserves the right to spot check cushion certified by the manufacturer, such samples to be obtained randomly from any of the several possible sites.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C. on July 12, 1978.

MORTON A. BARUCH,
Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION

USE OF MATERIALS BULLETIN NO. 44C, ADDENDUM 3

To: Area Office Directors, Insuring Office Directors.

Subject: Carpet With Foam Rubber Carpet Cushion (Flowed-On).

Members of the HUD staff processing cases and inspecting construction shall use this information in determining acceptability of the subject material for the uses indicated.

This bulletin should be filed with Bulletins on Special Methods of Construction and Materials as required by prescribed procedures. Additional copies may be requisitioned by the field offices.

The technical description, requirements and limitations expressed herein do not constitute an endorsement, approval or acceptance by the Federal Housing Administration of the subject matter, and any statement or representation, however made, indicating approval or endorsement by the Federal Housing Administration is unauthorized and false, and will be considered a violation of the United States Criminal Code 18, U.S.C. 709.

Any reproduction of this bulletin must be in its entirety and any use in sales promotion or advertising is not authorized.

Subject to good workmanship, compliance with applicable codes, and the methods of application listed herein, the materials described in this bulletin may be considered suitable for HUD Housing Programs, including Housing for the Elderly and Care-Type Housing.

The eligibility of a property under these programs is determined on the property as an entity and involves the consideration of underwriting and other factors not indicated herein. Thus, compliance with this bulletin should not be construed as qualifying the property as a whole, or any part thereof, as to its eligibility

The methods of application for the materials listed herein are to be considered as part of the HUD minimum property standards and shall remain effective until this bulletin is canceled or superseded.

Use: For inside wall-to-wall installation in all HUD programs.

Scope and Classification.—Scope: UM 44c, change 2, HUD Standard for Carpet, February 22, 1978; UM 44c, addendum 1, Revision 1, Saxony Carpet, February 22, 1978; and UM 44c, addendum 2, Carpet with Urethane Sponge Carpet Cushion (Flowed-on), November 30, 1976, are the standards of reference except as herein modified. This addendum covers carpet which meets the above-referenced standards, and to which is attached a foam rubber carpet cushion meeting the requirements below. The subject carpet must meet the provisions of the HUD Carpet Certification Program and is to be sampled, tested, and identified accordingly.

Classification: Class 1 and class 2 are the same as those classes described in UM 44c.

Construction and Composition: Foam rubber carpet cushion shall conform to the attached cushion part of Interim Federal Specification DDD-C-001559 and amendments pertaining to cushion. The amendments in this bulletin shall apply in case of conflict with DDD-C-001559 or its revisions.

Flowed-on cushion shall be produced by applying a mechanically frothed mixture containing a suitable formulation of natural or synthetic latexes onto the back of the fabric, in carefully measured amounts so that the ultimate thickness and weight can be closely maintained. It shall then be cured in an oven. The final cushion shall have a skin on the floor side when affixed to the carpet.

In the flowing on of the foam rubber to the carpet backing there occur slight differences in weight, thickness and density from area to area. Also, in the process of cutting the foam from the carpet, as outlined in the test method, there are variations in results using the same samples due to different cutting and brushing techniques. As no tolerances are permitted allowance must be made in the manufacturing process to insure compliance with the requirements of this addendum.

Characteristic	Class 1	Class 2	Test method [1] (subsection)
Weight, minimum, ounce per square yard	32	38	4
Thickness, minimum, inches	1/8	1/8	5
Density, minimum, pound per cubic foot	17	17	6
Compression set, 50 percent, maximum, percent	15	15	7
Compression resistance, minimum, pounds per square inch	5	5	8
Delamination strength, minimum, pound-force per inch of width	2.0	2.0	9
Accelerated aging	Pass	Pass	10
Ash content, maximum, percent	50	50	11
Flammability	Pass	Pass	[3]

[1] Subsecs. 1, 2, and 3 relate to pretesting provisions. Test methods are described in the appropriate additional subsections following this table. Most are identical to those used in UM 44c, addendum 2, Urethane Sponge Carpet Cushion (flowed-on) and are used to simplify carpet testing procedures.

[3] Administered by the Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207. This bulletin does not serve as a waiver of any provisions bearing on the flammability act as so administered. Carpet is tested face side up.

Subsection 1 Scope: The test methods are intended to define test procedures.

Subsection 2 Sample: A strip of finished carpet with the attached cushion 8" in the length direction shall be taken across the full width of the carpet. This sample is in addition to that needed for the evaluation of carpet properties specified in UM 44c and its addendums.

Subsection 3 Condition: Excluding those used for accelerated aging tests, all samples shall be conditioned from the dry side to equilibrium at 75 percent relative humidity and 70° F. Minimum conditioning time shall be 24 hours. If other conditions are used, they should be noted and cleared with HUD headquarters.

Subsection 4 Weight of Foam Backing: Die cut a total of six 4" x 4" square speci-

mens from the carpet, taking two specimens from the center area and two specimens from each side area. The cut shall not be nearer than 6" from the outer edges of the carpet. Die cut the specimens, with the foam side against the cutting die. Weigh each specimen to the nearest 0.01 g.

Using an electric carving knife and supporting guides, separate the foam carpet backing by cutting at the line where the textile components meet the foam component. Cut as closely as possible without damaging the carpet-backing components. Put aside the slabs of foam for future use. Remove the remaining foam from the carpet backing by brushing it with a stiff wire-bristled brush. Weigh each resulting carpet specimen to the nearest 0.01 g.

Calculate the weight of the foam for each specimen as the difference between the total weight of the carpet with foam backing, and without foam backing. Report the average of the six specimens as the weight of the foam.

To convert grams to ounces per square yard, calculate as follows:

Average specimen weight in grams
$\times 81 \div 28.35 = \text{oz./sq. yd.}$

Subsection 5 Thickness: Mark the foam cut from each specimen for identification. Using a single determination, measure the total thickness of each specimen to the nearest 0.001". The thickness gage shall have a circular presser foot with a diameter if 1.129"±.001". The presser foot shall be allowed to exert a pressure of 100 g/sq in. The load shall be applied slowly without impact and the thickness shall be read immediately. The average of six readings shall be reported as the thickness of the foam.

Subsection 6 Density: The specimens measured for thickness shall then be weighed in grams to the nearest 0.01 g. Convert to pounds by multiplying by 0.002205. Redetermine the thickness in inches and obtain the volume in cubic feet by multiplying 4"×4"×thickness in inches×0.0005787. Then:

Density = weight in pounds ÷ volume in cubic feet

Subsection 7 Compression Set: Cut each 4" x 4" foam specimen into four 2" x 2" specimens. Pile up the 2" x 2" specimens, skin side to cut side, until the pile has a total thickness of approximately 1". Prepare two such piles. Using a fixture consisting of two parallel plates that are larger than 2" x 2", place the plied specimens in the fixture. Apply a load of 100 g/sq in and measure the thickness. Call this the original thickness, OT. Compress the specimens to 50 percent of the OT and hold. Place the fixture with its compressed specimens into a previously preheated-to-temperature circulation air oven at 158°±2° F. Keep in oven for 22 hour±½ hour. Remove from oven, unclamp immediately, and remove the specimens from the fixture. After a 5±½ hour recovery period remeasure the thickness of the plied specimens under a load of 100 g/sq in. Call this the final thickness, FT. Then

Compression set,
$\text{percent} = (OT - FT) \div OT \times 100$

Do test on both sets of specimens and report the average. If the plies adhere after the oven treatment do not separate before remeasuring.

Subsection 8 Compression Indentation Resistance: Using 2" x 2" foam specimens that were not used in the compression set test, form piles of plied specimens, skin side to cut side, approximately 1" thick. Place in a compression tester and, with a circular presser foot 1.129"±0.001" in diameter measure the thickness of the plied specimens under a load of 100 g/sq in. Then compress the specimens to 75 percent of this measured thickness and immediately determine the load required to compress the specimen this amount. This reading, exclusive of the 100-gram preload, is the compression resistance of the foam. Using a second set of specimens, repeat the test to obtain a second set of values. Both values shall be averaged and the result reported as the compression resistance.

Subsection 9 Delamination Strength: From the original sample cut a 2" x 6" strip lengthwise of the carpet, one from the center, and one from each side area. Cover the foam side with self-adhering tape. Separate the foam from the carpet for approximately 1½" at one end of the 2" wide ends. A tensile tester equivalent to that described in FTMS No. 191, Method 5100 shall be used. Set the clamps 1" apart, clamp the loose end of the attached foam in the lower clamp and the loose end of the attached carpet in the upper clamp. The clamps must be as wide as the strips that are being gripped. Start the tester at a speed of 12" per minute and record the five highest readings required to strip the attached foam from the carpet. Omit first peak. Test the three specimens, average the results, and divide by two to determine the load in pounds per inch of width. If the foam tears rather than delaminates before five peaks have been recorded, obtain the average from the recorded peaks, even if there was only a single peak.

Subsection 10 Accelerated Aging.—Heat Aging: Do not condition the specimens prior to testing. Place a 2" x 4" specimen of the foam attached to the carpet in a circulating air oven at 275° F for 24 hours. Allow specimen to cool to room temperature. The cushion is to be flexed 180° at a uniform rate, foam side out, over a 1" diameter mandrel, completing the bend within 3 to 5 seconds. Cushion shall remain flexible and serviceable.

Subsection 11 Ash Content: Test shall be made on the foam only according to ASTM D 297 under Muffle Furnace Method.

APPENDIX

As an aid in correlating U.S. customary units to metric units, conversion factors for units in this bulletin follow. They are in accordance with the International System of Units (abbreviated SI).

1 inch = 2.54 centimeters
1 ounce = 28.35 grams
1 pound (mass) = 453.6 grams
1 pound (force) = 4.448 newtons
1 square yard = 0.8361 square meter
1 cubic foot = 0.02832 cubic meter
1 pound force per inch = 175.1 newtons per meter
1 pound per square inch (psi) = 6.895 kilopascals
1 gram per square inch = 15.20 pascals
1 ounce per square yard = 33.91 grams per square meter
1 pound per cubic foot = 16.02 kilograms per cubic meter

$T_c = (t_f - 32)/1.8$

Where
t_c = temperature in degrees Celsius
t_f = temperature in degrees Fahrenheit

[FR Doc. 78-19896 Filed 7-18-78; 8:45 am]

[3410-11]

Title 36—Parks, Forests and Public Properties

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 211—ADMINISTRATION

Appeal Procedures

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This action deletes rules of procedure of the Board of Forest Appeals. The functions of the Board of Forest Appeals have been combined with those of the Department of Agriculture's Board of Contract Appeals.

EFFECTIVE DATE: June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Don D. Seaman, Range Staff, Forest Service, USDA, P.O. Box 2417, Washington D.C. 20013, 703-235-8139.

SUPPLEMENTARY INFORMATION: The functions of the Board of Forest Appeals, now obsolete, have been combined with those of the Department of Agriculture's Board of Contract Appeals, 7 CFR, Part 24 (30 FR 30912, August 26, 1974). The Rules of Procedure of the Board of Forest Appeals remained in effect for cases pending on September 25, 1974, the effective date of 7 CFR, Part 24 (Section 211.23 of this Title, 39 FR 30917, August 26, 1974).

Final administrative decisions have been made in all cases pending before the Board of Forest Appeals on September 25, 1974. The Secretary of Agriculture has terminated the Board of Forest Appeals by Secretary's Memorandum No. 1889, Revised, May 17, 1978. Since the Rules of Procedure are now obsolete, no purpose would be served in obtaining public comment pursuant to 5 U.S.C. § 553. Accordingly, Subpart C of Part 211, 36 CFR, Chapter II is deleted.

(Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); 50 Stat. 56 (7 U.S.C. 1011(f)); 5 U.S.C. 301)

Dated: July 14, 1978.

JAMES NIELSON,
Acting Assistant Secretary.

[FR Doc. 78-19947 Filed 7-18-78; 8:45 am]

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5645]
[F-13962]

ALASKA

Withdrawal for Customs and Immigration Station

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This order withdraws 10 acres of public lands for use of the Bureau of Customs, Department of the Treasury, and the Immigration and Naturalization Service, as a customs and immigration station on United States-Canadian border, between Alaska and Dawson, Yukon.

EFFECTIVE DATE: July 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes, 202-343-8731.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is hereby ordered as follows:

1. Subject to valid existing rights, the following described land is hereby withdrawn from settlement, sale, location, or entry, under all of the general land laws including the mining laws (30 U.S.C., Ch. 2), and reserved as an administrative site for the maintenance of the Poker Creek Customs Station under the jurisdiction of the Bureau of Customs, Department of the Treasury, for a period of 20 years:

COPPER RIVER MERIDIAN

A tract of land in protracted sec. 25, T. 27 N., R. 22 E., described as follows:

Beginning at the intersection of the Alaska-Canada international boundary with the centerline of the road between Boundary, Alaska and Dawson, Yukon at approximate latitude 64°05.1" N., longitude 141°00" W.; thence south along the international boundary 330 feet to corner No. 1; thence west 660 feet to corner No. 2; thence north 660 feet to corner No. 3; thence east 660 feet to corner No. 4 on the Alaska-Canada international boundary; thence south on said international boundary 330 feet to the point of beginning.

The area described contains approximately 10 acres.

2. The withdrawal made by this order shall be superior to, but shall not otherwise affect the withdrawal of a 60-foot strip along the Alaska-Canada border established by Presidential Proclamation on May 3, 1912 (37 Stat. 1741).

Dated: July 6, 1978.

GUY R. MARTIN,
Assistant Secretary of the Interior.

[FR Doc. 78-19891 Filed 7-18-78; 8:45 am]

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HS-2, Notice No. 6]

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Construction of Railroad Employee Sleeping Quarters; Final Rules

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This document issues final rules under which the Federal Railroad Administration (FRA) will consider whether proposed sites for the construction or reconstruction of sleeping quarters for railroad employees subject to the Hours of Service Act are "within or in the immediate vicinity * * * of any area where railroad switching or humping operations are performed." The rules are responsive to section 2(a)(4) of the Hours of Service Act (hereafter act), as amended by section 4(a) of the Federal Railroad Safety Act of 1976, which prohibits the construction or reconstruction of quarters for such employees within the immediate vicinity of switching and humping. The rules establish which prospective sites are subject to FRA approval, outline the information required with requests for site approvals, and indicate the general policy considerations which FRA applies in ruling on requests for such approvals.

EFFECTIVE DATE: These rules shall become effective August 18, 1978. However, carriers which have filed petitions for approval pursuant to the interim rules (41 FR 53028 (1976)) may elect to proceed wholly under the interim rules or these permanent rules.

FOR FURTHER INFORMATION CONTACT:

Lawrence I. Wagner, Office of Chief Counsel (RCC-30), Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION: Section 2(a)(4) of the Hours of Service Act, as amended (45 U.S.C. 62(a)(4)), prohibits the construction or reconstruction of railroad employee sleeping quarters "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary of Transportation) of any area where switching or humping operations are performed." This provision of law became effective on July 8, 1976. (See 94-348, 90 Stat. 818.) FRA administers and enforces the Hours of Service Act under section 6(f)(3)(A) of the Department of Transportation Act (45 U.S.C. 1655(f)(3)(A)) and a delegation from the Secretary of Transportation (49 CFR 1.49(d)).

On December 3, 1976, FRA published in the FEDERAL REGISTER interim rules for making the required determinations (41 FR 53028). A minor amendment to the interim rules was published on June 1, 1977 (42 FR 27895). A notice of proposed rulemaking (NPRM) with respect to permanent rules was also issued on December 3, 1976 (41 FR 53070). The extended deadline for written comments was February 17, 1977 (42 FR 2994; January 14, 1977). A public hearing was convened on March 1, 1977, to receive additional oral and written comments (see 42 FR 5387; January 28, 1977).

All comments, both written and oral, have now been evaluated by FRA. In addition, FRA has acquired considerable experience through the application of the interim rules, which closely parallel those set forth in the NPRM. FRA has now decided to issue final rules responsive to the mandate of the Hours of Service Act which adopt an approach essentially similar to the proposed rules but which have been refined in certain significant respects.

DISCUSSION OF MAJOR COMMENTS AND MODIFICATIONS OF PROPOSED RULES

PRELIMINARY DISCUSSION

One commenter objected to FRA's determination that this rulemaking does not require an evaluation of the regulatory impact of the proposed rules in accordance with the policies of the Department of Transportation as stated in the FEDERAL REGISTER (41 FR 16200; April 16, 1976), since the issuance of these regulations is required by statute. The same commenter also questioned the apparent absence of consideration of environmental impact required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). Two commenters objected to the conclusion that the economic consequences of this rule are limited and therefore, do not require an economic impact statement.

The basic position stated by the commenter with respect to the Secretary's regulatory impact policies is that, notwithstanding the exemption of regulations expressly mandated by statute, the only instance in which a statutorily mandated rulemaking pro-

ceeding is exempt from the impact evaluation procedure required by the Secretary's policies is where the agency has no discretion in issuing the rules.

The FRA does not agree entirely with this narrow interpretation of the policies established by the Secretary. The purpose of the regulatory impact evaluation required by the Secretary's policies is to assure that all of the potential costs and benefits of a proposed rulemaking action are adequately assessed and considered by the agency in an effort to improve the effectiveness of the proposed regulation and minimize unnecessary burdens on affected parties. Where a statute requires the issuance of a rule on a particular matter, the Secretary does not have the discretion to withhold rulemaking action even if it were shown that the possible benefits of the rule would not outweigh its potential costs. The result or impact of the rulemaking at hand is, in effect, prescribed by law, while FRA is granted discretion only as to how the prescribed result of the rule might be most reasonably achieved through regulation. Neither FRA nor any commenter has been able to identify any approach to fulfilling the mandate of the statute which would be less burdensome than the approach embodied in these rules. The statute requires the Secretary to implement a direct prohibition rather than to fashion means of achieving a more general goal. Accordingly, FRA has attempted to examine the potential alternate means of fulfilling the statutory mandate and has opted for an administrative mechanism which will facilitate the implementation of the statutory prohibition at the least possible cost to the industry. As reflected in the preamble to the NPRM and in this preamble, FRA has considered and rejected other approaches to distance limitation as well as different noise levels and descriptors. A more complete analysis of the kind which would be undertaken in the absence of a specific statutory mandate is not appropriate in this context.

With respect to consideration of the environmental impact of the proposed regulations, the FRA has performed a general environmental assessment of the potential effects of safety regulatory actions and has determined that, as a class, they do not constitute major Federal actions significantly affecting the quality of the human environment. Furthermore, the FRA does not believe that the particular rules included in this document, as distinguished from the statutory mandate itself, will have a foreseeably significant impact upon the quality of the human environment. The commenter suggests that increased waste disposal requirements might arise in sparsely populated areas and that this effect of the rules should be taken into consideration. This commenter does not offer any evidence that this possible impact exists under the interim rules or would exist under permanent rules to such an extent that the quality of the human environment will be significantly impacted. Nor does the substantive law here implemented permit FRA to waive the statutory prohibition based on environmental considerations.

The commenter also criticized the FRA for not having evaluated the economic impact of this regulation. DOT order 2050.4 defines what actions are to be considered major proposals for purposes of determining whether an inflationary impact analysis must be undertaken pursuant to Executive Order 11821. For purposes of regulations which impact upon a single industry, the threshold level at which a particular action is to be considered "major" is an action which will result in increased expenses of $50 million in 1 year, or $75 million in any 2 consecutive years. The commenter stated that the additional cost to the railroads due to these regulations will exceed the threshold due to the increased use of commercial facilities, purchase price of land, and transportation costs necessitated by these regulations.

Again, the regulations merely implement the congressional mandate. Since the regulations do not go beyond the congressional mandate, and since no device has been proposed for fulfilling that mandate which would be faithful to the law and yet be less costly, it cannot be fairly asserted that the issuance of those rules will result in any economic impact.

The final rule permits the approval of sites under certain special conditions similar to those raised by the commenter. Through these provisions, FRA believes that the rules provide the broadest degree of flexibility which is possible within the meaning and intent of the statutory requirement. This flexibility should alleviate the more burdensome or costly impacts.

SECTION-BY-SECTION ANALYSIS

Section 228.101(a). One commenter suggests that all sleeping quarters now in use be removed a "safe distance" from areas where switching or humping operations are preformed. The only possible basis for requiring the relocation of existing facilities would be section 2(a)(3) of the Hours of Service Act (45 U.S.C. 62(a)(3)), which prohibits any carrier from providing sleeping quarters for employees which do not afford such employees "an opportunity for rest, free from interruptions caused by noise under the control of the railroad, in clean, safe, and sanitary quarters". Nothing in the legislative history of this provision suggests a congressional intent to require a wholesale relocation of existing facilities, nor would known safety considerations support that result.

Since the Decatur accident of July 19, 1974 (discussed below) and another major explosion in a Houston, Tex. yard 2 months later, measures have been instituted by FRA, the Department of Transportation and the railroads which have already had a significant benefical effect. See FRA Emergency Order No. 5, 39 FR 38230 (1974); Specifications for Pressure Tank Cars, 42 FR 46306 (September 15, 1977). Indeed, since those two incidents there has not been a single inadvertent release of flammable compressed gas from a railroad tank car during a switching operation. While absolute safety is not possible in any field of endeavor, FRA does not believe that it was the intent of Congress to require that existing sleeping quarters be moved based on existing risks related to the switching of hazardous materials. Further, FRA site visits to existing facilities since publication of the NPRM in this docket have disclosed that noise levels can often be kept within acceptable limits by use of proper construction techniques and/or insulating materials even where quarters are quite close to railroad operations. FRA will continue to monitor conditions in existing facilities to insure that they comply with the law.

Another commenter argued that sleeping quarters for employees engaged in the communication of train orders, such as operators and train dispatchers, should not be included under the coverage of the rules. This contention was based on a belief that employees covered by section 3 of the act are not subject to section 2(a) as it applies to "employees" defined in sections 1 and 3A. It is clear that the "operator, train dispatcher, or other employee" referred to in section 3 of the act (45 U.S.C. 63) is an "employee" for purposes of the statute generally, although some of the subject matter of section 1 is not applicable to such an employee. The provisions of section 2(a) (3) and (4) purport to apply to employees covered by the law generally; and there is no basis in the legislative history for inferring a more limited interpretation.

Section 228.101(b) defines "immediate vicinity" to mean the area within one-half mile of switching or humping, except as determined otherwise by FRA under these rules. One commenter claimed that Congress did not intend for FRA to place any specific distance limitation on the location of facilities. This contention was based on the House committee report on the 1976 legislation, which does not specify a mileage limitation on the location of sleeping quarters and states an intent to give the railroads "some

flexibility" when constructing lodgings. H.R. Rep. No. 1166, 94th Cong., 2d. Sess. 11 (1976). The commenter suggested that "immediate vicinity" be defined to denote any area where an explosion occurring during switching or humping operations would cause death or injury to employees inside sleeping quarters. The railroads would then furnish the FRA the basis for their conclusion that their facilities are located in accordance with these principles. It is difficult to understand how this approach differs from the application process outlined in § 228.103, unless it is intended that FRA should accept without active review the conclusions of the carrier. Certainly FRA, as the administering agency, is responsible for making the judgment called for by the statute.

Another commenter suggested that FRA adopt an additional rule limiting "immediate vicinity" to no farther from tracks on which switching or humping operations are conducted than the closest home, business, school, or other frequently occupied community facility. FRA is not oblivious to the irony that the policy of the statute appears to require railroad employee sleeping quarters to be at a greater distance from switching operations than some homes and schools. However, accepting the evident congressional judgment that the level of risk from hazardous materials incidents is sufficient to warrant the location of newly-constructed quarters outside the zone of danger from a major open-air detonation or similar event, FRA has no practical alternative.

Distances of one-third mile, 2,000 feet, and 1 mile were offered as alternative definitions of "immediate vicinity" by different commenters. However, none of the commenters offered any evidence to support their recommendations. FRA believes that the proposed standard of one-half mile is fully warranted by available information concerning the major occurrences in railroad yards during the current decade.

One commenter disputed the vapor cloud phenomenon discussion in the NPRM and its applicability to the Decatur, Ill. accident on the basis that none of the fatalities occurred to persons who were inside the dormitory. However, the National Transportation Safety Board report states that most of the seriously injured employees were either in the dormitory or adjacent to it. Report No. NTSB-RAR-75-4 (1974). The fact that 316 persons other than railroad employees suffered "burns, lacerations, contusions, anxiety, eye injuries, and concussions" is also significant with respect to the level of hazard to persons at some distance from the point of ignition. The NTSB report goes on to say that "the location of the dormitory subjected those employees to known hazards". Most likely, the existence of the quarters in that particular location contributed to the congregation of persons and the increased exposed population. Many of the severe injuries suffered by the 230 residents of East St. Louis and 235 residents of Houston (similar vapor cloud detonation occurrences in 1972 and 1974, respectively) resulted from structural damage and heat effects at some distance from the point of ignition. Since vapor clouds may spread for hundreds of feet before encountering a source of ignition, any potential sleeping quarters site within one-half mile could be affected, depending on the overall circumstances.

In support of an absolute 1-mile limitation, one commenter urged that the nearly 5 percent of large fragments that fall between one-half and 1 mile in a major explosion or detonation present an unacceptable risk to a person sleeping in that area. See NPRM, 41 FR 53071. FRA does not believe that the gain in real safety at this distance adequately justifies such a determination. Nor would the legislative history of the provision appear to provide any support for the proposition that Congress anticipated a rule of such rigidity.

Section 228.101(c) (1), (2). Subparagraphs (1) and (2) of § 228.101(c) define the terms "construction" and "reconstruction". Since the actions prohibited by the statute are integrally related to the types of facilities covered, comments addressing both issures are discussed here.

One commenter suggested that a new section be added to the regulation which would prohibit the railroads from locating any movable sleeping quarters within an unsafe distance of railroad yards. The commenter amplified this suggestion to include not only trailers and rolling stock, but also hotels and motels selected by the railroads for use by their employees. FRA did not intend placement of mobile sleeping quarters such as trailers, camp cars, or modular units to be outside the scope of these regulation. Potential hazards to employees in these facilities are no less serious than those imposed on employees housed in permanent facilities. To clarify this intent, the definition of "construction" in § 228.101(c)(1) has been expanded to include the placement of mobile or modular units. In addition, the acquisition of an existing structure for use as sleeping quarters is listed as an event clearly within the purview of the statute and these regulations.

However, the regulation of places of public accommodation such as commercial hotels and motels is beyond the scope of FRA authority under the Hours of Service Act. It is clear from the language of the act read in light of the legislative history that quarters provided in places of public accommodation under an ordinary arms-length transaction are not governed by section 2(a) (3) and (4). See H.R. Rep. No. 1166, 94th Cong., 2d Sess. 11 (1976). Of course, if a railroad acquired ownership or control of a commercial hotel or motel for the purpose of housing employees, the fact that the facility or some portion thereof was open to the public would not avoid the applicability of the Hours of Service Act and the prohibition of section 2(a)(4). In such a case, the emloyer-employee relationship would clearly be more relevant than the innkeeper-guest relationship when viewed in the light of the statute.

Concern was expressed by one commenter whether these rules would apply only to sleeping quarters constructed or reconstructed by a railroad or its agent and owned by the railroad, and not to sleeping quarters owned by others and rented by the railroad. Again, FRA does not believe that the legal or equitable ownership of newly constructed sleeping quarters is relevant to railroad employee safety. The act makes it unlawful for a carrier "to begin construction or reconstruction" of sleeping quarters which are to be provided for covered employees. It makes no difference that the carrier may act through an intermediary or that the quarters may be constructed on the property of others, so long as the carrier is acting to provide sleeping quarters. These rules are coextensive with the statute with respect to their coverage.

One commenter suggested that reconstruction be redefined to include all activity involving an expenditure of 50 percent or more of the original cost of a facility as adjusted to account for inflation. FRA believes that the replacement cost is a more realistic criterion and capable of surer application over a long period of time, since building costs do not follow overall price trends and original cost may not be available. Additionally, newer facilities may use different design and material specifications which make them not readily comparable to the original construction.

Indeed, FRA has noted in its administration of the interim rules that the phrase "more than 50 percent of the replacement cost of such facility" (Rule 1(c)(2); 41 FR 53030) is susceptible to two constructions. Specifically, "replacement cost" could be read to refer either to (1) the cost of replicating an existing structure by use of the original design and materials specifications or (2) the cost of replacing the old structure with a contemporary structure of the same capacity built according to contemporary methods with materials customarily used for such a facility at the time the expendi-

tures are commenced. FRA intended the second meaning; but it is recognized that the interim rule could be read either way. The final rule clarifies this issue by stating that the replacement cost is to be estimated on the basis of contemporary construction methods and materials and use of the existing site.

Concern was also expressed by a commenter that, under the proposed definition, a carrier could possibly stagger its expenditures over a period greater than 18 months and eventually reconstruct a new facility without FRA approval of the site. FRA agrees that the proposed definition does open an unwarranted avenue for evasion of the statutory prohibition. Accordingly, the final rule has been modified to include any work involving the expenditure of the specified amount irregardless of a fixed time period. Routine maintenance would still be excluded from the computation.

Section 228.101(c)(3) defines the term "switching or humping operations". (Since "humping" is really a method by which cars are switched, a separate definition is not provided in the regulations.) This definition provoked the greatest number and variety of comments of any provision in the proposed regulations. FRA's basic approach to defining this term has been to identify substantially all of those circumstances in which there is a potential for the occurrence of high speed impacts of cars which might result in the release of dangerous hazardous materials. Since this potential exists in many situations other than the classification yard (the area of highest risk), FRA has attempted to construct a reasonably inclusive definition.

A number of commenters remarked that the proposed definition of switching operations (§ 228.101(c)(3)) was too broad because movement of non-hazardous material cars was included. This contention was based on the belief that the act was not meant to bar construction of sleeping quarters near areas where only non-hazardous commodities are handled, assuming the criteria of section 2(a)(3) are met.

FRA agrees that primary impetus behind the enactment of section 2(a)(4) was the accident that occurred at Decatur, Ill. on July 19, 1974. As a result of an accidental release and resultant explosion of a product which occurred during the switching of hazardous materials, seven employees were killed and another 33 were injured. According to the National Transportation Safety Board: "Most of the injured employees were either in the dormitory or adjacent to it. All of those who were fatally burned were outside of the dormitory." Report No. NTSB-RAR-75-4 (July 19, 1974).

Since the commenters generally agreed that the proposed definition of switching operations was unnecessarily broad, the final rule has been modified to include only the switching of cars required to be placarded in accordance with the Department of Transportation Hazardous Materials Regulations (49 CFR 172.504). In determining whether hazardous materials cars are switched or humped within the distance for which approvals are required, the rule requires the carriers to ascertain whether such cars have been switched on the given trackage within the past 365 days. In this way, traffic is surveyed over an entire seasonal cycle. In addition, a carrier seeking to determine whether a petition should be filed must consider its plans for future use of the trackage.

FRA is aware that this approach to defining "switching operations" will mean that most operations considered "switching" under the proposed definition will also be considered "switching" under this definition. However, given the strong language of the statute it appears that little latitude exists. The Secretary is required to determine the area of significant risk around switching and humping operations. Acting under a delegation from the Secretary (49 CFR 1.49(d)), FRA has decided that enlightened determinations can be made only by examining concrete circumstances in the light of the statute's intent. Within the area of presumed risk (one-half mile), the rules requires that specific approval be sought.

The approach of the final rule goes beyond the suggestions of two commenters concerning the categories of hazardous materials which should be comprehended by the definition of "switching".

One commenter would have included only the switching of cars requiring special handling under Federal regulations. Another would have included most placarded cars, but would have excepted those containing substances such as corrosives, irritating materials, combustible liquids, class C explosives, radioactive materials, etc. FRA believes that the safety of employees would be best served by a careful examination of any situation in which placarded cars are switched within one-half mile.

However, the commenters seem correct in challenging whether the stringent requirements of the proposed § 228.105 are necessary with respect to sites within one-third mile of areas where some types of placarded cars are handled.

FRA recognizes that there may be locations where some local or industrial switching is conducted but where the most volatile or dangerous materials are not switched. Therefore, in order to assure appropriate flexibility, §§ 228.103 and 228.105 have been restructed. Section 228.103 now specifies basic requirements for petitions relating to all sites within one-half mile of switching or humping operations involving any cars required to be placarded by the Department's hazardous materials regulations. Section 228.105 now specifies additional, more stringent requirements for those proposed sites which are within one-third mile of switching which involves cars requiring special handling under the hazardous materials regulations (49 CFR 174.83(b)) or FRA emergency order No. 5 (39 FR 38230 (1974)). This refinement eliminates any unnecessarily harsh effect of the proposed one-third mile rule by assuring that the more strict features of that proposed provision will apply only where they are clearly required.

Other suggestions which would reduce the reach of the definition have been rejected. One commenter suggested that the definition include only the classification of cars by humping or flat switching and the making up of cars into trains by a yard crew for train movements, but that it not include changing the position of cars for purposes of loading, unloading, or weighing and the placing of locomotives and cars for repair. It was also suggested that the qualifying words "while enroute to the train's destination" be deleted from the exemption on movement of cars by a road locomotive.

FRA does not entirely agree with these suggestions. As stated above, assurance of safety requires that all operations which occur in a railroad yard or similar facility that have a potential for excessive speed impact or other accident involving hazardous materials be included. Yard movements of hazardous materials cars for repair or for loading, unloading, or weighing satisfy this criterion.

The definition of switching operations excludes "placing locomotives or cars in a train or removing them from a train by a road locomotive while en route to the train's destination." The purpose of the exclusion as used in this context was to except incidental picking up or setting off of cars by a train on the line of haul. As used in these rules, the exclusion is not intended to except the assembling of trains or reblocking of trains by road locomotive at a yard where switching locomotives are not available or where, for whatever reasons road power is used for switching functions. Switching operations performed by a road locomotive are not sufficiently distinct from those performed by a yard locomotive to justify their exclusion. In either situation, the potential for overspeed impacts exists. Accordingly, this language has been retained in the definition.

Another commenter suggested that the definition should include the

repair of locomotives to ensure that sleeping quarters are not placed near potential fire hazards and sources of noise. The proposed rule did include the placement of locomotives for repair within the difinition of switching. However, the central intent of the act and of these rules is to minimize the hazard to railroad employees from movements of cars containing hazardous materials and to afford employees an opportunity for uninterrupted rest. FRA has no data at this time indicating that locomotive shops and engine houses as a whole present hazards of an equivalent magnitude. In any event, in virtually every situation where a proposed site is close to such structures there will also be some operation defined as switching conducted within one-half mile of the site. FRA can then consider special circumstances related to locomotive repair in association with other relevant factors. (See revision to § 228.107(b)). Noise due to locomotive repair operations is more appropriately addressed under § 228.107, which requires an evaluation of projected noise levels from all noise sources under the control of the railroad. Any noise component resulting from repair activities would be reflected in that calculation.

Section 228.101(c)(3) has been revised to emphasize the fact that proposed sites may fall within the statute and rules by virtue of proximity to the operations of other railroads, as well as those of the carrier which proposes to undertake construction of sleeping quarters.

Section 228.101(c)(4) defines "placarded car" to mean a car required to be placarded by the Department's Hazardous Materials Regulations (49 CFR 172.504).

Section 228.101(c)(5) defines the technical noise descriptor "L_{eq} (8)". See discussion of § 228.107, below.

Section 228.103 outlines the information required to be submitted to FRA in connection with a petition for approval of any site located within one-half mile of switching or humping operations. A new paragraph (b) has been added to the section clarifying the effect of the new definition of switching operations (§ 228.101(c)(3)) on the requirement of FRA approval. In the absence of carrier records concerning traffic switched within one-half mile of the site, the rule creates a presumption that some hazardous materials are switched at the facility and that, therefore, a petition must be filed. The presumption is fully warranted by common traffic patterns in the industry. Indeed, relatively few locations exist where hazardous materials are not handled at all.

Section 228.103(c) now provides that petitions shall be filed with the Secretary of FRA's Railroad Safety Board instead of the docket clerk. This change conforms these rules to FRA's procedural rule on special approvals (49 CFR 211.55). The only other departure from the NPRM in this paragraph is a revision to subparagraph (7), which requires that the carrier's estimate of hazardous materials cars be based on a full seasonal cycle of 365 days. The rule does not specify any particular sampling technique; however, a representative sample is intended.

One commenter criticized the certification requirement (§ 228.103(c)(8)) for apparently requiring representations concerning planned utilization of trackage or construction of trackage by both the applying carrier and any other railroad with nearby property or trackage. FRA intends that a carrier be required to certify only its existing plans for utilization of trackage or the construction of new trackage. Obviously, it would be impossible for a carrier to certify information concerning the present intent of another railroad. (However, it is expected that the existence of railroad employee sleeping quarters should be an important determinant of future track location plans by a railroad.) The provision has been modified accordingly to better express this intent.

Section 228.103(d) requires that the carrier serve a copy of the petition on employee representatives and so indicate to FRA. The purpose of this provision is to assure timely comment by the principal parties who would be affected by any FRA action on the petition. (As a matter of administrative routine, FRA will notify any other interested person who wishes to be kept informed of the filing of such petitions and FRA action thereon.) One commenter suggested that more formal procedures for employee participation should be adopted. FRA will, of course, receive and consider any written protest to a petition and will provide opportunities for oral presentations in appropriate instances. However, FRA believes that the general rules of practice (49 CFR Part 211; 41 FR 54181 (1976)) provide an adequate framework for administering these approval procedures.

Section 228.105, as restructured for final issuance, specifies additional information which must be submitted and additional conditions precedent to FRA consideration of a petition for approval of a site located within one-third mile of switching or humping operations involving hazardous materials cars which require special handling. Unlike the proposed rule and interim rule, the additional requirements of this section would not apply to sites within one-third mile of trackage on which the enumerated types of traffic are not switched. This relaxation of requirements may provide additional flexibility with respect to crew change points on certain branch lines and locations where only local switching is conducted. However, no detriment to safety will result. Assuming some hazardous materials traffic is switched within one-half mile of the proposed site, FRA will still review the concrete circumstances involved under § 228.103 and may approve or disapprove the site.

Three commenters suggested that the approval procedures for construction within one-third mile be entirely deleted, arguing that the information required under § 228.103 is sufficient for evaluation purposes. FRA does not agree. Appropriate combinations of additional precautions and physical restrictions identified under § 228.105 (favorable topography, existence of barriers, soundproof construction) should be present for approval of sites which are quite close to areas of potential hazard. Moreover, under the policy of the statute a carrier should be required to exhaust all potentially feasible alternatives before proposing construction on a site within one-third mile of switching which may involve the possibility of a major hazardous materials accident. The rule as adopted addresses these concerns.

A number of commenters objected to the requirement of the proposed rule that no feasible alternate site be available "at any cost" before FRA is requested to approve a site within one-third mile. FRA is inclined to agree that commercial feasibility offers a more realistic test of the efforts of the carrier to locate the planned sleeping quarters beyond one-third mile. Therefore, the final rule has been revised accordingly (§ 228.105(a)(1)). Problems with alternate sites similar to those suggested by the commenters involving factors such as unavailability of land, isolation of facilities, limited water and sanitation capacity, etc., will be evaluated on a case-by-case basis, in conjunction with a thorough review of safety protection at the proposed site.

Two commenters claimed that the existence of adequate natural or artificial barriers by itself obviates the need for establishment of unavailability of an alternate site or for the submission of additional data. The FRA does not agree with this contention. Reliance on the existence of a barrier as the sole criterion in judging the safety of a potential construction location is not prudent. To prevent the diffusion of a toxic or flammable gas into crew quarters and to allow for unanticipated ignition sources under all conceivable circumstances, a completely effective barrier would have to enclose completely the switching operations or the quarters. Obviously, it will be necessary for the carrier and FRA to evaluate a number of other factors before reaching an informed decision.

One commenter suggested that the section on approval procedures for construction within one-third mile be expanded to include additional precautions for insuring employee safety from explosions and the escape of poisonous gases. Additionally, requirements concerning respiratory protection and minimum strength and construction of barriers would be specified under the commenter's approach.

FRA agrees that additional precautions may be appropriate in individual circumstances and that FRA should evaluate the adequacy of barriers and the need for further safeguards. However, it appears from the wide variety of circumstances encountered by FRA in administering the interim rules that such concerns are best evaluated in the context of individual petitions. The final rules indicate that it is the carrier's responsibility to consider additional safeguards prior to filing a petition (§ 228.105(a)(4)). Under § 228.107, FRA will independently review the carrier's plans and may impose specific conditions on approval of the petition.

With the restructure of §§ 228.103 and 228.105, a further editorial change has been made in § 228.105. Subparagraph (b)(4) of the proposed § 228.105 has been deleted as redundant, since §§ 228.103(c)(1) and 228.107(c) of the final rules adequately address the question of projected noise levels.

A new paragraph (b) has been added to § 228.105 stating that, in the absence of records establishing the absence of certain hazardous materials activity on the nearby trackage or adequate plans to divert such traffic from the nearby trackage in the future, approval of the site shall be subject to the additional requirements of § 228.105.

Section 228.107 covers the procedures and fundamental criteria for FRA action on petitions filed under § 228.103. In reading the final rules as a whole and this section, in particular, it should be appreciated that FRA action on any petition is, in the final analysis, discretionary. That is, compliance with the rules by a petitioning carrier will not, by itself, entitle a petitioning carrier to favorable action. If the myriad circumstances bearing on individual situations were capable of automatic quantification and application, an approval procedure would not be necessary.

The two general criteria for FRA action are set forth in paragraph (b) of § 228.107. In weighing the "material factors" which impact on those criteria (employee safety and projected interior noise), FRA will consider the information provided by the carrier, information developed by an FRA field investigation, and any information provided by other interested parties.

Subparagraph (b)(1) of §228.107 has been amended in its final form to reflect the fact that, once a site becomes subject to FRA scrutiny under these rules, FRA must consider all factors bearing on the safety of the facility. That is, FRA cannot divorce its responsiblities under section 2(a)(3) of the act (45 U.S.C. 62(a)(3)), relating to the safety of all sleeping quarters, from its responsibility under section 2(a)(4), relating to construction or reconstruction of such quarters.

Paragraph (c) of § 228.107 addresses the issue of maximum noise levels. Two commenters claimed that FRA lacks jurisdiction to promulgate noise regulations under section 2(a) of the Hours of Service Act. The purpose of addressing maximum noise levels in these regulations is to assure that FRA will not approve construction of a facility under these rules and then be forced to seek remedial action under section 2(a)(3) of the act because noise levels are excessive. Therefore, to the extent possible FRA will seek to ascertain that carrriers have made proper allowances in building design to assure that noise levels will be within limits permitting uninterrupted rest.

The purpose of specifying an objective standard which FRA will utilize in evaluating potential noise levels is to assure fairness and to encourage intelligent carrier planning. FRA recognizes that a single objective standard will fall short of producing perfect rest conditions in all settings. However, an objective maximum level for noise within the control of the carrier is necessary as a tool for administration of the act and as a benchmark for the industry.

Another commenter suggested that the noise levels should apply to all new and old sleeping quarters, not just those new quarters constructed within one-half mile of switching or humping. While that specific suggestion is beyond the scope of this rulemaking, FRA agrees that action should be taken to declare what basic standard FRA will employ in administering section 2(a)(3) of the act. Therefore, in a separate document also issued on this date, FRA declares that the standard adopted herein for new or reconstructed facilities shall be employed by FRA as a guideline in administering section 2(a)(3) of the act.

Through the NPRM, comments were solicited on the ability of the industry to meet the Department of Housing and Urban Development (HUD) noise criteria specified in the proposed § 228.107 and on whether upper limits should be set on intermittent noises exceeding the proposed 45 dB(A) standard (41 FR53 072 (1976)). The commenters took issue both with the proposed noise levels and the descriptors used to calculate given levels over time.

The Environmental Protection Agency (EPA) disagreed with FRA's use of the HUD descriptors set forth in HUD Circular 1390.2. EPA's recommendation was that FRA employ an equivalent steady state sound level (L_{eq}) as the descriptor, with an 8-hour criteria level of 45 dB(A). EPA pointed out that the HUD standards were not to designed to accommodate sounds of the character found in railroad operations.

FRA agrees with EPA that the L_{eq} descriptor is more appropriate for the railroad environment. The HUD criteria limit noise levels from exceeding 55 dB(A) for more than 60 minutes in any 24-period ($L_{4\text{-}2}$) or 45 dB(A) for more than 30 minutes in any 8 hour period ($L_{8\text{-}3}$). However, the HUD criteria make use of only the quietest (93 or 96 percent) of the total exposure. There is no limitation on the maximum single event levels which make up the noisiest seven or four percent of the time. These periods potentially have the greatest influence on sleep disturbance. "L_{eq}", which is a time-weighted energy mean descriptor, gives proper and significant weighting to high intensity short-lived noises which might not be adequately accounted for in the $L_{4\text{-}2}$ or $L_{8\text{-}3}$ scheme.

In support of the decision, it may be noted that L_{eq} is now being widely used in the accoustical community. In particular, the Department of Defense has officially adopted the descriptor in its program to control noise at military airfields. The Federal Aviation Administration has accepted L_{eq} as one of the descriptors for evaluation of civilian airport noise impact. The Federal Highway Administration has accepted L_{eq} as an alternative descriptor in its regulation on planning and design of new highway projects.

However, FRA believes that, with the implementation of the L_{eq} descriptor, a 55 dB(A) level is more appropriate than the 45 dB(A) HUD level. Because railroads generally operate on a 24-hour "around the clock" basis, this design goal should be met during an 8-hour period.

A number of commenters believed that the HUD 45 dB(A) level was too stringent and was not necessarily indicative of a poor sleeping environment. Concern was also expressed that the establishment of a 45 dB(A) level would prohibit the use of individual air conditioning and heating units. All of the commenters, with the exception of EPA, agreed by the time of the public hearing that a 55 dB(A) level would be more appropriate to the railroad environment and would provide an adequate measure of the conditions necessary to permit uninterrupted rest. In developing these standards, FRA has attempted to strike a balance between that which is most desirable and that which is feasible. The final determinant has been the ability of railroad employees to obtain uninter-

rupted rest. FRA agrees with those commenters who suggest that 55 dB(A) provides an acceptable measure.

One commenter suggested that an upper limit of 60 dB(A) be specified for intermittent noises which were permitted to exceed the 45 dB(A) standard for less than 30 minutes in an 8 hour day under the NPRM. Unfortunately, at this time, there are serious questions concerning adequacy of current sleep disturbance data that would support the selection of specific single-event maximum. FRA will be closely monitoring the utility of the adopted criteria in evaluating the effect of particular noise events on the sleeping environment near railroad operations. The L_{eq} descriptor will, of course, mitigate the effects of loud single-event intrusions by including all single-event maxima in the energy calculation.

The unanimous opinion of the commenters on the inclusion of background noise from air conditioning and heating systems in noise calculations was that individual units, under the control of the individual employee, should not be considered. FRA concurs that the inclusion of background noise from these units in noise evaluations would be inappropriate. The rule has been changed accordingly.

The subject of noise generated by airports and traffic over highways was also raised in comment. One commenter cited the congressional committee report on the act and its statement that a railroad is responsibile only for the noise its operations are creating. H.R. Rep. No. 1166, 94th Cong., 2d Sess. 11 (1976). FRA agrees that Congress focused on noise created directly by the railroad in fashioning section 2(a)(3), which applies to existing and future sleeping quarters. Certainly a carrier does exercise a degree of control over environmental noise by virtue of its choice of site for lodging facilities. To the extent possible, FRA urges carriers, in their site selection plans, to consider such high noise sources and their effect on uninterrupted sleep for employees. However, given the unanimous view of the commenters on this issue, FRA will not consider noise which is not generated by railroad operations and associated railroad activities in making determinations under these rules. It should be noted that noises generated by railroad repair facilities, carrier public address systems, and central heating and cooling plants are "within the control of the railroad" and, thus, subject to the act.

These amendments are issued under authority of section 2(a)(4) of the Hours of Service Act (45 U.S.C. 62(a)(4)), as amended by section 4, Pub. L. No. 94-348, 90 Stat. 818, and § 1.49(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(d)).

The principal program draftsman of this document was Stephen Urman of the Office of Safety. The principal legal draftsman was Grady Cothen, Jr., of the Office of Chief Counsel.

In consideration of the foregoing, part 228 is amended as follows:

1. By dividing Part 228 into three subparts and revising the table of contents to read as follows:

Subpart A—General

Sec.
228.1 Scope.
228.3 Application.
228.5 Definitions.

Subpart B—Records and Reporting

228.7 Hours of duty.
228.9 Railroad records; general.
228.11 Hours of duty records.
228.13 Train delay records.
228.15 Record of train movements kept at reporting station.
228.17 Dispatcher's record of train movements.
228.19 Monthly reports of excess service.
228.21 Civil penalty.
228.23 Criminal penalty.

Subpart C—Construction of Employee Sleeping Quarters

228.101 Distance requirement; definitions.
228.103 Approval procedure; construction within one-half mile (2,640 feet) (804 meters).
228.105 Additional requirements; construction within one-third mile (1,760 feet) (536 meters) of certain switching.
228.107 Action on petition.

AUTHORITY: Sec. 2(a)(4) of the Hours of Service Act (45 U.S.C. 62 (a)(4)), as amended by sec. 4. Pub. L. No. 94-348, 90 Stat. 818; § 1.49(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(d)).

Subpart A—General

2. By inserting "Subpart A—General" as a centerhead immediately above § 228.1 and by revising § 228.1 to read as follows:

§ 228.1 Scope.

This part—

(a) Prescribes reporting and record keeping requirements with respect to the hours of service of certain railroad employees; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

Subpart B—Records and Reporting

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3. By inserting "Subpart B—Records and Reporting" as a centerhead immediately above § 228.7 and by adding the following new subpart:

Subpart C—Construction of Employee Sleeping Quarters

§ 228.101 Distance requirement: definitions.

(a) The Hours of Service Act, as amended (45 U.S.C. 61-64b), makes it unlawful for any common carrier engaged in interstate or foreign commerce by railroad to begin, on or after July 8, 1976, the construction or reconstruction of sleeping quarters for employees who perform duties covered by the act "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary of Transportation) of any area where railroad switching or humping operations are performed." 45 U.S.C. 62(a)(4). This subpart sets forth (1) a general definition of "immediate vicinity" (§ 228.101(b)), (2) procedures under which a carrier may request a determination by the Federal Railroad Administration that a particular proposed site is not within the "immediate vicinity" of railroad switching or humping operations (§§ 228.103 and 228.105), and (3) the basic criteria utilized in evaluating proposed sites (§ 228.107).

(b) Except as determined in accordance with the provisions of this subpart. "The immediate vicinity" shall mean the area within one-half mile (2,640 feet) (804 meters) of switching or humping operations as measured from the nearest rail of the nearest trackage where switching or humping operations are performed to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations.

(c) As used in this subpart—

(1) "Construction" shall refer to the—

(i) Creation of a new facility;

(ii) Expansion of an existing facility;

(iii) Placement of a mobile or modular facility; or

(iv) Acquisition and use of an existing building.

(2) "Reconstruction" shall refer to the—

(i) Replacement of an existing facility with a new facility on the same site; or

(ii) Rehabilitation or improvement of an existing facility (normal periodic maintenance excepted) involving the expenditure of an amount representing more than 50 percent of the cost of replacing such facility on the same site at the time the work of rehabilitation or improvement began, the replacement cost to be estimated on the basis of contemporary construction methods and materials.

(3) "Switching or humping operations" includes the classification of placarded railroad cars according to commodity or destination, assembling

of placarded cars for train movements, changing the position of placarded cars for purposes of loading, unloading, or weighing, and the placing of placarded cars for repair. However, the term does not include the moving of rail equipment in connection with work service, the moving of a train or part of a train within yard limits by a road locomotive or placing locomotives or cars in a train or removing them from a train by a road locomotive while en route to the train's destination. The term does include operations within this definition which are conducted by any railroad; it is not limited to the operations of the carrier contemplating construction or reconstruction of railroad employee sleeping quarters.

(4) "Placarded car" shall mean a railroad car required to be placarded by the Department of Transportation hazardous materials regulations (49 CFR 172.504).

(5) The term "L_{eq} (8)" shall mean the equivalent steady state sound level which in 8 hours would contain the same acoustic energy as the time-varying sound level during the same time period.

§ 228.103 Approval procedure: construction within one-half mile (2,640 feet) (804 meters).

(a) A common carrier that has developed plans for the construction or reconstruction of sleeping quarters subject to this subpart and which is considering a site less than one-half mile (2,640 feet) (804 meters) from any area where switching or humping operations are performed, measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations, must obtain the approval of the Federal Railroad Administration before commencing construction or reconstruction on that site. Approval may be requested by filing a petition conforming to the requirements of this subpart.

(b) A carrier is deemed to have conducted switching or humping operations on particular trackage within the meaning of this subpart if placarded cars are subjected to the operations described in § 228.101(c)(3) within the 365-day period immediately preceding the date construction or reconstruction is commenced or if such operations are to be permitted on such trackage after such date. If the carrier does not have reliable records concerning the traffic handled on the trackage within the specified period, it shall be presumed that switching of placarded cars is conducted at the location and construction or reconstruction of sleeping quarters within one-half mile shall be subject to the approval procedures of this subpart.

(c) A petition shall be filed in triplicate with the Secretary, Railroad Safety Board, Federal Railroad Administration, Washington, D.C. 20590 and shall contain the following:

(1) A brief description of the type of construction planned, including materials to be employed, means of egress from the quarters, and actual and projected exterior noise levels and projected interior noise levels;

(2) The number of employees expected to utilize the quarters at full capacity;

(3) A brief description of the site, including:

(i) Distance from trackage where switching or humping operations are performed, specifying distances from particular functions such as classification, repair, assembling of trains from large groups of cars, etc. cetera;

(ii) Topography within a general area consisting of the site and all of the rail facilities close to the site;

(iii) Location of other physical improvements situated between the site and areas where railroad operations are conducted;

(4) A blueprint or other drawing showing the relationship of the site to trackage and other planned and existing facilities;

(5) The proposed or estimated date for commencement of construction;

(6) A description of the average number and variety of rail operations in the areas within one-half mile (2,640 feet) (804 meters) of the site (e.g., number of cars classified in 24-hour period; number of train movements);

(7) An estimate of the average daily number of placarded rail cars transporting hazardous materials through the railroad facility (where practicable, based on a 365-day period sample, that period not having ended more than 120 days prior to the date of filing the petition), specifying the—

(i) Number of such cars transporting class A explosives and poison gases; and

(ii) Number of DOT Specification 112A and 114A tank cars transporting flammable gas subject to FRA emergency order No. 5;

(8) A statement certified by a corporate officer of the carrier possessing authority over the subject matter explaining any plans of that carrier for utilization of existing trackage, or for the construction of new trackage, which may impact on the location of switching or humping operations within one-half mile of the proposed site (if there are no plans, the carrier official must so certify); and

(9) Any further information which is necessary for evaluation of the site.

(d) A petition filed under this section must contain a statement that the petition has been served on the recognized representatives of the railroad employees who will be utilizing the proposed sleeping quarters, together with a list of the employee representatives served.

§ 228.105 Additional requirements: construction within one-third mile (1,760 feet) (536 meters) of certain switching.

(a) In addition to providing the information specified by § 228.103, a carrier seeking approval of a site located within one-third mile (1,760 feet) (536 meters) of any area where railroad switching or humping operations are performed involving any cars required to be placarded "EXPLOSIVES A" or "POISON GAS" or any DOT Specification 112A or 114A tank cars transporting flammable gas subject to FRA emergency order No. 5 shall establish by a supplementary statement certified by a corporate officer possessing authority over the subject matter that—

(1) No feasible alternate site located at or beyond one-third mile from switching or humping operations is either presently available to the railroad or is obtainable within 3 miles (15,840 feet) (4,827 meters) of the reporting point for the employees who are to be housed in the sleeping quarters;

(2) Natural or other barriers exist or will be created prior to occupancy of the proposed facility between the proposed site and any areas in which switching or humping operations are performed which will be adequate to shield the facility from the direct and severe effects of a hazardous materials accident/incident arising in an area of switching or humping operations;

(3) The topography of the property is such as most likely to cause any hazardous materials unintentionally released during switching or humping to flow away from the proposed site; and

(4) Precautions for ensuring employee safety from toxic gases or explosions such as employee training and evacuation plans, availability of appropriate respiratory protection, and measures for fire protection, have been considered.

(b) In the absence of reliable records concerning traffic handled on trackage within the one-third mile area, it shall be presumed that the types of cars enumerated in paragraph (a) of this section are switched on that trackage; and the additional requirements of this section shall be met by the petitioning carrier, unless the carrier establishes that the switching of the enumerated cars will be effectively barred from the trackage if the petition is approved.

§ 228.107 Action on petition.

(a) Each petition for approval filed under § 228.103 is referred to the Rail-

road Safety Board for action in accordance with the provisions of part 211, Title 49, Code of Federal Regulations, concerning the processing of requests for special approvals.

(b) In considering a petition for approval filed under this subpart, the Railroad Safety Board evaluates the material factors bearing on—

(1) The safety of employees utilizing the proposed facility in the event of a hazardous materials accident/incident and in light of other relevant safety factors; and

(2) Interior noise levels in the facility.

(c) The Railroad Safety Board will not approve an application submitted under this subpart if it appears from the available information that the proposed sleeping quarters will be so situated and constructed as to permit interior noise levels due to noise under the control of the railroad to exceed an $L_{eq}(8)$ value of 55dB(A). If individual air conditioning and heating systems are to be utilized, projections may relate to noise levels with such units turned off.

(d) Approval of a petition filed under this subpart may be withdrawn or modified at any time if it is ascertained, after opportunity for a hearing, that any representation of fact or intent made by a carrier in materials submitted in support of a petition was not accurate or truthful at the time such representation was made.

Issued in Washington, D.C., on July 11, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-19903 Filed 7-18-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. No. 1275, Amdt. 2]

PART 1033—CAR SERVICE

Erie Western Railway Co. Authorized To Operate Over Tracks Abandoned by Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, (Amendment No. 2 to Service Order No. 1275).

SUMMARY: Service Order No. 1275 authorizes Erie Western Railway Co. (EW) to operate over the former Erie Lackawanna (EL) line between Hammond and Decatur, Ind., via North Judson, Ind. Operation by the EW over these tracks of the former EL is necessary to provide rail service to shippers located adjacent to the line. Amendment No. 2 extends the order until January 15, 1979.

DATES: Effective 11:59 p.m., July 15, 1978. Expires 11:59 p.m., January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Decided July 12, 1978.

Upon further consideration of Service Order No. 1275 (42 FR 48882 and 43 FR 2395), and good cause appearing therefor:

It is ordered,

§ 1033.1275 Service Order No. 1275

The Erie Western Railway Co., authorized to operate over tracks abandoned by Consolidated Rail Corp., is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) Expiration Date. The provisions of this order shall expire at 11:59 p.m., January 15, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

Effective Date. This amendment shall become effective at 11:59 p.m., July 15, 1978.

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

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19949 Filed 7-18-78; 8:45 am]

[7035-01]

[S. O. No. 1270, Amdt. 2]

PART 1033—CAR SERVICE

Chesapeake & Ohio Railway Co. Authorized to Operate Over Tracks Abandoned by Grand Trunk Western Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 2 to Service Order No. 1270).

SUMMARY: Service Order No. 1270 authorizes The Chesapeake & Ohio Railway Co. to operate over approximately 0.6 miles of track authorized to be abandoned by the Grand Trunk Western Railroad, between Ferrysburg, Mich., and Grand Haven, Mich. The trackage involved is owned by the Grand Trunk Western but is used as an integral part of the Chesapeake & Ohio's line between Holland, Mich., and Muskegon, Mich. The order also authorizes the Chesapeake & Ohio to operate over an additional 0.2 miles of tracks abandoned by the Grand Trunk Western in order to provide continued rail service to a shipper located adjacent to those tracks. The amendment extends the order until January 15, 1979.

DATES: Effective 11:59 p.m., July 15, 1978. Expires 11:59 p.m., January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-5840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

Decided July 12, 1978.

Upon further consideration of Service Order No. 1270 (42 FR 38379 and 43 FR 2725), and good cause appearing therefor:

It is ordered,

§ 1033.1270 Service Order No. 1270

The Chesapeake & Ohio Railway Co. authorized to operate over tracks abandoned by Grand Trunk Western Railroad Co. is amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) Expiration date. The provisions of this order shall expire at 11:59 p.m., January 15, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1978.

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

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19950 Filed 7-18-78; 8:45 am]

[7035-01]

[Rev. S.O. No. 1182, Amdt. 3]

PART 1033—CAR SERVICE

Substitution of Stock Cars for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 3 to Revised Service Order No. 1182).

SUMMARY: Revised Service Order No. 1182 authorizes the Burlington Northern Inc. to substitute specially prepared stock cars for boxcars for shipments of grain originating on its line in order to augment the available supply of cars suitable for grain traffic. Amendment No. 3 extends the order for 5 months.

DATES: Effective 11:59 p.m., July 15, 1978. Expires 11:59 p.m., December 15, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Decided July 11, 1978.

Upon further consideration of Revised Service Order No. 1182 (42 FR 3844, 37000, and 43 FR 2395), and good cause appearing therefor:

It is ordered,

§ 1033.1182 Revised Service Order No. 1182.

Substitution of stock cars for boxcars is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) Expiration date. The provisions of this order shall expire at 11:59 p.m., December 15, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1978.

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

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19951 Filed 7-18-78; 8:45 am]

[3510-22]

Title 50—Wildlife and Fisheries

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

PART 651—ATLANTIC GROUNDFISH REGULATIONS

Emergency Amendments to Regulations and Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Emergency regulatory actions and proposed rulemaking implementing fishery management plan amendments.

SUMMARY: These amendments, most of which were recommended by the New England Fishery Management Council at its March 23, 1978 meeting, comprise a package designed to create an orderly and efficient groundfish fishery. The amendments to the fishery management plan are reflected in the regulatory sections noted:

(1) Require the mandatory retention of all cod, haddock, and yellowtail flounder (§ 651.4 of the regulations);

(2) Establish a minimum mesh size for bottom-tending gill nets (§ 651.6(c) of the regulations);

(3) Establish new "incidental catch" provisions for vessels not using groundfish gear (§ 651.6(b) of the regulations);

(4) Establish new fishery closure procedures (§ 651.8 of the regulations);

(5) Increase the optimum yield for haddock by 12,000 metric tons (§ 651.3(a) of the regulations);

(6) Realign the optimum yield for cod from Georges Bank and southern New England to include 4,000 metric tons for U.S. recreational and Canadian commercial fishing, thereby increasing the OY from 22,000 metric tons to 26,000 metric tons;

(7) Establish weekly landing restrictions for yellowtail flounder by vessel class (§ 651.7(b) of the regulations); and

(8) Increase the optimum yield for cod in the Gulf of Maine by 2,000 metric tons (§ 651.3(a) of the regulations).

EFFECTIVE DATE: These emergency regulations will take effect as follows: Section 651.3, on July 19, 1978; §§ 651.4, 651.6 (a) and (b), 651.7 and 651.8, on July 23, 1978; § 651.6(c), on August 1, 1978. They will remain in effect until August 30, 1978. These emergency regulations are also being published as proposed rulemaking; public comments are invited until August 30, 1978.

ADDRESS: Send comments to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Mark "Groundfish Comments" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On March 31, 1978, the Secretary published in the FEDERAL REGISTER the Fishery Management Plan (FMP) for Atlantic Groundfish (cod, haddock, and yellowtail flounder), together with emergency regulations designed to implement that FMP, under authority of 16 U.S.C. 1801 et seq. That FMP was prepared by the New England Fishery Management Council. The implementing regulations are management measures which the Council had recommended. During the intervening 3 months, experience has shown that this fishery is less predictable and harder to control than was originally believed. Interim measures, such as more severe landing restrictions, have not been entirely effective, partly because of the unexpected influx of new vessels into this fishery. The number of Federal permits is 56 percent greater thus far in 1978 compared to the total number of permits issued in 1977 (1725 v. 1100). There

has been an increase of 80 vessels over 5 tons. Finally, generally high prices and good weather has encouraged maximum fishing effort. Consequently, the intent of the FMP has been frustrated, not because the measures themselves were unsound, but because the available quantity of fish has had to be divided among so many participants exerting a maximum of fishing effort.

At the March 23, 1978 meeting, the New England Fishery Management Council adopted several amendments to the FMP. Some of those amendments were procedural. Others were substantive in character. Public hearings were held in New Bedord, Mass.; Portland, Maine; Peabody, Mass.; and Riverhead, N.Y. during the last week in May, 1978, for the purpose of seeking public comment.

In addition, the Environmental Protection Agency published a Notice of Availability of a draft supplemental environmental impact statement on May 15, 1978 (43 FR 20862), which invited public comments on the Proposed amendments. The New England Regional Office of the National Marine Fisheries Service distributed 250 copies of that environmental impact statement to persons requesting it and to persons known to be interested in New England fisheries. Copies were also distributed to other government agencies. The hearings and environmental impact statement covered all the amendments implemented by these regulations, except the increase in optimum yield for cod in the Gulf of Maine, which is a Secretarial amendment.

The oral testimony and written comments tended to focus on the proposed haddock optimum yield, on recreational allocations of cod and haddock, and on the "incidental catch" allowances for vessels using small-mesh nets. The major disagreement with the proposed optimum yield for haddock and the OY's in effect for cod was that the numbers were still too low. It was proposed at the New York hearing that port quotas be established to insure that fishermen who rely on the seasonal availability of migratory stocks such as cod would have an opportunity to participate in the fishery before the quotas were filled.

Perhaps the most controversial proposal was the one which would have established a 1,000 metric ton quota of cod in the southern New England area for the charter and party boat industry. Most of the correspondence dealt with this issue, as did a good deal of oral testimony. Because the charter and party boat industry strongly opposed that proposal, the 1,000 metric ton quota amendment was withdrawn. Therefore, recreational fishermen fishing for cod in the Georges Bank and Southern New England area will not have any restrictions under these regulations. The 2,000 metric ton recreational haddock quota is for the entire New England area. There is also a 2,500 metric ton recreational cod quota for charter and party boats in the Gulf of Maine. Commercial fishermen had numerous suggestions for regulating recreational fishermen. Charter and party boat operators, on the other hand, suggested that as much as one third of the optimum yield should be set aside for the recreational fisheries.

There was no substantial disagreement with the mesh-size limitation for gill nets used in the groundfish fisheries.

There was almost no comment on the mandatory "no discard" and the new closure procedure proposals. The summary record does not show any comment concerning the proposal to establish weekly landing restrictions for yellowtail flounder by vessel class.

The basic thrust of this proposed package of amendments is to maximize the utilization of the cod, haddock, and yellowtail flounder resources. The earlier regulations which required fishermen to sort their catch and to discard "excess" or undersized cod, haddock or yellowtail flounder had the unfortunate effect of allowing fishing mortality to continue without any benefit to the fisherman or the consumer. The no-discard proposal changes that regulation by obliging the fisherman to land his entire catch of regulated species (cod, haddock, and yellowtail flounder). If his catch exceeds his weekly landing limit, the excess quality of fish is automatically counted against the next week's limit.

Under this policy, fishery scientists will have a more accurate measure of the actual catch. The no-discard amendment also allows the optimum yield figures to be increased, since that part of the catch which was previously discarded and unrecorded will now be landed and counted toward the applicable quotas. The increase to 10,500 metric tons of optimum yield for cod in the Gulf of Maine, which is a Secretarial proposal, is below the harvest level at which the risk of substantial stock decline is great. However, the increase does represent a conscious determination to forego further rebuilding of the stock during 1978 because of economic concerns in the fishery.

The increase in the optimum yield for haddock is a reflection of the Council's best estimate of fishing mortality which actually occurs in the mixed cod-haddock fishery at the present rate of fishing for cod.

Although little public comment was directed to either the proposed closure provisions or the new incidental catch regulations, these provisions may prove to be controversial when they are invoked. The basic concept underlying the closure provisions is that, when the optimum yield of a particular species has been caught, all further fishing mortality of cod, haddock, or yellowtail flounder, except for a small quantity taken incidentally in other fisheries, must stop. Under this provision when an annual quota has been taken fishermen in that fishery must make the decision either to "tie up" their boats or to change gear and fish for other species which can be harvested without taking the regulated species. Without the revised closure regulations, continued fishing mortality after the new, higher optimim yield figures have been attained could lead to serious depletion of the stocks.

Optimum yield is intended to reflect the maximum sustainable yield (MSY) of a fishery stock as modified by relevant economic, social, and ecological factors. The dramatic shift of effort into this fishery in the past year represents economic and social factors which must be taken into account. Similarly, the Secretary, under subsection 305(e), may promulgate emergency regulations when a determination is made that an emergency involving "fishery resources" exists. The Secretary finds that the influx of vessels and gear into the cod and haddock fisheries constitutes an emergency because it is a seriously disrupting factor in fishing for those stocks.

The no-discard rule applies to all fishermen including fishermen engaging in fisheries for other species. Those fishermen using small-mesh nets, however, may land only 1,000 pounds or 10 percent each, by weight of all fish on board, of cod, haddock, or yellowtail flounder, and then only if the fisherman already has on board at least 2,000 pounds of unregulated species.

This means that fishermen using small-mesh nets theoretically could land up to 3,000 pounds or 30 percent by weight of all fish on board of cod, haddock, and yellowtail flounder if the quantity of each of the three species on board was equal.

Fishermen should be aware that the numbers used to identify the quarterly quotas do not take into account the excess quantities of cod and haddock taken during the first and second quarters. The quotas were established by the Council's choice of percentages based on historic landing data. This means that the quotas in the third and fourth quarters may be adjusted downward by the Assistant Administrator for Fisheries under § 651.3(b) of the regulations.

Fishermen should also be aware that the trip limits for yellowtail flounder specified in § 651.7(b) of the regulations may have to be revised by the Assistant Administrator under § 651.3(b). The new trip limits do not distinguish between yellowtail floun-

der caught east and west of 69° W. longitude. For example, a vessel under 60 tons may land 6,000 pounds of yellowtail flounder per week (or 10 percent of all fish on board) regardless of where those yellowtail flounder were caught.

Fishermen should also be aware that the trip limits for cod and haddock published on June 26, 1978 in 43 FR 27548 remain in effect, despite the republication of § 651.7(a), which is the initial trip limitation. The reduced trip limits which remain in effect are as follows:

Cod—Gulf of Maine

	Weekly landings[1]	Allowable overrun per week[1]
Vessel class:		
0 to 60 gross registered tons	2,000	500
61 to 125 gross registered tons	1,000	500
126 gross registered tons and over	3,000	1,000
Fixed gear	8,000	.....

Cod—Georges Bank and Southern New England

Vessel class:		
0 to 60 gross registered tons	1,000	500
61 to 125 gross registered tons	1,500	1,000
126 gross registered tons and over	7,000	2,000
Fixed gear	13,000	.....

Haddock

Vessel class:		
0 to 60 gross registered tons	1,000	500
61 to 125 gross registered tons	1,500	500
126 gross registered tons and over	5,000	1,000
Fixed gear	8,000	.....

[1] In pounds.

Revisions to the fishery management plan are as follows:

1. Table 54 is amended by deleting the numbers under the column "Optimum Yield", and substituting the following:

Species	Optimum yield
Haddock	20,000
Cod:	
5Y	10,500
5z and 6	26,000
Yellowtail flounder:	
5ze	4,400
5zw and 6	3,700

2. Section II.C.3(a) is amended by deleting the last paragraph and substituting the following:

The annual optimum yields for cod are specified as follows: Gulf of Maine—10,500 mt; Georges Bank/southern New England—26,000 mt.

3. Section II.C.3(c) is amended by deleting the last paragraph and substituting the following:

The annual optimum yield for haddock for the Gulf of Maine, Georges Bank and southern New England is specified as 20,000 mt.

4. Section II.C.4.A.(1) is amended by deletion and substituting the following:

(1) *Cod.* (a) It is recommended that the annual landings of cod from the Gulf of Maine be limited to 8,000 mt (U.S. commercial) and 2,500 mt (U.S. charter boat and headboat).

(b) It is recommended that the annual landings of cod from Georges Bank and southern New England be limited to 22,000 mt (U.S. commercial) and 4,000 mt (U.S. recreational and Canadian commercial).

(c) It is recommended that the cod quotas for the U.S. commercial fishery be allocated on a quarterly basis during 1978 as follows:

Quarter (1978)	Gulf of Maine	Georges Bank and Southern New England
Jan. 1 to Mar. 31	1,864	4,600
Apr. 1 to June 30	2,344	6,130
July 1 to Sept. 30	1,896	5,630
Oct. 1 to Dec. 31	1,896	5,640

[1] Metric tons.

Quarterly allocations may be adjusted on or before July 19, 1978.

The catch of fixed gear vessels shall be allocated quarterly to reflect the historic record of landings. When the quarterly quota is taken, fixed gear fishing shall close for the regulated species.

5. Section II.C.4.A.(3) is amended by deletion and substituting the following:

(3) *Haddock.* (a) It is recommended that the annual landings of haddock from the Gulf of Maine, Georges Bank and southern New England be limited to 18,000 mt (U.S. and Canadian commercial) and 2,000 mt (U.S. charter boat and headboat).

(b) It is recommended that the haddock quota of 14,900 mt for the U.S. commercial fishery be allocated on a quarterly basis during 1978 as follows:

Quarter	Catch quota (metric tons)
Jan. 1 to Mar. 31	2,324
Apr. 1 to June 30	5,886
July 1 to Sept. 30	3,099
Oct. 1 to Dec. 31	3,591

Quarterly allocations may be adjusted on or before July 19, 1978.

The catch of fixed gear vessels shall be allocated quarterly to reflect the historic record of landings. When the quarterly quota is taken, fixed gear fishing shall close for the regulated species.

6. Section II.C.4.(B) is amended by deletion and substituting the following:

(B) *Gear restrictions*—(1) *General.* It is expected that there will be minimal bycatches of haddock and yellowtail flounder in the directed foreign fisheries for the hakes and squid. The "windows" were designed in such a way as to prevent such bycatches, and the actual foreign catches will be monitored by on-board U.S. observers.

(2) *Trawl nets.* (a) Except as provided in paragraph (b), it is recommended that the taking of cod, haddock, and yellowtail flounder be prohibited from an area formally designated as ICNAF SA5 with trawl nets having in any part of the net other than the cod end meshes of dimensions less that 114 mm or 4½ inches, and having in the cod end of the nets, meshes of dimensions less than 130 mm or 5⅛ inches. These mesh sizes relate to netting when measured wet after use.

(b) In order to avoid impairment of fisheries conducted primarily for other species and which take small quantities of cod, haddock, and yellowtail flounder incidentially, persons permitted to fish may take cod, haddock, and yellowtail flounder with nets having a mesh size less than that specified in the preceding paragraph, so long as persons on board a vessel fishing primarily for other species do not have in possession (either at sea or at the time of offloading) cod, haddock, or yellowtail flounder in amounts in excess of the landing restrictions prescribed for such fisheries in section II.C.4.(E).

(c) It is recommended that any means or device be prohibited, other than these described in this paragraph, which would obstruct the meshes of the nets or which would otherwise diminish the size of the meshes of the nets. Devices may be attached to the upper side of the cod end in such a manner that they will not obstruct the meshes of the cod end. Any such devices must have the approval of the Council based on scientific advice that the attached devices do not obstruct the meshes or reduce significantly the selectivity of the cod end. Canvas, netting, or other material may be attached to the underside only of the cod end of a net to reduce and prevent damage.

(3) *Gill nets.* It is recommended that the taking of cod, haddock, and yellowtail flounder be prohibited from an area formally designated as ICNAF SA5 with gill nets having meshes of dimensions less than 140 mm or 5½ inches.

7. Section II.C.4.(D) is amended by deletion and substituting the following:

(D) *Size limits.* It is recommended that there be no minimum size limits for cod, haddock, and yellowtail flounder.

8. Section II.C.4.(E) is amended by deletion and substituting the following:

(E) Landing restrictions.

(1) Cod and haddock.

Vessel class	Trip limit[1]
60 gross registered tons and under	7,000
61 to 125 gross registered tons	14,000
126 gross registered tons and over	20,000
Fixed gear vessels of any size using hooks or gill nets	16,000

[1] Pounds of each species per vessel per week.

An "over-run" of 5,000 lbs. per week is recommended. Any over-run, no matter what

amount, shall be deducted from the trip limitation for the following week. A vessel shall not be permitted to fish for any species for weekly periods equal to the over-run amount divided by the applicable trip limitation. No "borrowing" from succeeding weekly periods shall be permitted.

(2) Yellowtail flounder.

Vessel class	Trip limit [1]
60 gross registered tons and under	[2]6,000
61 to 125 gross registered tons	[2]10,000
126 gross registered tons and over	[2]14,000

[1] Pounds per boat per week or per trip, whichever is larger, or

[2] 10 pct by weight of all fish on board, whichever is greater.

An "over-run" of 5,000 lbs. per week is recommended. Any over-run, no matter what amount, shall be deducted from the trip limitation for the following week. A vessel shall not be permitted to fish for any species for weekly periods equal to the over-run amount divided by the applicable trip limitation. No "borrowing" from succeeding weekly periods shall be permitted.

(3) *Small-mesh nets.* It is recommended that any vessel not in the directed fishery for groundfish may catch no more than 1,000 lbs. per species, per trip, or 10 percent by weight of all species on board, whichever is greater, of any regulated species. But in no case shall a vessel land more than the applicable trip limitation amount per week for a vessel of comparable size which is engaged in the groundfish fishery. This incidental catch shall only be applicable if the vessel actually has on board or lands sufficient amounts of other species to justify the amounts of groundfish on board or landed. (A minimum amount of 2,000 pounds of other species must be landed.) If insufficient amounts of other fish are landed all groundfish in excess of the applicable amounts shall be considered to have been taken illegally unless mesh permitted in the groundfish fishery was used. Any over-run amounts allowed as a trip limitation for groundfish vessels shall not apply to vessels operating under this restriction. Vessels engaged, with appropriate mesh size on board, in the northern shrimp fishery shall be exempt from the requirement of a minimum of 2,000 pounds on board.

(4) *Incidental catches during a closure.* During a closure, a vessel not employing groundfish gear shall be permitted to fish as long as catches of any species to which the closure applies does not exceed one percent of all fish on board.

9. A new section II.C.4.(G) is added as follows:

(G) *Discard.* It is recommended that the discarding of any cod, haddock, and yellowtail flounder be prohibited from an area formally designated as ICNAF SA5.

10. A new section II.C.4.(H) is added as follows:

(H) *Records and permits.* All vessels taking groundfish must maintain records and have permits.

The Assistant Administrator for Fisheries approves the amendments and finds:

1. That an emergency exists in this fishery which justifies the use of section 305(e) procedures for the reasons mentioned above;

2. That this emergency makes it unnecessary, impractical and contrary to the public interest to withhold action to obtain further public comment. Public comment is invited, however, on these emergency regulations as proposed rulemaking.

3. That a notice of availability for the supplementary environmental impact statement was filed.

4. That this document does not contain a major proposal requiring preparation of an Economic Impact Statement under E.O. 11821, as amended by E.O. 11949 and OMB Circular A-107.

Signed at Washington, D.C., this 14th day of July 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

50 CFR Part 651 is amended as follows:

1. Revise § 651.3 by striking § 651.3(a) (1) and (2); substitute the following:

§ 651.3 Catch quotas.

(a) Catch quotas for 1978 for vessels of the United States for haddock, cod, and yellowtail flounder are as follows:

(1) *Haddock.* (i) The quota for the commercial fishery is 14,900 metric tons. The quota is divided as follows:

Quarter	Quota (metric tons)
Jan. 1 to Mar. 31, 1978	2,324
Apr. 1 to June 30, 1978	5,886
July 1 to Sept. 30, 1978	3,099
Oct. 1 to Dec. 31, 1978	3,591

(ii) The quota for the charter and headboat fishery is 2,000 metric tons. This quota is not divided into quarterly increments.

(2) *Cod.* (i) The quotas for the commercial fisheries are 8,000 metric tons for the Gulf of Maine and 22,000 metric tons for Georges Bank and southern New England. The quotas are divided as follows:

Quarter (1978)	Gulf of Maine	Georges Bank and Southern New England
Jan. 1 to Mar. 31	1,864	4,600
Apr. 1 to June 30	2,344	6,130
July 1 to Sept. 30	1,896	5,630
Oct. 1 to Dec. 31	1,896	5,640

Quotas in metric tons.

(ii) The quota for the charter and headboat fishery in the Gulf of Maine is 2,500 metric tons. This quota is not divided into quarterly increments.

2. Revise § 651.4 by striking in its entirety; substitute the following:

§ 651.4 Discard prohibition.

It shall be unlawful for any vessel to discard at sea any haddock, cod, or yellowtail flounder.

3. Revise § 651.6 by striking in its entirety; substitute the following:

§ 651.6 Gear restrictions.

(a) *Trawl nets.* (1) Except as provided in paragraph (b) of this section, it shall be unlawful to fish for haddock, cod, or yellowtail flounder with trawl nets having, in any part of the net other than the cod end, meshes of dimensions less than 4½ inches (114 mm), and having, in the cod end of the nets, meshes of dimensions less than 5⅛ inches (130 mm). These mesh sizes relate to netting when measured wet after use.

(2) Mesh sizes of trawl nets are measured by a flat wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into the meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be the average of the measurements of any series of 20 consecutive meshes, at least 10 meshes from the landings, and when measured at the cod end of the net, beginning at the after end and running parallel to the long axis.

(b) *Small-mesh nets.* (1) Vessels catching haddock, cod, or yellowtail flounder with trawl nets having mesh dimensions smaller than those in paragraph (a) of this section may not land more than 1,000 pounds per species, or 10 percent per species by weight of all fish on board, whichever is greater, of haddock, cod, or yellowtail flounder, per trip.

(2) A vessel exempted from the mesh-size requirement under subparagraph (1) of this paragraph may not land haddock, cod, or yellowtail flounder in excess of the amounts (not counting over-runs) in effect pursuant to § 651.7 for a vessel of comparable size.

(3) A vessel may land haddock, cod, or yellowtail flounder under subparagraph (1) of this paragraph only if the vessel lands at least 2,000 pounds of fish other than haddock, cod, or yellowtail flounder caught on the same trip. This requirement does not apply to vessels in the northern shrimp fishery.

(c) *Gill nets.* It shall be unlawful to fish for haddock, cod, or yellowtail flounder with gill nets having inside openings, when stretched, measuring less than 5½ inches (140 mm).

4. Revise § 651.7 by striking in its entirety; substitute the following:

§ 651.7 Landing restrictions.

(a) *Haddock and cod.* For each weekly period (0001 hours Sunday through 2400 hours Saturday, local time), no person or vessel may land haddock or cod in amounts greater than the following:

(1) For vessels under 60 gross registered tons: 7,000 pounds landed weight of each species.

(2) For vessels of 61-125 gross registered tons: 14,000 pounds landed weight of each species.

(3) For vessels over 125 gross registered tons: 20,000 pounds landed weight of each species.

(4) For vessels of any size using fixed gear (hooks or gill nets): 16,000 pounds landed weight of each species.

(b) *Yellowtail flounder.* For each weekly period (0001 hours Sunday through 2400 hours Saturday, local time), no person or vessel may land yellowtail flounder in amounts greater than the following:

(1) For vessels under 60 gross registered tons: 6,000 pounds landed weight, or 10 percent by weight of all fish on board, whichever is greater.

(2) For vessels of 61-125 gross registered tons: 10,000 pounds landed weight, or 10 percent by weight of all fish on board, whichever is greater.

(3) For vessels over 125 gross registered tons: 14,000 pounds landed weight, or 10 percent by weight of all fish on board, whichever is greater.

(c) If a vessel is at sea in more than one weekly period, the cod, haddock, and yellowtail flounder on board the vessel may, at the option of the vessel operator, be considered landed in the weekly period in which they were actually caught if the vessel operator maintains a log book recording the amounts of cod, haddock, and yellowtail flounder caught each day. If such log book is not maintained, all cod, haddock, and yellowtail flounder shall be counted against the landing restriction of the weekly period in which they were landed.

(d) Any licensed trawl vessel may land up to 5,000 pounds of each species in excess of the amounts permitted to be landed under paragraph (a) through (c) of this section. Any excess quantity so landed shall be deducted from the weekly trip limitation during the week immediately following such landing.

(e) The Assistant Administrator may adjust the landing restrictions in paragraphs (a), (b), and (d) of this section, upon publication of a notice in the FEDERAL REGISTER, for the following purposes:

(1) To spread fishing effort over the entire year;

(2) To reduce the need for quarterly or annual closures;

(3) To allow each of the vessel classes in paragraphs (a) and (b) of this section to harvest its historic percentage of the catch.

(f) To accomplish the purposes stated in paragraph (e) of this section, the Assistant Administrator may adjust the landing restrictions by varying amounts for each vessel class, after consideration of the following factors:

(1) Landings for the current and previous quarters;

(2) Projected harvests;

(3) Geographic and seasonal availability of fish;

(4) Traditional and anticipated fishing patterns;

(5) Number of vessels of each class in the fishery;

(6) Capability of vessels to fish in other locations or for other species;

(7) Status of unregulated species in the trawl fishery; and

(8) Incidental catch of cod and haddock during fishing for unregulated species.

5. Revise § 651.8 by striking in its entirety; substitute the following:

§ 651.8 Closed seasons.

(a) The Assistant Administrator shall announce the closure of the season for haddock, cod, or yellowtail flounder by publication in the FEDERAL REGISTER, specifying the time, date, and area for the termination of that fishery. The closure is determined in the following manner: When the total quarterly quota of haddock, cod, or yellowtail flounder is taken, the Assistant Administrator may announce that all taking of that species shall cease for that quarter, by publication in the FEDERAL REGISTER.

(b) During the period of closure, it shall be unlawful to catch, retain, or land any species to which the closure applies. *However,* vessels using gear described in paragraph (b)(1) of § 651.6 may continue fishing so long as the catch of each species to which the closure applies does not exceed one percent of all fish on board.

[FR Doc. 78-19921 Filed 7-18-78; 8:45 am]

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Preservation of Employee Exposure and Medical Records

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule (interim).

SUMMARY: Under the Occupational Safety and Health Act of 1970, the Secretary of Labor in cooperation with the Secretary of Health, Education, and Welfare has the authority to require employers to make, keep, and preserve records regarding their activities which are necessary or appropriate for carrying out the purposes of the act. This rule requires employers to preserve any employee exposure records or employee medical records which they make or maintain or to which they have access. This rule is promulgated with an immediate effective date to assure that the records covered by it will be preserved pending completion of the rulemaking proceedings on employee access to these records, notice of which will be published on Friday, July 21, 1978.

DATES: This interim final rule is effective July 19, 1978.

ADDRESS: For additional copies contact the Publications Office, OSHA, Room N-3423, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210, 202-523-8677.

FOR FURTHER INFORMATION CONTACT:

Charles R. McClure, Office of Compliance Programs, OSHA, Room N-3112, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washinton, D.C. 20210, 202-523-8044.

SUPPLEMENTARY INFORMATION:

In cooperation with the Department of Health, Education, and Welfare, OSHA is issuing a rule which applies to employers in general industry, maritime, and construction, who make, maintain or have access to any employee exposure records or employee medical records. For the reasons stated below, this rule is effective immediately. At the same time, OSHA is publishing July 21 a notice of proposed rulemaking and inviting public comment concerning long-term retention and access to these records. When promulgated as a final rule, the proposed rule will encompass and supersede this immediately effective rule.

The background and explanation of the entire rule will be set out in the notice of proposed rulemaking of July 21 and will be incorporated by reference in this document. The interim final rule, which becomes effective today, requires employers to preserve employee exposure and medical records which they make or maintain or to which they have access. To the extent these records exist, they have primarily been kept at the initiative of employers, although some records have been subject to specific OSHA recordkeeping requirements. Specific OSHA recordkeeping requirements, such as those in the vinyl chloride standard (29 CFR 1910.1017) and the coke oven emissions standard (29 CFR 1910.1029), already require retention of the affected records for specified times and shall continue to apply. With this new rule, employers must also preserve their voluntarily kept employee exposure and medical records.

The term "record," as used in this rule, is intended to cover any recorded information regardless of its physical form or character. "Employee expo-

sure records" are defined as monitoring or measuring records which contain qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents; while "employee medical records" are defined as records which contain information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. Both individual exposure and medical records and general research or statistical studies based on information collected from exposure and medical records are included within those definitions.

This rule requires that the employer make these records available upon request to the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, for examination and copying, so that OSHA may monitor compliance with this rule and enforce it accordingly. The Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare is also given access to these records to assist him in carrying out NIOSH's responsibilities under the act. The Assistant Secretary and the Director may, of course, designate employees of their Department to carry out their functions.

This interim final rule requiring the preservation of employee exposure and medical records is being issued under the rulemaking authority in sections 8(c)(1) and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1599, 1600; 29 U.S.C. 657). Section 8(c)(1) authorized OSHA to require each employer to "make, keep and preserve, and make available to the Secretary [of Labor] or the Secretary of Health, Education, and Welfare such records regarding his activities relating to this act * * * as necessary or appropriate for the enforcement of this act or for developing information regarding the causes and prevention of occupational accidents and illnesses." Section 8(g)(2) provides general rulemaking authority as the Secretary deems necessary to carry out OSHA's responsibilities under the act. Pursuant to the statute, this rule represents a determination that preservation of employee exposure and medical records is necessary to assure a safe and healthful workplace, for developing information on occupational injuries and illnesses, and, generally, for carrying out OSHA's enforcement and other responsibilities under the act. The reasons for this determination will be set out in the preamble to the proposed rule published on July 21.

In issuing this interim final rule under its general rulemaking authority, OSHA is following the provisions of section 4 of the Administrative Procedure Act (APA) (5 U.S.C. 553). Because the preservation of employee exposure and medical records is a necessary precondition to the ultimate goal of providing employee access to these records, OSHA has determined that, in accordance with sections 553(b)(3)(B) and 553(d)(3), an immediate effective date is necessary. Section 553(b)(3)(B) provides for an exception to the general notice requirements of the APA "when the agency for good cause finds * * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest;" section 553(d)(3) provides for an exception to the requirement for publication of a substantive rule not less than 30 days before its effective date "for good cause found and published with the rule."

In this case, OSHA finds good cause to make this interim final rule effective immediately and to issue it without prior notice and opportunity for comment because of the nature and objective of the rule. As has been stated, the purpose of this rule is to assure that employee exposure and medical records are preserved, so that employees and their representatives may ultimately gain access to these records. Because most of these records have been kept voluntarily, employers have been free to dispose of them as they wish. As a result, these records could be discarded as a part of normal business procedures, or in some cases to avoid disclosure to the affected employees or to others. Much valuable information concerning occupational safety and health may be irretrievably lost in this way.

An immediate effective date for this rule is therefore necessary to assure the preservation of the records during the period of public rulemaking when the issues of employee access and the appropriate retention period for these records are being resolved. Clearly, the destruction of these records for any reason during the time provided for public participation in the rulemaking would frustrate the objectives of the proposed rule. It is noted that the immediate implementation of this rule does not require employers to create records which do not exist or to immediately provide employee access to the records, but simply to continue to retain the records during the comment period and until a final rule on access to the records is promulgated. This final rule on preservation of records is therefore an interim measure, imposing minimal burdens for a limited period of time. It is OSHA's intention to complete the subsequent rulemaking proceedings as expeditiously as possible.

For these reasons, OSHA finds that providing notice, opportunity for comment, and a delayed effective date with regard to the requirement to preserve existing employee medical and exposure records would be impracticable, unnecessary, and contrary to the public interest. Interested persons will, however, have the opportunity to present their comments, views and arguments on the proposed rule which, when promulgated, will supersede this rule. Any issue raised by today's interim final rule may be presented to OSHA during this comment period, and OSHA will carefully consider all comments before promulgating the proposed rule in final form.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room S-2315, Washington, D.C. 20210, 202-523-9261.

This rule is promulgated pursuant to sections 8(c)(1) and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1599, 1600; 29 U.S.C. 657) and Secretary of Labor's Order No. 8-76 (41 FR 25059), and in accordance with 5 U.S.C. 553. Accordingly, by that authority, 29 CFR part 1910 is amended, effective July 19, 1978, by adding a new Subpart C, "General Safety and Health Provisions," and a new § 1910.20 as follows:

Subpart C—General Safety and Health Provisions

§ 1910.20 Preservation of records.

(a) *Scope and application.* This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) *Definitions.* "Employee exposure record" means a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

"Employee medical record" means a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(1) The results of medical examinations and tests;

(2) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(3) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) *Preservation of records.* Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) *Availability of records.* The employer shall make available, upon request, to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or a designee, and the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or a designee, all employee exposure records and employee medical records for examination and copying.

Effective date: This amendment is effective July 19, 1978.

Signed on this 17th day of July, 1978 at Washington, D.C.

(Sec. 8, 84 Stat. 1599, 1600 (29 U.S.C. 657); Secretary of Labor's Order No. 8-76 (41 FR 25059); Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553).)

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-20194 Filed 7-18-78; 8:45 am]

proposed rules

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

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1933]

LOAN AND GRANT PROGRAMS (GROUP)

Community Facility Loans; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction to a prior rulemaking document.

SUMMARY: The Farmers Home Administration (FmHA) issues a correction to a document published in the FEDERAL REGISTER for Monday, July 10, 1978 at page 29565. Paragraph 1933.17 (a)(2) is corrected in line 7 by adding the words "in excess" after the word "town". These words were inadvertently left out in the original document and are required for the provision to be correct.

EFFECTIVE DATE: July 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary L. Smith, telephone 202-447-5717.

Dated: July 12, 1978.

GORDON KAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-19924 Filed 7-18-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

PUBLIC MEETINGS ON PROPOSED RULE CHANGE

Special Salvage Timber Sales Set-Aside for Preferential Treatment for Small Business Concerns

AGENCY: Small Business Administration.

ACTION: Notice of meetings on proposed rule change.

SUMMARY: Notice is hereby given that the Small Business Administration (SBA), in conjunction with the U.S. Forest Service, will hold public meetings to obtain information on a proposed special salvage timber sales (SSTS) program of Forest Service insect-infested, dead, damaged, or down timber in excess of present salvage sales now offered by the Forest Service. The purpose of this program is to assist small business logging and forest industry concerns through the generation of additional Federal timber. Such a program would be separate from the existing small business set-aside program involving U.S. Forest Service timber and would be initially tested in a limited number of forests in the Western United States.

DATES: Public meetings will be held 9:30 a.m. to 11:30 a.m. on August 8, 1978, at Sacramento, Calif., and from 10 a.m. to 12 noon on August 9, 1978, at Portland, Oreg.

ADDRESSES: The California meeting will be held at the Federal Building, Room 1140, 2800 Cottage Way, Sacramento, Calif., and the Oregon meeting at the Bonneville Power Administration Auditorium, 1002 NE Holladay Street, Portland, Oreg.

FOR FURTHER INFORMATION CONTACT:

Roland E. Berg, Chief, Property Sales Assistant Division, Small Business Administraiton, 1441 L Street NW., Washington, D.C. 20416, 202-653-6078/6079.

SUPPLEMENTARY INFORMATION: The meetings are being held to solicit the views of interested parties prior to publishing specific SBA rules and regulations changes for formal comment. These meetings will discuss a proposed rule change to 13 CFR Part 121 (sec. 121.3-9(b)) of Chapter I of SBA rules and regulations to provide preferential bidding on special salvage timber sales of insect-infested, dead, damaged, or down timber to logging and forest and forest products concerns. The intent of the special salvage timber sales program is to expand present timber sale acitivity to utilize Federal timber now going to waste. The rule change to be implemented on a test basis, initially is a proposal adding to, and not substituting for, present rules and regulations defining small business concerns for the sale of Government-owned property (timber). The additional definition of small business concerns eligible to purchase small business preferentially treated sales applies only to those U.S. Forest Service sales designed as special salvage timber sales (SSTS).

Special guidelines intended to be followed in the establishment and implementation of a test of the program are: (*a*) The applicable SBA size standard definition for eligible concerns. The current intent is to limit this program to firms of 25 or less total employees; (*b*) The new program would apply only to salvage in excess of present salvage sales now offered by the Forest Service. Funding for the SSTS program would generally come from, but not limited to, the revolving salvage sale account, and that account would not be limited to the SSTS program; (*c*) "Salvage" would be defined as "insect-infested, dead, damaged, or down timber" that would have gone unharvested; (*d*) In general, the 70/30 rule will apply to the SSTS program. This rule requires that the purchasers agree not to sell more than 30 percent of timber purchased through this program to other than small business. (*e*) The program will be tested in a limited number of forests in order to allow flexibility and alterations which may be necessary in the development of specific limits and controls applicable to the new program. Results can be reviewed after a prescribed trial period, and accommodations made.

As part of the Small Business Administration's efforts to obtain the greatest possible public participation in the preparation of proposed rules and regulations guidelines, public meetings will be held as follows: August 8, 1978 (9:30 a.m. to 11:30 a.m.), Federal Building, Room 1140, 2800 Cottage Way, Sacramento, Calif.; August 9, 1978 (10 a.m. to 12 Noon), Bonneville Power Administration Auditorium, 1002 NE. Holladay Street, Portland, Oreg.

Representatives of both the Small Business Administration and U.S. Forest Service will be present to provide information and to answer questions.

Dated: July 14, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-20153 Filed 7-18-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 781 0013]

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 959

Provisional Consent Agreement

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 an Anchorage, Alaska labor union local to cease entering into agreements or understandings which restrict signatory construction companies to deal only with subcontractors who agree with the same terms and conditions binding between the union and the contractors. Additionally, the agreement would prohibit the local from taking action that would discriminate or economically injure non-compliers.

DATE: Comments must be received on or before September 15, 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:

William C. Erxleben, Director, Seattle Regional Office, Federal Trade Commision, 28th Floor, Federal Building, 915 Second Avenue, Seattle, Wash. 98174, 206-442-4655.

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)).

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL UNION 959

[File No. 781 0013]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of certain acts and practices of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959 (hereinafter sometimes referred to as "proposed respondent"), and it now appearing that respondent, an unincorporated labor association is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

A. Proposed respondent International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, Local Union 959 is an unincorporated labor association existing and doing business in the State of Alaska, with its office and principal place of business located at 1200 Airport Heights Road, Anchorage, Alaska 99504.

B. Proposed respondent admits, solely for the purpose of settlement of the matters involved in these proceedings, all the jurisdictional facts set forth in the draft of complaint here attached. Proposed respondent specifically reserves the right to challenge the jurisdiction of the Commission over proposed respondent in any and all proceedings not covered by the complaint here attached.

C. Proposed respondent waives:

1. Any further procedural steps;

2. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

3. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

D. 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 consideraitons which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

E. 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 draft complaint here attached.

F. 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 § 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 here attached 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, respresentation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

G. 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 proposed respondent has fully complied with the order, and that proposed respondent may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondent International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959, its successors and assigns, affiliated subdivisions, officers, trustees, employees, agents and members, directly or indirectly through any other form of business organization, shall forthwith cease and desist from:

1. Entering into any agreement or understanding that requires an employer engaged in the construction business to use or deal only with third party businesses who agree to perform work on the same terms and conditions as are agreed to between such employer engaged in the construction business and respondent;

2. Entering into any agreement or understanding with an employer engaged in the construction business that requires a third party business to be signatory to a collective bargaining agreement or other type of agreement that is binding between respondent and such employer engaged in the construction business;

3. Entering into any agreement or understanding with an employer en-

gaged in the construction business that requires respondent to agree to the same terms and conditions of employment with a third party business as are binding between respondent and such employer engaged in the construction business;

4. Taking any action which would discriminate against or economically injure those employers engaged in the construction business which deal with third party businesses on terms other than those agreed to between such employer engaged in the construction business and respondent.

Provided, however, That respondent shall not be prohibited from engaging in any legal activity now or later authorized by federal labor law such as the right of respondent to engage in standards picketing, or entering into any agreement authorized by § 8(e) of the National Labor Relations Act, 29 U.S.C. 158(e), as long as said agreement is only effective when a member of the bargaining unit represented by respondent is employed and currently working at the site of the construction, alteration, painting or repair of the building, or other work.

It is further ordered, That respondent deliver a copy of this order to each of its present business agents, officers, trustees, and labor negotiators, and secure from each such person a signed statement acknowledging receipt of said order and that respondent, for a period of three (3) years subsequent to the date of this order, deliver a copy of this order to future business agents, officers, trustees and labor negotiators and secure from each such person a signed statement acknowledging receipt of such order.

It is further ordered, That respondent's Secretary-Treasurer, for a period of three (3) years subsequent to the date of this order annually furnish to the Federal Trade Commission any collective bargaining agreements with any employer engaged in the construction business.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the organizational status of the respondent such as dissolution, assignment or sale resulting in the emergence of a successor labor organization, or any other change in the respondent which may affect compliance obligations arising out of the order.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, LOCAL UNION 959

File No. 781 0013

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959.

The proposed consent order and material submitted by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 959, to the Commission that is reasonably related to the merits of the order and is not exempt from disclosure under the Freedom of Information Act have 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.

Respondent Local 959 is an unincorporated labor association existing and doing business in the State of Alaska. The complaint alleges that respondent and various contractors agreed that no on or off-site construction work within the union's jurisdiction could be subcontracted unless: (1) The subcontractor's employees were members of the union; and (2) agreed to the same terms and conditions of employment binding between the union and the contractors. Further, respondent's members agreed not to work for any construction business with different terms and conditions of employment. This agreement is alleged as constituting an unfair method of competition in violation of section 5(a) of the Federal Trade Commission Act because it forecloses or restricts subcontractors who do not or cannot meet these terms.

The consent order prohibits respondent from entering into any agreement which contains one or more of these restrictions. Agreements permitted by the construction industry proviso of 8(e) of the National Labor Relations Act are allowed, but only if they are effective when a member of the bargaining unit represented by the respondent is employed and currently working on the site.

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. 78-19922 Filed 7-18-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4293]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Huntsville, Madison County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Planning Commission, City Hall, Huntsville, Ala. Send comments to: Mr. Tom Dozier, Director, City of Huntsville Planning Commission, P.O. Box 308, Huntsville, Ala. 35801.

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 proposed determinations of base (100-year) flood elevations for the city of Huntsville, Ala., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

quired. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entitles. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation feet, national geodetic vertical datum
Unnamed tributary to the Tennessee River.	Redstone Rd.	575
Aldridge Creek	Green Cove Rd	575
	Green Mountain Rd.—50 ft*.	595
	Lily Flagg Rd.—100 ft*	615
	4 Mile Post Rd.—25 ft*	627
Huntsville Spring Branch.	Louisville & Nashville RR. (downstream crossing)—100 ft*.	579
	Drake Ave.—100 ft*	597
	Sears Ave.—25 ft*	609
Pinhook Creek	West Clinton Ave.—25 ft*.	612
	Pratt Ave.—25 ft*	627
	North Memorial Parkway—100 ft*.	648
East Fork Pinhook Creek.	Medaris Rd.—50 ft*	687
	Winchester Rd.—25 ft*	702
Blue Spring Creek..	Timbercrest Dr.—100 ft*	668
	Spring Rd.—25 ft*	680
	Springfield Rd.—25 ft*	694
Dallas Branch	Washington St	629
	Southern Ry.—50 ft*	641
	Windham St.—50 ft*	657
Unnamed tributary to Pinhook Creek (Dallas Branch bypass).	Church St.—100 ft*	622
	Dallas St.—25 ft*	634
Fagan Creek	Pollard St	610
	California St.—50 ft*	626
Broglan Branch	Governors Dr.—100 ft*	606
	University Dr.—100 ft*	646
	Broadmor Rd.—25 ft*	679
Dry Creek	Brandon Town Rd.—100 ft*.	672
	Oakwood Rd.—100 ft*	689
McDonald Creek	Centour Blvd.—100 ft*	583
	Bob Wallace Ave.—25 ft*.	630
	Technology Dr.—25 ft*	648
	Bradford Blvd.—50 ft*	662
	Holmes Ave.—Athens Pike—25 ft*.	674
Unnamed tributary to McDonald Creek.	Bob Wallace Ave	625
	Southern Ry.—25 ft*	643
Sherwood Branch	Southern Ry.—25 ft*	639
	Rideout Rd. (downstream crossing)—100 ft*.	663
	Rideout Rd. (upstream crossing)—25 ft*.	680
Indian Creek	Madison Pike—100 ft*	626
	Farrow Rd.—25 ft*	642
Bradford Creek	Walltriana Highway—100 ft*.	596
	Southern Ry.—25 ft*	614
Betts Spring Branch.	Lady Ann Dam	576
Tennessee River	Hobbs Island Rd.—1,000 ft east of Heart of Dixie Highway (Memorial Parkway).	575
	Green Grove Rd.—6,000 ft west of Heart of Dixie Highway (Memorial Parkway).	575

*Upstream of centerline.

(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 14, 1978.

GLORIA M. JIMENEZ
Federal Insurance Administrator.

[FR Doc. 78-19638 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4294]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Cordova, Alaska

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Cordova, Alaska. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Cordova City Hall, Railroad Avenue, Cordova, Alaska. Send comments to: Mr. Perry Lovett, City Manager of Cordova, Box 1012, Cordova, Alaska 99574.

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 proposed determinations of base (100-year) flood elevations for the city of Cordova, Alaska 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Orca Inlet		18
Eyak Lake		26

(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 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19639 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4295]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Santa Cruz County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Santa Cruz 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at County Planners Office, Santa Cruz Courthouse, Nogales, Ariz. Send comments to: Mr. William Baffert, Chairman, Board of Supervisors, Santa Cruz Courthouse, Nogales, Ariz. 85621.

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 proposed determinations of base (100-year) flood elevations for Santa Cruz County, Ariz., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sonoita Creek	Pendleton Dr	3,439
	Unimproved road	3,523
	Confluence with Fresno Canyon.	3,561
Josephine Canyon	Southern Pacific RR	3,298
	Jeep trail	3,531
Ephriam Canyon	Highway 189, northbound lane.	3,991
	Highway 189, southbound lane—85 ft upstream from centerline.	4,003
Mariposa Canyon (Tributary 2).	Highway 189, access road.	3,802
	Trailer park road	3,815
Mariposa Canyon (Tributary 1).	Headwall Interstate 19 and confluence with Mariposa Canyon.	3,792
Mariposa Canyon (valley profile).	Highway 189	3,881
	Coronada National Forest boundary.	3,957
Mariposa Canyon (channel profile).	Confluence with Nogales Wash.	3,737
	Interstate Highway 19, southbound lane.	3,790
	Highway 189, confluence with Tributary 2.	3,796
	Highway 189, 10 ft downstream from centerline.	3,880
	Coronada National Forest boundary.	3,971
Nogales Wash (flow west of Highway 89 and/or Southern Pacific RR.).	Country Club Rd	3,661
	Valle Verde Circle	3,683
	Valle Verde Circle	3,687
Nogales Wash	Confluence with Potrero Creek.	3,607
	Southern Pacific RR. 25 ft upstream from centerline.	3,694
	Baffert Dr. culverts	3,734
	Monte Carlo Dr	3,745
	Nogales corporate limits (east flood plain).	3,791
Potrero Creek (Tributary 1).	Interstate 19, northbound lane.	3,854
Potrero Creek (flow west of railroad and/or sewage lagoon levee).	Confluence with Santa Cruz River.	3,446
	Waste treatment plant road.	3,478
Potrero Creek	Sewage lagoon levee	3,476
	Pena Blanca Rd	3,521
	Navajo St	3,625
	Meadow Hills Dr	3,678
	Coronada National Forest boundary.	3,741
Agua Fria Canyon	Rio Rico Dr	3,419
	Calle Teruno	3,501
	Camino Agua Fria	3,522
	Coronada National Forest boundary.	3,619
Peck Canyon	Interstate Highway 19, northbound lane.	3,355
	Interstate Highway 19, southbound lane.	3,358
	Pulido Rd	3,369
	Peck Canyon Dr	3,436
	Coronada National Forest boundary.	3,451
Sopori Wash	Confluence with Santa Cruz River.	3,032
	East Frontage Rd	3,064
	Confluence with Toros Wash.	3,110
	Sopori Ranch Rd	3,197
	Confluence with Proctor Wash.	3,234
	Confluence with Ellas Draw.	3,298
Santa Cruz River (flow east of Southern Pacific RR.).	Gravel Rd	3,062
	Kennedy Rd	3,216
	Santa Gertrudis Lane	3,270
	Rio Rico Dr	3,410
Santa Cruz River	Pima-Santa Cruz County line.	3,028
	Amado Rd	3,060
	PM Ranch Rd	3,144
	Williams Rd	3,218
	Santa Gertrudis Lane	3,267
	Otero Rd	3,319
	Confluence with Peck Canyon.	3,351
	Rio Rico Dr	3,414
	Southern Pacific RR	3,444
	Pena Blanca Rd	3,501
	Confluence with Burro Canyon.	3,543
	River Rd	3,615
	Xavier Way Rd., 55 ft downstream from centerline.	3,666
	Xavier Way Rd., 55 ft upstream from centerline.	3,671
	International Boundary—Mexico.	3,727

(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 22, 1978.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 78-19640 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4296]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Phoenix, Maricopa County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Phoenix, 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations

are available for review at the City Engineer's Office, Phoenix, Ariz. Send comments to: Hon. Margaret T. Hance, Mayor of Phoenix, 215 West Washington Street, Phoenix, Ariz. 85003.

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 proposed determinations of base (100-year) flood elevations for the city of Phoenix, Maricopa County, Ariz. 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cave Creek	Corporate limits upstream.	1,524
	Deer Valley Dr. upstream.	1,483
	7th St. upstream	1,464
	Beardsly Rd. upstream	1,437
	Bell Rd upstream	1,368
	19th Ave. Bridge upstream.	1,324
	Thunderbird Rd. Bridge upstream.	1,299
	Cactus Rd. upstream	1,277
	Peoria Ave. upstream	1,251
	Mountain View Rd. (Extended) upstream.	1,238
	Alice Ave. (Extended) upstream.	1,219
	Northern Ave. upstream	1,198
	Myrtle Ave. upstream	1,182
	Maryland Ave. upstream	1,164
	Bethany Home Rd. upstream.	1,154
	Colter St. upstream	1,138
	Highland Ave. upstream	1,128
	Osborn Rd. upstream	1,105
	Encanto Blvd, upstream.	1,090
	Roosevelt St. upstream	1,079
	Grant St. upstream	1,066
	Pima St. upstream	1,059
	R.I.D. Canal upstream	1,046
East Fork Cave Creek.	(Bell Rd.) upstream corporate limits.	1,407
	7th St. upstream	1,378
	Confluence with West Brance East Branch Cave Creek.	1,356
	Confluence with Cave Creek.	1,337
Cave Creek Tributary at Deer Valley Dr.	Deer Valley Dr. upstream.	1,482
Scatter Wash	7th St. upstream and corporate limits upstream.	1,471
	19th Ave. upstream	1,435
	Corporate limits downstream.	1,414
Myrtle Ave. Wash.	Myrtle Ave. upstream	1,256
	16th St. upstream	1,244
Dreamy Draw Wash.	16th St. upstream	1,280
	14th St. upstream	1,262
	12th St. upstream	1,250
Flynn Lane Wash	Lincoln Dr. upstream	1,310
	21st St. upstream	1,269
	20th St. upstream	1,256
Northern Ave. Wash.	16th St. upstream	1,296
	14th St. upstream	1,274
	12th St. upstream	1,258
	Northern Ave. upstream	1,248
Dreamy Draw Wash East.	Orangewood Ave. upstream.	1,259
	16th St. upstream	1,244
West Branch East Fork Cave Creek.	Bell Rd. (upstream corporate limits).	1,370
	confluence of East Fork Cave Creek.	1,356
Echo Canyon Wash.	Corporate limits upstream (McDonald Dr.).	1,308
	4th St. upstream	1,294
	Confluence with Arizona Canal.	1,251
Moon Valley Wash.	Thunderbird Rd. upstream.	1,320
	19th Ave. upstream	1,297
Tenth St. Wash	Desert Cove Ave. upstream.	1,344
	Peoria Ave. upstream	1,326
	Cave Creek upstream	1,302
	Dunlap Ave. upstream	1,275
	Butler Dr. upstream	1,251
Agua Fria River	Corporate limits upstream.	1,033
	Corporate limits downstream.	1,031
New River	Corporate limits upstream.	1,040
	Corporate limits downstream.	1,032
Salt River	Corporate limits upstream.	1,143
	48th St. upstream	1,135
	24th St. upstream	1,099
	16th St. upstream	1,087
	Central Ave. Bridge upstream.	1,065
	27th Ave. upstream	1,042
	51st Ave. Bridge upstream.	1,016
	83rd Ave. Bridge upstream.	974
	99th Ave. (Extended) upstream.	960

(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. 78-19641 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4297]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for The City of Perris, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Perris, Riverside 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the office of Mr. Eugene L. Diepholz, City Engineer, city of Perris, Neste, Brudin and Stone, 535 East Florida Avenue, Hemet, Calif. Send comments to: Mr. Robert Brisco, City Manager, city of Perris, City Hall, 101 North D Street, Perris, Calif. 92370.

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 proposed determinations of base (100-year) flood elevations for the city of Perris, Calif., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Jacinto River.	Escondido Expressway southeast*.	1,420
Perris Valley Storm Drain.	San Jacinto Ave*	1,420
	Nuevo Rd—200 ft**	1,425
	Orange Ave—150 ft**	1,432
	Rider St—200 ft**	1,442
Mountain Avenue Wash.	Downstream corporate limit.	1,419
	River Rd—120ft**	1,430

* At centerline.
** Upstream of centerline.

(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 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19642 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4298]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Riverside County, Calif.

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Riverside 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at County Administrative Center, 4080 Lemon Street, Riverside, Calif. Send comments to: Mr. Robert Fitch, County Administrator, Riverside County, County Administrative Center, 4080 Lemon Street, Riverside, Calif. 92501.

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 proposed determinations of base (100-year) flood elevations for Riverside County, Calif., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bautista Creek	Cedar Ave.—40 ft*	1678
	Olive Ave. extented—approximately 60 ft**.	1710
	Florida Ave.—40 ft**	1753
Bear Creek	Washington St.—50 ft*	40
	Calle Tampico—100 ft*	49
	Avenida Obreson—10 ft*	59
	Calle Sonora extended—20 ft*.	110
Bly Channel	Van Buren Blvd.—100 ft**.	701
	Van Buren Blvd.—30 ft*.	706
	Union Pacific RR.—40 ft*.	710
	Jurupa Rd.—10 ft*	715
	Felspar St.—150 ft*	730
	Mission Blvd.—70 ft*	739
	Hastings Blvd.—50 ft*	747
Calimesa Channel.	Interstate Highway 10—40 ft*.	2373
	Calimesa Blvd.—60 ft*	2394
	5th St.—50 ft*	2426
	4th St.—40 ft*	2450
	3d St.—30 ft*	2481
	2d St.—90 ft**	2520
	2d St.—90 ft*	2527
	West County Line Rd.—10 ft**.	2556
Country Club Creek.	Riverside Freeway—10 ft*.	593
	Serfas Rd.—10 ft*	623
	Mountin View Dr.—80 ft**.	626
	Mountain View Dr.—10 ft*.	631
	Paseo Grande—40 ft*	712
Country Club Creek North Tributary.	Confluence with Country Club Creek—40 ft upstream of confluence point.	623
	Paseo Grande—50 ft**	700
	Paseo Grande—20 ft*	704
Day Creek	Lucretia Ave.—120 ft*	834
	64th St.—20 ft*	643
	Limonite Ave.—60 ft*	655
East Cathedral Channel.	H St. extended—10 ft*	370
	Grandview Ave. extended—approximately 320 ft*.	500
	Foothill Dr. extended—approximately 5 ft**.	681
Edgemont B North Fork.	Atchison, Topeka and Santa Fe RR—80 ft*.	1520
	Edgemont St.—140 ft*	1531
	Dracaea Ave.—60 ft*	1538
	Eucalyptus Ave.—40 ft*.	1549
El Cerrito Channel.	Minnesota Ave.—20 ft*	790
	Quebec Ave.—30 ft*	846
	Ontario Ave.—15 ft*	860
	Marilyn Dr. extended—10 ft*.	871
	Kathy Way extended—30 ft*.	889
	Corona Freeway—20 ft*	942
Garden Air Golf Course Wash.	Interstate Highway 10—40 ft*.	2347
	3d St.—30 ft*	2395
	Bryant St. extended—approximately 400 ft*.	2570
Highland Springs Channel.	East 8th St.—90 ft*	2601
	East 8th St.—1580 ft*	2625
Kalmia Street Wash.	Ivy St.—20 ft*	1085
	2d Ave.—130 ft*	1089
	Washington Ave.—70 ft*	1098
	Adams Ave.—50 ft*	1112
	Jefferson Ave.—40 ft*	1127
Lakeland Village Channel.	Grand Ave.—35 ft*	1285
	Ralley Ave.—5 ft*	1293
	Southerland Ave.—30 ft*.	1303
	Brightman Ave.—10 ft*	1311
	MacKay Ave.—10 ft*	1321
	Borrick Ave.—20 ft*	1327
	Hayes Ave.—10 ft*	1337
Marshall Creek	14th St.—40 ft**	2595
	14th St.—20 ft*	2609
Murrieta Creek at Murrieta.	Washington Ave.—10 ft*	1061

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Ivy Ave.—10 ft*	1085
	Kalmia St.—200 ft*	1094
	Tenaja Rd.—120 ft*	1107
Murrieta Creek at Temecula.	First St.—200 ft*	1001
	Main St.—320 ft*	1005
	Rancho California Rd.—10 ft*.	1009
North Cathedral Channel.	Date Palm Rd.—100 ft**	288
	Cathedral Canyon Dr.—100 ft*.	292
Park Hill Drain	Menlo Ave.—130 ft*	1605
	Girard St.—80 ft*	1620
	Yale St.—10 ft**	1634
Pigeon Pass Channel.	Fir Ave.—20 ft*	618
	Sunnymead Blvd.—150 ft*.	631
	U.S. Highway 60—200 ft*.	643
Pyrite Channel	Galena St.—10 ft*	772
	Pyrite Ave.—20 ft*	786
	Mission Blvd.—20 ft*	819
	State Highway 60—70 ft**.	843
Reche Canyon	20 ft upstream of County Line.	1330
	Unnamed Rd. 2080 ft upstream of County Line—50 ft*.	1380
	Unnamed Rd. 4020 ft upstream of County Line—30 ft*.	1430
Salt Creek	Murrieta Rd.—800 ft*	1413
	Warren Rd.—130 ft*	1503
	Harrison Ave.—10 ft*	1507
	Fisher St.—10 ft*	1510
Santa Ana River	River Rd.—100 ft*	549
	Hamner Ave.—90 ft*	592
	Van Buren Blvd.—80 ft*.	698
	Union Pacific RR.—180 ft*.	730
	Mission Blvd.—180 ft*	785
	State Highway 60—200 ft*.	806
	Market St.—100 ft*	812
San Sevaine Channel.	Dodd St.—10 ft*	655
	Bain St.—30 ft*	686
	Jurupa Rd.—60 ft*	701
	Galena St.—10 ft*	730
	Van Buren Blvd.—10 ft*.	746
	State Highway 60—10 ft*.	791
Smith Creek	First crossing of the Banning-Idyllwild Panoramic Highway—50 ft*.	2205
Spring Brook	Orange St.—10 ft*	840
	Riverside Freeway—140 ft**.	871
Sun City Channel A-A.	Ridgemoor Rd.—10 ft*	1413
	Chambers Ave.—50 ft**	1417
Sun City Channel H-H.	Encanto Dr.—35 ft*	1432
Sunnymead Storm Channel.	Cottonwood Ave.—75 ft*	585
	Dracaea Ave.—80 ft*	594
	Indian St.—10 ft*	602
	Myers Ave.—140 ft*	610
	Fir Ave.—45 ft*	619
	Sunnymead Blvd.—10 ft*.	653
	U.S. Highway 60—10 ft*.	668
	Perris Blvd.—15 ft*	682
	Ironwood Ave.—60 ft**	762
	Ironwood Ave.—40 ft*	772
	Kitching Lane—40 ft*	829
Sunnyslope Channel.	Riverview Dr.—100 ft*	779
	Limonite Ave.—50 ft*	793
	Pacific Ave.—30 ft*	802
	Rustic Lane—50 ft*	822
	Mission Blvd.—40 ft*	836
Temecula Creek	Escondido Freeway—200 ft*.	989
	Pala Rd.—80 ft*	1000
Temescal Wash	El Sobrante Ave.—250 ft*.	630
	Campton Ave.—10 ft*	640
	Atchison, Topeka and Santa Fe RR.—110 ft*.	642
	Magnolia Ave.—10 ft*	649
West Cathedral Channel.	State Highway 111—30 ft*.	306
	Terrace Rd.—450 ft*	479
	Grandview Ave. extended—150 ft*.	595
	Foothill Dr.—50 ft*	735
West San Sevaine Creek.	60th St.—10 ft*	659
	58th St.—60 ft*	669
	56th St.—10 ft*	677
	54th St.—10 ft*	690
	Jurupa Rd.—10 ft*	698
	Bain St.—40 ft*	705
1001 Ranch Drain.	Limonite Ave.—10 ft*	800
	Lakeside Dr.—20 ft*	848
	Live Oak Dr.—20 ft*	901
	Ironstone Dr.—110 ft*	930
1001 Ranch Drain West Tributary.	Lakeside Dr.—50 ft**	831
	Lakeside Dr.—10 ft*	842
Blind Canyon Channel.	Desert Hot Springs corporate limits.	1487
	525 ft upstream of Desert Hot Springs corporate limits.	1520
Desert Hot Springs Channel.	Cholla Dr.—30 ft*	1135
	West Dr.—25 ft**	1163

*Upstream of centerline.
**Downstream of centerline.

(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 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19643 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4299]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Fort Lupton, Weld County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Fort Lupton, Weld County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, 330 Park Avenue, Fort Lupton, Colo. Send comments to: Honorable Joe D. Martinez, Mayor, city of Fort Lupton, City Hall, 330 Park Avenue, Fort Lupton, Colo. 80621.

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 proposed determinations of base (100-year) flood elevations for the city of Fort Lupton, Colo., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringest in their flood plain management requirements. The community may be any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selection locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Platte River.	Downstream corporate limit.	4,886
	First St. at centerline	4,896

(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 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19644 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4300]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Fort Myers, Lee County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Fort Myers, Lee 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 2200 Second Street, Fort Myers, Fla. Send comments to: Honorable Burl Underhill, Mayor, city of Fort Myers, P.O. Drawer 2217, Fort Myers, Fla. 33902.

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 proposed determinations of base (100-year) flood elevations for the city of Fort Myers, Fla., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Caloosahatchee River.	Intersection of Gasparilla Dr. and Stuart Ct.	11
	Intersection of McGregor Blvd. and Lynnwood Ave.	11
	Edison Bridge*	11
	Intersection of Marion St. and Palmetto Ave.	11
	Upstream corporate limits.	11
Billy Creek	Marsh Ave.*	11
	Nuna Ave.*	12
	Upstream corporate limits.	12

*At centerline.

(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 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19645 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4301]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Indian River Shores, Indian River County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Indian River Shores, Indian River 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 6001 North Route A1A, Indian River Shores, Fla. Send comments to: Honorable Edward Nolan, Mayor, town of Indian River Shores, Town Hall, 6001 North Route A1A, Indian River Shores, Fla. 32960.

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 proposed determinations of base (100-year) flood elevations for the town of Indian River Shores, Florida, 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Intersection of Island Creek Dr. and Sabal Palm Lane.	5
	Intersection of Island Creek Dr. and John's Island Dr.	6
	800 ft east from the intersection of State Highway AlA and Snook Alley.	8

(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 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19646 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4302]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Parkland, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Parkland, Broward 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 8383 Holmberg Road, Parkland, Fla. 33067. Send comments to: Mayor A. T. Gerrin, City Hall, 8383 Holmberg Road Parkland, Fla. 33067.

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 proposed determinations of base (100-year) flood elevations for the city of Parkland, Broward County, Fla., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Secondary Canal System.	South of Holmberg Rd. and west of Northwest 80th Terrace.	13
	North of Holmberg Rd. and west of control area divide.	13
	North of Holmberg Rd. and east of control area divide.	14

(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 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19647 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4303]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Sanibel, Lee County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Sanibel, Lee 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 2075 Periwinkle Way, Sanibel, Fla. Send comments to: Honorable Zelda Butler, Mayor, City of Sanibel, P.O. Drawer 436, Sanibel, Fla. 33957.

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 proposed determinations of base (100-year) flood elevations for the city of Sanibel, Fla. 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to poli-

cies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gulf of Mexico	Intersection of Sanibel Captiva Rd. and Wulfert Rd.	12
	Intersection of West Gulf Dr. and East Rocks Dr.	12
	Intersection of Periwinkle Way and Tarpon Bay Rd.	12
	Intersection of Dixie Beach Blvd. and Royal Poinciana Dr.	12
	Intersection of West Gulf Rd. and Camino Dr.	13
	Intersection of Periwinkle Way and Bailey Rd.	13
	Intersection of East Gulf Dr. and Anchor Dr.	13
	Sanibel Causeway	13

(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 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19648 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4304]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Macon and Bibb County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Macon and Bibb County, Ga. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Southern Trust Building, 10th Floor, 682 Cherry Street, Macon, Ga. Send comments to: Mr. John Holly, Director, Planning and Zoning Commission, city of Macon and Bibb County, Southern Trust Building, Box 247, Macon, Ga. 31202.

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 proposed determinations of base (100-year) flood elevations for the city of Macon and Bibb County, Ga., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Beaverdam Creek	Arkwright Rd*	320
	Wesleyan Dr*	321
	Bass Rd*	334
	Interstate 75*	360
Beaverdam Creek Tributary 1.	Forsyth Rd*	351
Boggy Branch	Interstate 16*	295
	Southern Ry (25 ft downstream).	304
	Southern Ry (centerline of tracks).	324
	Masseyville Rd*	327
Ocmulgee River Tributary 2.	Arkwright Rd*	318
	Sheraton Dr*	321
	Forest Hill Rd. (100 ft upstream).	359
Rocky Creek	Interstate 75-25 ft**	288
	Rocky Creek Rd*	292
	Williamson Rd*	308
	Columbus Rd.—50 ft**	328
	Log Cabin Dr*	334
	Tucker Rd.—200 ft**	370
	Lamar Rd.—200 ft**	403
Rocky Creek Tributary 1.	Edna Pl.—200 ft**	354
	Burton Ave*	368
Rocky Creek Tributary 2.	Rocky Creek Rd. (100 ft downstream of centerline).	290
	Rocky Creek Rd.—200 ft**.	297
	Ell St. (50 ft upstream)	373
	Dempsey Ave*	412
Colaparchee Creek.	Greentree Parkway*	400
	Colaparchee Rd.—150 ft**.	432
Wolf Creek	Mumford Rd.—150 ft**	341
	Tucker Rd. (50 ft upstream).	374
	Zebulon Rd*	406
	Forsyth Rd.—25 ft**	414
	Bass Rd*	441
Savage Creek	Northside Dr. (25 ft downstream of centerline).	315
	Northside Dr.—100 ft**	320
	Matthews Dr.—100 ft**	329
	Forest Hill Rd.—50 ft**	339
	Guerry Dr.—50 ft**	385
	Wesleyan Dr.—150 ft**	395
Savage Creek Tributary 1.	50 ft downstream of Dam located 1,950 ft above the mouth.	327
	50 ft upstream of Dam located 1,950 ft above the mouth.	335
	50 ft upstream of Dam located 2,700 ft above the mouth.	338
	Northside Dr*	347
Savage Creek Tributary 2.	Old Lundy Rd.—200 ft**	341
	Forest Hill Rd. (100 ft downstream of centerline).	347
	Forest Hill Rd.—100 ft**	364
Savage Creek Tributary 3.	Forest Lake Dr. South (100 ft downstream of centerline).	349
	Forest Lake Dr. South 125 ft**.	358
	125 ft downstream of Dam located 1,350 ft above the mouth.	361
	150 ft upstream of Dam located 1,350 ft above the mouth.	372
	Forest Lake Dr. North (25 ft downstream of centerline).	374
	Forest Lake Dr. North 200 ft**.	382
	Beechwood Dr*	383
Savage Creek Tributary 4.	Greenview Ter.—25 ft**	360
	Timberlane and Marlowe Drs.—50 ft**.	374
	Sprucewood Dr*	389

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Savage Creek Tributary 5.	Timberlane Dr. (50 ft downstream of centerline).	402
	Timberlane Dr 200 ft**...	408
	50 ft downstream of Dam located 3,900 ft above the mouth.	418
	200 ft upstream of Dam located 3,900 ft above the mouth.	426
Stone Creek	Interstate 16—100 ft**....	294
	Seaboard Coastline RR.—100 ft**.	340
	Davis Rd.—50 ft**.....	378
Donnan Branch.....	Davis Rd.—approximately 50 ft**.	387
	Donnan Rd*	420
Hall Branch	Seaboard Coastline RR. (50 ft upstream of center of tracks).	328
	Jeffersonville Rd*	375
Swift Creek	Seaboard Coastline RR. (center of tracks).	290
	100 ft upstream of Dam located 5,400 ft above the mouth.	305
	Riggins Mill Rd 50 ft**...	314
	Irwington Rd.—approximately 20 ft**.	354
Tobesofkee Creek .	Interstate 75*	302
	Eisenhower Parkway*.....	324
	Tobesofkee Dam (200 ft downstream).	338
	Tobesofkee Dam (100 ft upstream).	365
	Thomaston Rd.—50 ft**.	377
Tobesofkee Creek Tributary 1.	Interstate 475 (100 ft downstream of centerline).	318
	Interstate 475—100 ft**..	326
	Chambers Rd.—50 ft** ...	335
Walnut Creek	Interstate 16—100 ft**....	294
	Emery Highway—200 ft**.	304
	Shurling Dr.—approximately 200 ft**.	311
	Gray Highway (State Highways 11, 22 and U.S. Highway 129)—25 ft**.	321
	Old Clinton Rd.—100 ft**.	322
Dry Bone Creek	800 ft above mouth	318
	4,900 ft above mouth	331
Echeconnee Creek	Hawkinsville Rd.—200 ft** (Georgia Highway 247).	266
	Houston Rd. (Georgia Highway 41)—25 ft**.	286
	Interstate 75—25 ft**	296

*Centerline.
**Upstream of centerline.

(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 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19649 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4302]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Benewah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Benewah County, Idaho. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Benewah County Courthouse, St. Maries, Idaho. Send comments to: Mr. Jack Buell, Chairman of Benewah County Commissioners, Benewah County Courthouse, St. Maries, Idaho 83861.

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 proposed determinations of base (100-year) flood elevations for Benewah County, Idaho, 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joe River	Confluence with Hells Gulch.	2136
	Confluence with Cherry Creek.	2137
	U.S. Alternate Route 95/State Highway 3*.	2139
St. Marie's River (At St. Marie's).	U.S. Alternate Route 95/State Highway 3*.	2140
St. Marie's River (At Santa).	State Highway 3—150 ft**.	2633
Hells Gulch.....	U.S. alternate Route 95*	2136
	Unnamed Bridge approximately 7260 ft. above U.S. Alternate Route 95*.	2152
	Hells Gulch Road-15 ft**.	2165

*At centerline.
**Upstream of centerline.

(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 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19650 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4306]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Pinehurst, Shoshone County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Pinehurst, Shoshone County, Idaho. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, North Division Street, Pinehurst, Idaho. Send comments to: Mayor Geoffrey Lyons, P.O. Box 417, Pinehurst, Idaho 83850.

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 proposed determinations of base (100-year) flood elevations for the city of Pinehurst, Idaho, 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Creek	Most downstream corporate limits.	2,205
	Main St. Bridge (140 ft. upstream from centerline).	2,220
	Most upstream corporate limits (approximately 1,200 ft. upstream of Ohio Ave. Bridge).	2,253

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

Issued: June 30, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19651 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4307]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Osburn, Shoshone County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Osburn, Shoshone County, Idaho. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 921 East Mullan Avenue, Osburn, Idaho. Send comments to: Mayor Charles Mooney, City Hall, 921 East Mullan Avenue, Osburn, Idaho 83849.

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 proposed determinations of base (100-year) flood elevations for the City of Osburn, Idaho, 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Coeur D'Alene.	Interstate Highway 90-110 ft*.	2,442
	Interstate Highway 90 and Frontage Rd—130 ft*.	2,446
	Terror Gulch Rd—35 ft*	2,461
	Two Mile Creek Rd—50 ft downstream of centerline.	2,504
	Two Mile Creek Rd—50 ft upstream.	2,509
	At corporate limits	2,560
	Nuckols Gulch Rd—10 ft*.	2,563
	Corporate limits (310 ft upstream).	2,571
	Corporate limits (limit of study).	2,583

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 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 30, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19652 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4308]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of St. Maries, Benewah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of St. Maries, Benewah County, Idaho. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 602 College Avenue, St. Maries, Idaho. Send comments to: Hon. Ernest Pendell, Mayor, City of St. Maries, City Hall, 602 College Avenue, St. Maries, Idaho 83861.

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 proposed determinations of base (100-year) flood elevations for the city of St. Maries, Idaho, 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joe River	Highway 95 Alternate bridge—100 ft*.	2,139
St. Maries River	Chicago, Milwaukee, St. Paul & Pacific RR. bridge—10 ft*.	2,139
	State Highway 3 and Alternate 95 bridge—10 ft*.	2,140

*Upstream of centerline.

(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 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19653 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4309]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Carbondale, Jackson County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Carbondale, Jackson County, Ill. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Carbondale City Hall, 609 East College Street, Carbondale, Ill. Send comments to: Hon. Neal E. Eckert, Mayor of Carbondale, Carbondale City Hall, 609 East College Street, Carbondale, Ill. 62901.

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 proposed determinations of base (100-year) flood elevations for the city of Carbondale, Jackson County, Ill., 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crab Orchard Creek.	Lake Spillway	408
	Confluence of Drury Creek.	385
	Carbondale corporate limits (near Old Route 13 East).	385
	State Highway 13	384
	Confluence of Piles Fork Creek.	384
	Extraterritorial limits (downstream from Piles Fork Creek).	384
	Illinois Central Gulf RR	381
	Confluence of Little Crab Orchard Creek.	380

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Drury Creek	Boskydell Rd	410
	Springer Ridge Rd	405
	Confluence of Indian Creek.	396
	Giant City Rd	393
	Dogwood Rd	388
	Confluence of Sycamore Creek.	388
	Confluence of Crab Orchard Creek.	385
Piles Fork Creek	Carbondale corporate limits (south of Carbondale Reservoir).	440
	Carbondale Reservoir spillway.	439
	Reservoir RD	417
	Thompson St	416
	State Highway 51	415
	Access Rd	414
	Illinois Central Gulf RR	413
	Logan Dr	409
	South Footbridge	406
	Trailer court	404
	North Footbridge	403
	Wall St	403
	Grand Ave	402
	College St	393
	Dorthella St	391
	Walnut St	390
	State Highway 13 (East Main St.).	388
	Carbondale corporate limits (north of East Main St.).	384
	Confluence of Glades Creek.	384
	Confluence of Crab Orchard Creek.	384
Little Crab Orchard Creek.	Extraterritorial limits (south of Reservoir Rd.).	443
	Reservoir Rd	421
	Chautauqua St	410
	Carbondale corporate limits (south of Sunset Dr.).	405
	Sunset Dr	403
	Carbondale corporate limits (north of Sunset Dr.).	398
	Illinois Central Gulf RR	391
	Charles Rd	388
	Airport Rd	384
	U.S. Highway 51	383
	Illinois Central Gulf RR	380
	Confluence of Crab Orchard Creek.	380
Indian Creek	Extraterritorial limits	400
	Confluence of Drury Creek.	396
Sycamore Creek	Extraterritorial limits	400
	Confluence of Drury Creek.	388
Glades Creek	Washington St	392
	Carbondale corporate limits.	392
	Marion St. (south of Koppers RR.).	392
	Koppers Co. railroad spur.	392
	Marion St. (north of Koppers Co. railroad spur).	389
	Illinois Central Gulf RR. (south).	389
	Illinois Central Gulf RR. (north).	386
	Marion St	384
	Illinois Central Gulf RR	384
	Confluence of Piles Fork Creek.	384

(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 27, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19654 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4310]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Rockford, Winnebago County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Rockford, Winnebago County, Ill. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Rockford, Ill. Send comments to: Hon. Robert W. McGaw, Mayor of Rockford, City Hall, 425 East State Street, Rockford, Ill. 61104.

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 proposed determinations of base (100-year) flood elevations for the city of Rockford, Winnebago County, Ill. 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	Harrison Ave	701
	Fordham Dam	705
	Auburn St	708
	Riverside Blvd	711
Spring Creek	U.S. Highway 51	709
	Willow Rd	720
	Spring Creek Rd	725
	Bradley Rd	753
	Alpine Rd	783
	Cheroakwood Lane	807
	Imperial Oaks Rd	823
	Spring Lake Dr	842
	Rock Valley College service road.	853
	Upstream corporate limits.	862
Keith Creek	Seminary Rd	705
	Kishwaukee Rd	711
	5th St	720
	6th St	724
	Railroad Ave	728
	15th St	732
	Charles Ave	737
	Morsay Dr	748
	Alpine Rd	765
	Alpine Dam	796
	Country Club Rd	796
Kent Creek	Rockford Bolt & Steel Co. Building.	704
South Kent Creek	Corbin St	715
	Independence Ave	722
	Downstream limit of Levings Lake.	742
	Upstream corporate limits.	744
North Kent Creek	Cedar St	708
	State St	711
	Auburn Ave	717
	Central Ave	719
	Sanford Rd	733

(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 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19655 Filed 7-18-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4311]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Salem, Marion County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Salem, Marion County, Ill. 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Code Enforcement Office, 103 South Broadway, Salem, Ill. 62881. Send comments to: Hon. John R. Jones, Mayor of Salem, Salem Municipal Building, 101 South Broadway, Salem, Ill. 62881.

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 proposed determinations of base (100-year) flood elevations for the city of Salem, Marion County, Ill. 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).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Creek	Downstream corporate limits.	508
	Sewage plant culvert	512
	Missouri Pacific RR	514
	East Main St	523
	North Broadway	528
	West Boone St	531
	City dam	550
	Upstream corporate limits.	551
Chicago & Eastern Illinois Reservoir Branch of Town Creek.	Chessie System	516
	Main St.	520
	Chicago & Eastern Illinois dam.	530
	East Seneff St	530
Folks Creek	Blair St.	528
	Missouri Pacific RR	536
	West Main St	539
	North Roddy Rd.	549
	West Boone St	553
Tributary No. 2	West Blair St.	542
	Chessie System	544
	West Main St	546

(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 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-19656 Filed 7-18-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-141-76]

INCOME TAX

Depreciation of Property Attributable To Rehabilitation Expenditures Incurred With Respect to Low-Income Rental Housing; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public Hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to depreciation of property attributable to rehabilitation expenditures incurred with respect to low-income rental housing.

DATES: The public hearing will be held on September 21, 1978, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by September 5, 1978.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-141-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 167(k) of the Internal Revenue Code of 1954. The proposed regulations appeared in the FEDERAL REGISTER for Monday, May 8, 1978, at page 19679 (43 FR 19679). A correction notice appeared in the FEDERAL REGISTER for Tuesday, May 23, 1978, at page 22059 (43 FR 22059).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 5, 1978. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restriction, attendees can not be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978.

By direction of the Commissioner of Internal Revenue:

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc. 78-19940 Filed 7-18-78; 8:45 am]

[4830-01]

Internal Revenue Service

[26 CFR Part 1]

[LR-1314]

CONSOLIDATED RETURN REGULATIONS

Tax-Exempt Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to consolidated returns. The amendments are designed to supplement the consolidated return regulations adopted in 1966. They would affect tax-exempt organizations that file consolidated returns.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 18, 1978. The amendments are proposed to be effective for taxable years for which the due date prescribed by law for filing returns is after [the date of publication of this notice as a Treasury decision].

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-1314), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-4454, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 121(a)(4) of the Tax Reform Act of 1969 (83 Stat. 537), and are to be issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805).

The purpose of these amendments is to provide regulations under section 1502 relating to the filing of a consolidated return by two or more organizations exempt from taxation under section 501(a). Under section 1504(e), certain tax-exempt organizations may be considered includible corporations for purposes of constituting an affiliated group, if the group is comprised only of such organizations. Generally, § 1.1502-1 through § 1.1502-80 apply to exempt groups unless these provisions are inconsistent with proposed § 1.1502-100 or subchapter F of chapter 1 of the Code.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Lawrence M. Axelrod of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Section 1.1502 is deleted.

Par. 2. Section 1.1502-100 is revised to read as follows:

§ 1.1502-100 Corporations exempt from tax.

(a) *In general*—(1) *Computation of tax liability.* The tax liability for a consolidated return year of a group of two or more corporations described in section 1504(e) which are exempt from taxation under section 501 (hereinafter referred to in this section as "exempt group") shall be determined on a consolidated basis by applying the provisions of subchapter F of chapter 1 of the Code in the manner provided in this section. See section 1504(e) for tax-exempt corporations eligible to file a consolidated return.

(2) *Applicability of other consolidated return provisions.* The provisions of § 1.1502-1 through § 1.1502-80 shall be applicable to an exempt group to the extent they are not inconsistent with the provisions of this section or the provisions of subchapter F of chapter 1 of the Code. For purposes of applying the provisions of § 1.1502-1 through § 1.1502-80 to an exempt group, the following substitutions shall be made—

(i) The term "exempt group" shall be substituted for the term "group",

(ii) The terms "unrelated business taxable income", "separate unrelated business taxable income", and "consolidated unrelated business taxable income" shall be substituted for the terms "taxable income", "separate taxable income", and "consolidated taxable income", and

(iii) The term "consolidated liability for tax determined under § 1.1502-2" (or an equivalent term) shall mean the consolidated liability for tax of an exempt group determined under paragraph (b) of this section.

(b) *Consolidated liability for tax.* The tax liability for a consolidated return year of an exempt group is the tax imposed by section 511(a) or section 1201(a) on the consolidated unrelated business taxable income for the year (determined under paragraph (c) of this section), and by allowing the credits and surtax exemption provided in § 1.1502-2.

(c) *Consolidated unrelated business taxable income.* The consolidated unrelated business taxable income for a consolidated return year shall be determined by taking into account—

(1) The separate unrelated business taxable income of each member of the exempt group (determined under paragraph (d) of this section);

(2) Any consolidated net operating loss deduction (determined under § 1.1502-21) subject to the limitations provided in section 512(b)(6);

(3) Any consolidated charitable contribution deduction (determined under § 1.1502-24) subject to the limitations provided in section 512(b)(10); and

(4) Any consolidated net capital gain or consolidated section 1231 net loss from the disposition of debt-financed property (as defined in section 514(b)), or from the cutting of timber to which section 631 applies.

(d) *Separate unrelated business taxable income.* The separate unrelated business taxable income of a member of an exempt group shall be computed in accordance with the provisions of section 512 covering the determination of unrelated business taxable income of separate corporations, except that—

(1) The provisions of paragraphs (a) through (k) and (o) of § 1.1502-12 shall apply; and

(2) No charitable contributions deduction shall be taken into account under section 512(b)(10).

See sections 511(c) and 512(a)(3)(C) for special rules applicable to organizations described in section 510(c)(2).

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-19853 Filed 7-18-78; 8:45 am]

[4830-01]

[26 CFR Parts 1 and 20]

[LR-203-76]

DEFINITION OF NET EARNINGS FROM SELF-EMPLOYMENT FOR CERTAIN OWNERS AND TENANTS OF FARMS AND MATERIAL PARTICIPATION REQUIREMENTS FOR VALUATION OF CERTAIN FARM AND CLOSELY HELD BUSINESS REAL PROPERTY AND METHOD OF VALUING FARM REAL PROPERTY ACCORDING TO ACTUAL USE

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to material participation requirements for purposes of the definition of net earnings from self-employment. Changes to the applicable tax law were made by the Act of August 7, 1974 (Pub. L. 93-368, 88 Stat. 422). This document also contains proposed regulations relating to the definition of material participation for purposes of electing to value certain farm and closely held business real property according to its actual use and proposed regulations on the method for valuing farm real property under section 2032A(e)(7). Changes to the applicable estate tax law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with those acts and would affect farm owners and tenants, and estates consisting largely of farm and other closely held business interests.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 18, 1978. The amendments are proposed to be effective as follows: (1) For taxable years beginning after December 31, 1973, in the case of the provisions defining net earnings from self-employment; and (2) for estates of decedents dying after December 31, 1976, in the case of the provisions on valuation of farm and closely held business real property.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-203-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

H. B. Hartley, Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-6624 (not a toll free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the income tax regulations (26 CFR Part 1) under section 1402 and to the estate tax regulations (26 CFR Part 20) under section 2032A. The amendments are proposed to conform the regulations to section 10(b) of the Act of August 7, 1974 (Pub. L. 93-368, 88 Stat. 422) and to section 2003(a) of the Tax Reform Act of 1976 (90 Stat. 1856). They are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

NET EARNINGS FROM SELF-EMPLOYMENT

The law as amended in 1974 defines more narrowly the circumstances in which the owner or tenant of land must include farm rentals in his self-employment income, which is subject to social security tax. Farm rentals are considered self-employment income when three requirements are met. First, the owner or tenant must arrange for another individual to farm the land. Second, that arrangement must anticipate material participation by the owner or tenant in the operation of the farm. Third, the owner or tenant must in fact participate materially in the operation of the farm.

Consistent with the various court decisions rendered prior to the enactment of Pub. L. 93-368, the existing regulations provide that the actions of an employee or agent will be attributed to the owner or tenant in determining whether the three requirements for material participation have been met. Thus, owners or tenants of land who arranged with agents (such as professional farm management companies) to manage and supervise the farming of their land had to include the rentals they received in their self-employment income. This was so even though they did not personally participate in the farming operation at all. As a result of this rule, many who thought they were merely receiving investment income found themselves liable for social security taxes.

The amendment changes the rule as to agents and employees for years beginning after 1973. Thus, activities of agents and employees are no longer taken into account in determining under section 1402 whether an owner or tenant has materially participated in the farming operation.

MATERIAL PARTICIPATION AND ESTATE TAX VALUATION

Section 2032A allows an executor to elect to value qualified real property used in farming or other closely held business activity based upon its qualified use rather than its highest and best use. That section requires, however, that the owner or a member of the owner's family materially participate in the operation of the farm or other business for business for specified periods both before and after the decedent's death.

Along with property owned individually by the decedent, real property owned by a qualified closely held corporation or partnership or by a trust is permitted to be specially valued for determining the value of the decedent's interest in that business. The regulations provide that where the property is owned in this manner, the participating owner or family member may be an employee rather than self-employed. Even though the participants are not self-employed, their activities are viewed as if they were.

Participation is judged in light of actual personal involvement by the decedent and family members. If the involvement is on less than a full-time basis, it must be pursuant to an arrangement entered into by the participant (or a member of the participant's family) calling for the activities that occur. Acts of an agent or an employee may not be attributed to the owner unless the agent or employee is also a family member.

Material participation, if other than by full-time employment, means a regular process of consultation and inspection with active involvement in making management decisions. Advancing funds or assuming financial responsibility for the business operation are also required. Maintaining one's principal place of residence on the premises in the case of a farm or hotel is a factor in determining the degree of participation.

With corporations and partnerships, activities in the management and operation of the real estate component of the business as a whole are central. Merely holding corporate offices or being a partner in name and financial risk only are not sufficient participation. This is true even where an inactive partner returns his or her distributive share as earnings from self-employment and pays social security taxes on it. Finally, activities which are not pursuant to the required arrangement are not considered in determining whether material participation exists.

METHOD OF VALUING FARM REAL PROPERTY UNDER SECTION 2032A

Section 2032A(e)(7) provides a special method for valuing qualified real property used for farming purposes. This method requires the executor to locate comparable real property which is subject to a lease. The gross cash rental from the comparable real prop-

erty, minus State and local real estate taxes, is then capitalized by the average annual effective interest rate charged by Federal land banks on new agricultural loans to farmers and ranchers. The estate tax value is the average of the resulting amount for the 5 most recent calendar years ending before the decedent's death. These proposed regulations provide the definitions and other information necessary for valuing property according to this method.

A special rule is provided where no actual cash rentals of comparable real property in the locality exist. In such a case, crop share rentals may be treated as cash rentals, but only if the value of such in kind rentals can be determined as specified in these proposed regulations.

The rules for valuing real property under section 2032A(e)(7) provided in this notice apply only to estates where the specially valued real property is directly owned by the decedent. Regulations will be published at a later date detailing the applicability of this valuation method to property owned indirectly through a trust, a partnership, or a corporation.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was H. B. Hartley of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Parts 1 and 20 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.1402(a) is deleted.

Par. 2. Paragraph (b) of § 1.1402(a)-4 is amended by revising paragraph (b)(5) and by revising examples (5) and (6) in paragraph (b)(6) to read as follows:

§ 1.1402(a)-4 Rentals from real estate.

* * * * *

(b) *Special rule for "includible farm rental income".* * * *

(5) *Employees or agents.* An agreement entered into by an employee or agent of an owner or tenant and another person is considered to be an arrangement entered into by the owner or tenant for purposes of satisfying the requirement set forth in subparagraph (2) of this paragraph that the income must be derived under an arrangement between the owner or tenant and another person. For purposes of determining whether the arrangement satisfies the requirement set forth in subparagraph (3) of this paragraph that the parties contemplate that the owner or tenant will materially participate in the production or management of production of a commodity, services which will be performed by an employee or agent of the owner or tenant are not considered to be services which the arrangement contemplates will be performed by the owner or tenant. Services actually performed by such employee or agent are not considered services performed by the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity. For taxable years beginning before January 1, 1974, contemplated or actual services of an agent or an employee of the owner or tenant are deemed to be contemplated or actual services of the owner or tenant under paragraphs (b)(3) and (b)(4) of this section.

(6) *Examples.* * * *

Example (5). I owned a farm several miles from the town in which he lived. He rented the farm to J under an arrangement which contemplated I's material participation in the management of production of wheat. I furnished one-half the seed and fertilizer and all the farm equipment and livestock. He employed K to perform all the services in advising, consulting, and inspecting contemplated by the arrangement. I is not materially participating in the management of production of wheat by J. The work done by I's employee, K, is not attributable to I in determining the extent of I's participation. I's rental income from the arrangement is, therefore, not to be included in computing his net earnings from self-employment. For taxable years beginning before 1974, however, I's rental income would be includible in those earnings.

Example (6). L, a calendar-year taxpayer, appointed M as his agent to rent his fully equipped farm for 1974. M entered into a rental arrangement with N under which M was to direct the planting of crops, inspect them weekly during the growing season, and consult with N on any problems that might arise in connection with irrigation, etc., while N furnished all the labor needed to grow and harvest the crops. M did in fact fulfill its responsibilities under the arrangement. Although the arrangement entered into by M and N is considered to have been made by L, M's services are not attributable to L, and L's furnishing of a fully equipped farm is insufficient by itself to constitute material participation in the production of the crops. Accordingly, L's rental income from the arrangement is not included in his net earnings from self-employment for that year. For taxable years beginning before 1974, however, L's rental income would be includible in those earnings.

* * * * *

PART 20—ESTATE TAX REGULATIONS

Par. 3. The following new sections are added following § 20.2032-1:

§ 20.2032A-3 Material participation requirements for valuation of certain farm and closely-held business real property.

(a) *In general.* Under section 2032A, an executor may, for estate tax purposes, make a special election concerning valuation of qualified real property (as defined in section 2032A(b)) used as a farm for farming purposes or in another trade or business. If this election is made, the property will be valued on the basis of value for its qualified use in farming or the other trade or business rather than its fair market value determined on the basis of highest and best use (if other than the use in farming or other business). For the special valuation rules of section 2032A to apply, the deceased owner and/or a member of the owner's family (as defined in section 2032A(e)(2)) must materially participate in the operation of the farm or other business. Whether the required material participation occurs is a factual determination, and the types of activities and financial risks which will support such a finding will vary with the mode of ownership of both the property itself and of any business in which it is used. Passively collecting rents, salaries, draws, dividends, or other income from the farm or other business is not sufficient for material participation, nor is merely advancing capital and reviewing a crop plan or other business proposal and financial reports each season or business year.

(b) *Types of qualified property.* Real property valued under section 2032A may be owned directly by the decedent or may be owned indirectly through ownership of an interest in a corporation, a partnership, or a trust. Where the ownership is indirect, however, the decedent's interest in the business must qualify under the tests of section 6166(b)(1) of the Code as an interest in a closely-held business in addition to meeting the tests for qualification under section 2032A. All specially valued property must be used in a trade or business. The term trade or business applies only to a business such as a manufacturing, mercantile, or service enterprise, or to the raising

of agricultural or horticultural commodities, as distinguished from management of investment assets. No trade or business is present even though an office and regular hours are maintained for management of income producing assets, as the term "business" is not as broad under section 2032A as under section 162.

(c) *Period material participation must last.* The required participation must last—

(1) For periods totaling 5 years or more during the 8 years immediately preceding the date of decedent's death; and

(2) For periods totaling 5 years or more during any 8 year period ending after the date of the decedent's death (up to a maximum of 15 years after decedent's death, when the additional estate tax provisions of section 2032A(c) cease to apply).

Death of a qualified heir (as defined in section 2032A(e)(1)) before the requisite time has passed ends any material participation requirement for that heir's portion of the property as to the original decedent's estate. The requirements of section 2032A will fully apply to the heir's estate, however, if an election under this section is made for the same property by the heir's executor. In determining whether the required participation has occurred, periods of less than 30 days during which there was no material participation may be disregarded. This is so only if these 30-day periods were both preceded and followed by periods of more than 120 days in which there was uninterrupted material participation. Property owned by any combination of the decedent, family members, and qualified closely held businesses for periods totaling less than 5 of the 8 years preceding the date of decedent's death may not be valued under section 2032A.

(d) *Required activities*—(1) *In general.* Actual employment on a substantially full-time basis (35 hours a week or more) or to any lesser extent necessary personally to manage fully the farm or business in which the real property to be valued under section 2032A is used constitutes material participation. In the absence of this direct involvement in the farm or other business, the activities of either the decedent or family members must meet the standards prescribed in this paragraph and those prescribed in the regulations issued under section 1402(a)(1) of the Code. The regulations under section 1402(a)(1) are applicable for purposes of this section to the extent they are not inconsistent with its express requirements. If the involvement is less than full-time, it must be pursuant to an arrangement providing for actual participation in the production or management of production where the land is used by any nonfamily member, or any trust or business entity, in farming or another business. The arrangement may be oral or written, but must be formalized in some manner capable of proof. Activities not called for by the arrangement will not support a finding of material participation under section 2032A, and activities of any agent or employee other than a family member may not be attributed to the owner.

(2) *Factors considered.* No single factor is determinative of the presence of material participation, but physical work and participation in management decisions are the principal factors to be considered. As a minimum, the decedent and/or a family member must regularly advise or consult with the other managing party on the operation of the business. While they need not make all final management decisions alone, the decedent and family members must participate in making a substantial number of these decisions. Additionally, production activities on the land should be inspected regularly by the family participant, and funds must be advanced or financial responsibility assumed for a substantial portion of the expense involved in the operation of the farm or other business in which the real property is used. In the case of a farm, a substantial portion of the machinery, implements, and livestock used in the production activities should also be furnished by the owner and other family members. With farms, hotels, or apartment buildings, the operation of which qualifies as a trade or business, the decedent or heir's maintaining his or her principal place of residence on the premises is a factor to consider in determining whether the overall participation is material.

(e) *Special rules for corporations, partnerships, and trusts*—(1) *Required arrangement.* With indirectly owned property as with property that is directly owned, there must be an arrangement calling for material participation in the business by the decedent owner or a family member. Where the real property is indirectly owned, however, even full-time involvement must be pursuant to an arrangement between the entity and the decedent or family member specifying the services to be performed. Holding an office in which certain material functions are inherent may constitute the necessary arrangement for material participation. Where property is owned by a trust, the arrangement will generally be seen in one or more of three situations. First, the arrangement may result from appointment as a trustee. Second, the arrangement may result from the employer-employee relationship where the participant is employed by a qualified closely held business in a position requiring his material participation in its activities. Third, the participants may enter a contract with the trustees to manage, or take part in managing, the real property for the trust. Where the trust agreement expressly grants the management rights to the beneficial owner, that grant is sufficient to constitute the arrangement required under this section.

(2) *Required activities.* The same participation standards apply under section 2032A where property is owned by a qualified closely held business as where the property is directly owned. In the case of a corporation, a partnership, or trust where the participating decedent and/or family members are employees and thereby not subject to self-employment income taxes, they are to be viewed as if they were self-employed, and their activities must be activities that would subject them to self-employment income taxes were they so. Where property is owned by a corporation or partnership, participation in the management and operation of the real property itself as a component of the closely held business is the determinative factor. Nominally holding positions as a corporate officer or director and receiving a salary therefrom or merely being listed as a partner and sharing in profits and losses will not alone support a finding of material participation. This is so even though, as partners, the participants pay self-employment income taxes on their distributive shares of partnership earnings under § 1.1402(a)-2. Further, it is especially true for corporate directors in states where the board of directors need not be an actively functioning entity or need only act informally. Corporate offices held by an owner are, however, factors to be considered with all other relevant facts in judging the degree of participation.

(f) *Examples.* The rules for finding material participation may be illustrated by the following examples. Additional illustrations may be found in examples (1) through (6) in § 1.1402(a)-4.

Example (1). A, the decedent, actively operated his 100-acre farm on a full-time basis for 20 years. He then leased it to B for the 10 years immediately preceding his death. By the terms of the lease, A was to consult with B on where crops were to be planted, to supervise marketing of the crop and to share equally with B in expenses and earnings. A was present on the farm each spring for consultation; however, once planting was completed, he left for his retirement cottage where he remained until late summer, at which time he returned to the farm to supervise the marketing operation. A at all times maintained the farm home in which he had lived for the time he had owned the farm and lived there when at the farm. In light of his activities, assumption of risks, and valuable knowledge of proper techniques for the particular land gained over 20 years of active farming on the land involved, A is deemed to have materially participated in the farming business.

Example (2). D is the 70-year-old widow of farmer C. She lives on a farm for which special valuation has been elected and has lived there for 20 years. D leases the land to E under an agreement calling for her participation in the operation of the farm. D annually raises a vegetable garden, chickens, and hogs. She also inspects the tobacco fields (which produce approximately 50 percent of farm income) weekly and informs E if she finds any work that needs to be done. D and E share expenses and income equally. Other decisions such as what fields to plant and when to plant and harvest crops are left to E, but D does occasionally make suggestions. D is deemed to participate materially in the farm operation based on her farm residence and her involvement with the main money crop.

Example (3). Assume that D in example (2) moved to a nursing home 1 year after her husband's death. E completely operated the farm for her for 6 years following her move. If E is not a member of D's family, material participation ceases when D moves; however, if E is a member of D's family his material participation will prevent disqualification even if D owns the property. Further, upon D's death, the section 2032A valuation could be elected for her estate since E was a member of her family.

Example (4). F, a qualified heir, owned a specially valued farm. He contracted with G to manage the farm for him as F, a lawyer, lived and worked 15 miles away in a nearby town. F supplied all machinery and equipment and assumed financial responsibility for the expenses of the farm operation. The contract specified that G was to submit a crop plan and a list of expenses and earnings for F's approval. It also called for F to inspect the farm regularly and to approve any expenditures over $100. In practice, F visited the farm weekly during the growing season to inspect and discuss operations. He actively participated in making important management decisions such as what fields to plant or pasture and how to utilize the subsidy program. F is deemed to have materially participated in the farm as his personal involvement amounted to more than managing and investment. Had F not regularly inspected the farm and participated in management decisions, however, he would not be considered to be materially participating. This would be true even though F did assume financial responsibility for the operation and did review annual crop plans.

Example (5). Decedent I owned 90 percent of all outstanding stock of X Corporation, a qualified closely-held business which owns real property to be specially valued. I held no formal position in the corporation and there was no arrangement for him to participate in daily business operations. I regularly spent several hours each day at the corporate offices and made decisions on many routine matters. I is not deemed to have materially participated in the X Corporation despite his activity because there was no arrangement requiring him to act in the manner in which he did.

Example (6). Decedent J was a senior partner in the law firm of X, Y, and Z, which is a qualified closely held business owning the building in which its offices are located. J ceased to practice law actively 5 years before his death in 1977; however, he remained a full partner and annually received a share of firm profits. J is not deemed to have materially participated under section 2032A even though he still may have reported his distributive share for self-employment income tax purposes if the payments were not pursuant to any retirement agreement. This is so because J does not meet the requirement of actual personal material participation.

§ 20.2032A-4 Method of valuing farm real property.

(a) *In General.* Unless either the executor of the decedent's estate elects otherwise under section 2032A(e)(7)(B) or no comparable rented farm property meeting the requirements of this section exists, the value of the property which is used for farming purposes and which is subject to an election under section 2032A is determined by—

(1) Subtracting the average annual State and local real estate taxes on comparable real property in the same locality from the average annual gross cash rental for that same comparable property, and

(2) Dividing the result obtained in subparagraph (1) by the average annual effective interest rate charged on new Federal land bank loans.

The computation of each average annual amount is to be based on the 5 most recent calendar years ending before the date of the decedent's death.

(b) *Gross cash rental—*(1) *Generally.* Gross cash rental is the total amount of cash received for use of comparable farm real property during the period of 1 calendar year, undiminished by the amount of any expenses or liabilities associated with the farm operation or the lease. The rentals considered must be those resulting from an arm's-length transaction, as definded in this section. The cash portion of rents paid partly in kind is not, taken by itself, an acceptable measure of true cash rental value. Additionally, rentals under leases which provide for payment solely in cash are not acceptable as accurate measures of cash rental value of the real property if involvement by the lessor in the management or operation of the farm to an extent which amounts to material participation under the rules of section 2032A is contemplated or actually occurs. Therefore, rentals from any property which qualifies for the special use valuation provided by section 2032A may not be used to compute gross cash rentals under this section because the total amount received by the lessor does not reflect the true cash rental value of the real property.

(2) *Exceptions and special rules—*(i) *Arm's-length transaction required.* Only those cash rentals which result from a lease entered into in an arm's-length transaction are acceptable for use under section 2032A. For these purposes, lands leased from the Federal Government, or any State government, which are leased for less than the amount that would be demanded by a private individual leasing for profit are not leased in an arm's-length transaction. Additionally, leases between family members (as defined in section 2032A(e)(2)) which do not provide a return on the property commensurate with that received under leases between unrelated parties in the locality are not acceptable under this section.

(ii) *Rents partially in kind.* Where an executor can demonstrate to the Internal Revenue Service that no comparable real property exists which is leased solely on a cash basis, the executor may rely on rentals from comparable property that are paid both in cash and in kind. In such a case, the value of the portion of the rental paid in kind is determined as provided in subdivision (iii) of this paragraph on crop share leases. The value so determined is then added to the amount of actual cash rental received to give the gross cash rental.

(iii) *Crop share leases.* If no farm real property exists in the same locality which is both comparable and leased on a cash basis, property used for farming purposes which is leased pursuant to an arrangement calling for the lessor to receive in payment for use of the property a percentage of the crops or other products resulting from the farming operation may be used for determination of cash rental value, but only if the products received are disposed of for cash in an arm's-length transaction which occurs in the normal course of business under local farming practices. If no qualified disposition occurs, but an established public agricultural commodities market exists for the crop (or livestock), the cash value on such market may be used. This value is determined as of the date the in-kind rent is received by or made available to the lessor. Where there is no actual cash rental of comparable property in the locality, and neither a qualified disposition of nor an established public market value for the in-kind rentals received, the real property may be valued under the rules of section 2032A(e)(8).

(iv) *Special adjustment for equipment.* If the use of farm equipment or other personal property is included under a lease of comparable real estate, the rents received by the lessor may be adjusted to exclude any amount attributable to the personal property, if such amount can be clearly determined.

(c) *State and local real estate taxes.* The taxes to be used in the farm valuation formula are only those taxes levied on the comparable real property by a State or local government which are allowable deductions under section 164 of the Internal Revenue Code. If both the specially valued property and the comparable property are located

in jurisdictions allowing special tax rates for property used as a farm, those rates must be applied to the comparable property if such rates have been applied to the specially valued property. If the specially valued property is not taxed at such special farm rates, however, taxes on the comparable property are not to be computed based on any special rate.

(d) *Comparable real property defined.* Comparable real property must be situated in the same locality as the specially valued property. This requirement is not to be viewed in terms of mileage or political divisions alone, but rather is to be judged according to generally accepted real property valuation rules. The determination of properties which are comparable is a factual one and must be based on numerous factors, no one of which is determinative. It will, therefore, frequently be necessary to value farm property in segments where there are different uses or land characteristics included in the specially valued farm. In such a case, actual comparable property for each segment must be used, and the rentals and taxes from all such properties combined for use in the valuation formula given in this section. However, any premium or discount resulting from the presence of multiple uses or other characteristics in one farm is also to be reflected. All factors generally considered in real estate valuation are to be considered in determining comparability under section 2032A. While not intended as an exclusive list, the following factors are among those to be considered in determining comparability—

(1) Similarity of soil as determined by any objective means, including an official soil survey reflected in a soil productivity index;

(2) Whether the crops grown are such as would deplete the soil in a similar manner;

(3) The types of soil conservation techniques that have been practiced on the two properties;

(4) Whether the two properties are subject to flooding;

(5) The slope of the land;

(6) In the case of livestock operations, the carrying capacity of the land;

(7) Where the land is timbered, whether the timber is comparable to that on the subject property;

(8) Whether the farm as a whole is unified or whether it is separated, the availability of the means necessary for movement among the different sections;

(9) The number, types, and conditions of all buildings and other fixed improvements located on the properties and their location as it affects efficient management and use of property and value per se; and

(10) Availability of, and type of, transportation facilities in terms of costs and of proximity of the properties to local markets.

(e) *Effective interest rate defined*—(1) *Generally.* The annual effective interest rate on new Federal land bank loans is the average billing rate charged on new agricultural loans to farmers and ranchers in the farm credit district in which the real property to be valued under section 2032A is located, adjusted as provided in subdivision (2) of this paragraph. This rate is to be a single rate for each district covering the period of one calendar year and is to be computed to the nearest one-hundredth of 1 percent. In the event that the district billing rates of interest on such new agricultural loans change during a year, the rate for that year is to be weighted to reflect the portion of the year during which each such rate was charged. If a district's billing rate on such new agricultural loans varies according to the amount of the loan, the rate applicable to a loan in an amount resulting from dividing the total dollar amount of such loans closed during the year by the total number of the loans closed is to be used under section 2032A. Applicable rates may be obtained from the District Director of Internal Revenue.

(2) *Adjustment to billing rate of interest.* The billing rate of interest determined under this paragraph is to be adjusted to reflect the increased cost of borrowing resulting from the required purchase of land bank association stock. For section 2032A purposes, the rate of required stock investment is the average of the percentages of the face amount of new agricultural loans to farmers and ranchers required to be invested in such stock by the applicable district bank during the year. If this percentage changes during a year, the average is to be adjusted to reflect the period when each percentage requirement was effective. The percentage is viewed as a reduction in the loan proceeds actually received from the amount upon which interest is charged.

(3) *Example.* The determination of the effective interest rate for any year may be illustrated as follows:

Example. District X of the Federal land bank system charged an 8 percent billed interest rate on new agricultural loans for 8 months of the year, 1976, and a 8.75 percentage rate for four months of the year. The average billing rate was, therefore, 8.25 percent [(1.08 × 8/12) + (1.0875 × 4/12) = 1.0825]. The district required stock equal to 5 percent of the face amount of the loan to be purchased as a precondition to receiving a loan. Thus, the borrower only received 95 percent of the funds upon which he paid interest. The applicable annual interest rate for 1976 of 8.68 percent is computed as follows:

8.25 percent (1.00) = 8.25

8.25 percent (billed interest rate)/0.95 (percent of loan proceeds received by borrower) = 8.68 percent (effective interest rate for 1976).

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-19854 Filed 7-14-78; 8:45 am]

[7708-01]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2610]

VALUATION OF PLAN BENEFITS

Interim Regulation; Proposed Amendment

AGENCY: Pension Benefit Guaranty Corp.

ACTION: Proposed Amendment to the Interim Regulation.

SUMMARY: This proposed rule prescribes the rates and factors to be used for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 for plans that terminated on or after March 1, 1978, but before June 1, 1978. It is necessary because the PBGC has not yet published valuation rates and factors for plans that terminated during the period covered by the proposed amendment. The proposed amendment's effect is to provide notice of the rates and factors that will be used to value benefits provided under such plans.

DATES: Comments should be submitted on or before August 18, 1978.

ADDRESSES: Comments should be sent to: Office of the General Counsel, Pension Benefit Guaranty Corp., Room 7200, 2020 K Street NW., Washington, D.C. 20006. Copies of written comments will be available for examination in: Office of Communications, Pension Benefit Guaranty Corp., Suite 7100, 2020 K Street NW., Washington, D.C., between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:

William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corp., 2020 K Street NW., Washington, D.C. 20006; 202-254-4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corp. (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 et seq.). The regulation included an appendix containing rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional

rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before March 1, 1978 (42 FR 2678 et seq., 42 FR 32777 et seq., 42 FR 41858 et seq., 42 FR 59753 et seq., 43 FR 10560 et seq., 43 FR 25337 et seq.). The PBGC has now developed rates and factors for valuing benefits in plans that terminate on or after March 1, 1978 but before June 1, 1978, and proposes to amend the interim regulation to add these factors.

Each person submitting comments on this proposal should include his/her name and address, identify this notice and give reasons for any recommendation. The proposal may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Part 2610 of Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Table XI to Appendix B to read as follows:

APPENDIX B [AMENDED]

* * * * *

XI. The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after March 1, 1978, but before June 1, 1978.

I. Interest rate for valuing immediate annuities.

An interest rate of 6¾ percent shall be used to value immediate annuities, to compute the quantity "Gy" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. Interest rate for valuing death benefits.

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. Interest rates and quantities used for valuing deferred annuities.

The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.0625$
(2) $k_2 = 1.045$
(3) $k_3 = 1.0375$
(4) $n_2 = 8$
(5) $n_3 = 10$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C. on this 12th day of July 1978.

MATTHEW M. LIND,
Executive Director, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Executive Director to issue same.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 78-19889 Filed 7-18-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 929-5]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to approve revisions to the Wyoming State Implementation Plan submitted on May 9, 1978 by the Administrator, Air Quality Division of the Wyoming Department of Environmental Quality. The revisions include a provision for continuous emission monitoring of solid fossil fuel fired steam generators as required by EPA regulations and some minor amendments and corrections to other portions of the State regulations. The continuous emission monitoring provision will assist the State in enforcing emission limitations while the minor amendments and corrections will further clarify existing regulations.

DATES: Comments must be received on or before August 18, 1978.

ADDRESSES: The proposed Wyoming revisions are available for public inspection at the office of the Wyoming Department of Environmental Quality, Air Quality Division, Hathaway Building, Cheyenne, Wyo. 82002. Copies of the proposed revisions and an evaluation of the revisions are available at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Office of Public Affairs and Intergovernmental Relations, 1860 Lincoln Street, Denver, Colo. 80295.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on the proposed revision. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295. All comments will be available for public inspection during business hours at the Denver Office noted above.

FOR FURTHER INFORMATION CONTACT:

Leo Stander, Air Programs, Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295 at 303-837-3711 (commercial) and 327-3711 (FTS).

SUPPLEMENTARY INFORMATION: On October 6, 1975 (40 FR 46247) EPA required that States include legally enforceable procedures for certain existing sources to continuously monitor emissions for compliance with emission standards. The proposed revision would require opacity monitoring by all solid fossil fuel fired steam generators with heat inputs in excess of 250 million BTU per hour.

Other revisions in the Wyoming regulations include minor changes in definitions, the referral to the FEDERAL REGISTER for methods of ambient monitoring measurements and analyses, changes in open burning requirements, the adoption of exemptions to permit requirements for small fuel burning equipment and gasoline storage tanks at retail establishments, procedural changes to the permit system and source testing requirements and a correction of an equation in the new source performance standards section.

Requirements for public hearings and plan revisions (40 CFR 51.4 and 51.6) have been met by the proposed revision.

The Administrator hereby issues this notice setting forth as proposed rulemaking, pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Wyoming revisions submitted on May 9, 1978.

(Sec. 110, Clean Air Act as amended (42 U.S.C. 1857C-5); sec. 301 as amended (42 U.S.C. 1857g)).

Dated: June 27, 1978.

CHARLES W. MURRAY,
Acting Regional Administrator.

[FR Doc. 78-19925 Filed 7-18-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 929-4; Docket No. VII-78-DCO-7]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order by Nebraska Department of Environmental Control to Cargill, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Nebraska Department of Environmental Control (NDEC) to Cargill, Inc. The order requires the company to bring air emissions from its grain elevator in Aurora, Nebr. into compliance with certain provisions of the federally-approved Nebraska State Implementation Plan (SIP) by August 14,

1978. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will be considered part of the SIP for purposes of certain sections of the Act. A source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violation of the SIP regulations covered by the order. The purpose of the notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before August 18, 1978.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Peter J. Culver, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108, 816-374-2576.

SUPPLEMENTARY INFORMATION: Cargill, Inc. operates a grain elevator at Aurora, Nebr. The order under consideration addresses emissions from various points within the facility which are in violation of Rule 13 of the Nebraska Air Pollution Control Rules and Regulations. The regulation limits the emission of visible air contaminants, and is part of the federally-approved Nebraska State Implementation Plan. As the source is unable to immediately comply with this regulation, the order requires final compliance by August 14, 1978, through the installation of a negative air collection system.

The source has satisfied increment No. 1 contained in the order. Because this order has been issued to a major source of particulate and visible emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Act. EPA proposes here to approve the order because it satisfies the appropriate requirements of section 113(d). The Nebraska Department of Environmental Control has determined that the source cannot comply immediately, that the compliance schedule contained in the order is as expeditious as practicable and that no interim or monitoring requirements are reasonable and practical during the term of the order. The Regional Administrator concurs with these findings and finds that all requirements of section 113(d) are met by the following Administrative Order issued by the Nebraska Department of Environmental Control to Cargill, Inc. on May 8, 1978.

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL CONTROL

In the matter of Cargill, Inc., A Delaware corporation qualified to do business in Nebraska, Respondent.

CASE NO. 457 ADMINISTRATIVE COMPLAINT AND ORDER

I

At all times alleged herein, the Respondent, Cargill, Inc., is and was engaged in the operation of a grain elevator at Aurora, Nebr., and whose registered agent for service of process is and was C. T. Corp. System, 1241, North Street, Lincoln, Nebr. 68508, and the Department of Environmental Control is and was the agency of the State of Nebraska charged with the duty, pursuant to section 81-1504(1), R.R.S. 1943, of exercising exclusive general jurisdiction of the administration and enforcement of the provisions of sections 81-1501 through 81-1533, R.R.S. 1943, and all rules, regulations and orders duly promulgated thereunder.

II

Dan T. Drain, Director, of the Department of Environmental Control, acting within the scope of his authority pursuant to section 81-1507(1), R.R.S. 1943, enters the following order on May 8, 1978:

"On or about September 26, 1977, a field representative of the Department inspected Respondent's operation and found it to be in violation of rule 13 of the Nebraska Air Pollution Control Rules and Regulations relating to visible emissions, and the Director being fully advised in the premises."

Therefore, it is ordered That the Respondent complete the following acts with respect to its operation at Aurora, Nebr., on or before the dates specified:

1. Initiate on-site construction or installation of emission control equipment by April 3, 1978, (completed).

2. Complete on-site construction or installation of emission control equipment by July 31, 1978.

3. Achieve final compliance with rule 13 of the Nebraska Air Pollution Control rules and regulations by August 14, 1978.

4. Submit a progress report for the above items within five (5) days after said dates.

5. No interim control measures, pursuant to section 113(d)(a)(C) of the Clean Air Act (42 U.S.C. 7413), shall be required during the period of this order for the reason that the only interim control measure that could be taken would be to close down the plant during the time of the installation of the aforesaid equipment.

6. In the event that an increment of progress is missed, Respondent shall notify the Department why such increment was missed and the effect it will have on all other increments. Respondent will also submit the date that the increment has been achieved.

Furthermore, notice of this Order has been published in a newspaper of general circulation in the area Aurora, Nebr., at least 1 month prior to the issuance of this Order and an affidavit of said publication is attached hereto and incorporated herein; and notice is hereby given, pursuant to section 113(d)(1)(E) of the Clean Air Act (42 U.S.C. 7413), that failure to comply by July 1, 1979, shall be cause for the Administrator of the U.S. Environmental Protection Agency (or its designee) to assess and collect a noncompliance penalty from Respondent under section 120 of the Clean Air Act (42 U.S.C. 7420).

Dated and signed at Lincoln, Nebr. this 8th day of May, 1978.

DAN T. DRAIN,
Director, Department of Environmental Control.

STATE OF NEBRASKA, LANCASTER COUNTY

Dan T. Drain, being first duly sworn, upon his oath deposes and says that he is the Director of the Nebraska Department of Environmental Control, that he has read the foregoing Complaint and the facts contained therein are true as he verily believes, that his signature thereon was his own voluntary act and deed and within the scope of his authority.

DAN T. DRAIN.

Subscribed and sworn to in my presence this 8th day of May, 1978.

RICHARD H. HANSEN,
Notary Public.

AFFIDAVIT

STATE OF NEBRASKA, LANCASTER COUNTY

Jodie Lenser, being first duly sworn, upon her oath, deposes and says as follows:

1. That she is employed by the Nebraska Department of Environmental Control.

2. That on the 8th day of May, 1978, she did mail a copy of the foregoing Complaint by certified mail, first class, postage prepaid, to the Respondent (or his registered agent), C. T. Corporation System, 1241 N St., Lincoln, Nebr. 68508.

JODIE LENSER.

Subscribed to and sworn in my presence this 8th day of May, 1978.

RICHARD H. HANSEN,
Notary Public.

If the order is approved by EPA, compliance with its terms would preclude Federal enforcement action under section 113 of the act against the source for violation of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the act (section 304) would be similarly precluded. All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, and after EPA has reviewed the comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and

will contain the disapproval procedure for EPA's issuance, approval and disapproval of orders under section 113(d) of the act. In addition, part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 CFR 14876 (April 2, 1975) will be withdrawn, and replaced by a notice promulgating these new regulations.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: July 7, 1978.

KATHLEEN Q. CAMIN,
Regional Administrator,
Region VII.

[FR Doc. 78-19901 Filed 7-18-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Parts 101-43, 101-44, and 101-45]

DEMILITARIZATION OF MUNITIONS LIST ITEMS

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that the General Services Administration proposes to amend the regulations for the control of personal property having unsafe or dangerous characteristics to provide policies and procedures for the transfer, donation, or sale of munitions list items identified as requiring demilitarization.

DATES: Comments must be received by September 15, 1978.

ADDRESSES: Written comments should be sent to the General Services Administration (FAF), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

It is proposed to amend Parts 101-43, 101-44, and 101-45 as follows:

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

The table of contents for Part 101-43 is amended to add the following entry: "101-43.4804 Demilitarization codes and related instructions."

Subpart 101-43.3—Utilization of Excess

Section 101-43.315-5 is amended to revise paragraph (h) as follows:

§ 101-43.315-5 Procedure for effecting transfers.

* * * * *

(h)(1) Any item of excess personal property having unsafe or dangerous characteristics must be rendered safe by the holding activity before shipment or pickup is made or advice must be given the transferee regarding the actual or potential danger and the property clearly labeled to show this danger.

(2) Items on the U.S. Munitions List (22 CFR Part 121) that are subject to active demilitarization requirements in order to render innocuous that property which is dangerous to public health or safety or to preclude the compromise of security requirements shall be identified on the excess personal property report by the reporting activity with the appropriate one-letter demilitarization codes listed in § 101-43.4804. Federal agencies acquiring these items shall perpetuate the demilitarization codes in their property records and on subsequent reports of excess personal property submitted to GSA. Demilitarization codes shall also be perpetuated on records of nonreportable property. Demilitarization will be a condition of excess personal property transfers and surplus personal property donations, and demilitarization requirements, when applicable, will be carried out prior to transfer or donation unless otherwise excepted by GSA. The requirement to demilitarize certain munitions list items prior to transfer or donation will normally be waived for the following recipients:

(i) Federal agencies, when the agency requires the property for functional use and agrees to demilitarize the item prior to further disposition;

(ii) Project grantees, provided the granting agency determines that prior demilitarization is not in the best interest of the Government and the project grantee agrees to demilitarize the property prior to further disposition; and

(iii) Authorized donees to whom title is being passed, subject to certification to the appropriate State agency or sponsoring Federal agency that demilitarization will be accomplished prior to further disposition.

* * * * *

Subpart 101-43.48—Exhibits

Section 101-43.4804 is added as follows:

§ 101-43.4804 Demilitarization codes and related instructions.

There are 13 demilitarization codes in use; however, the provisions of § 101-43.315-5(h)(2) apply only to items identified with five of the codes. The five codes and related demilitarization instructions are as follows:

Code	Demilitarization instructions
C	MLI—Remove and/or demilitarize installed key point(s), or lethal parts, components, and accessories.
D	MLI—Demilitarize by mutilation (make unfit for intended purpose) by melting, cutting, tearing, scratching, crushing, breaking, punching, or neutralizing. (As an alternative, burial or deep water dumping may be used when authorized.)
E	MLI—Demilitarize by burning, shredding, or pulping.
F	MLI—Demilitarization instructions to be furnished by the item manager.
L	MLI—Demilitarize by mutilation (make unfit for intended purpose) by melting, cutting, tearing, scratching, crushing, breaking, punching, or neutralizing. (As an alternative, burial or deep water dumping may be used when authorized.) This code will be applied only to items identified as being a component of a key point on a major end item.

PART 101-44—DONATION OF PERSONAL PROPERTY

The table of contents for Part 101-44 is amended to revise the following entry: "101-44.108-4 U.S. Munitions List items."

Subpart 101-44.1—General Provisions

Section 101-44.108-4, previously reserved, is added as follows:

§ 101-44.108-4 U.S. Munitions List items.

(a) Applicable demilitarization codes, as listed in § 101-43.4804, shall be perpetuated on all property records and reports of excess personal property as provided in § 101-43.315-5(h)(2). A State agency requesting the transfer for donation of munitions list items identified as requiring demilitarization, pursuant to the provisions of Subpart 101-44.2, shall include the demilitarization code on the SF 123 and a statement that the State agency will obtain from the donee a certification that, prior to further disposition, demilitarization of the property will be performed by the donee in accordance with the demilitarization instructions for the codes set forth in § 101-43.4804. In the case of munitions list items requested for donation by service educational activities or public airports, pursuant to the provisions of Subparts 101-44.4 and 101-44.5, respectively, the donee shall include a statement on the SF 123 that it will demilitarize the property prior to further disposition in accordance with the requirements of the codes as set forth in § 101-43.4804.

(b) Before disposing of munitions list items identified as requiring demilitarization, the donee may request demilitarization instructions from GSA through the State agency for donations made pursuant to Subpart 101-44.2 or through the Federal Aviation Administration for donations

made pursuant to Subpart 101-44.5. For munitions list items identified as requiring demilitarization donated to service educational activities pursuant to Subpart 101-44.4, demilitarization instructions may be obtained directly from the Defense Logistics Agency (DLA).

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.3—Sale of Personal Property

Section 101-45.309-3 is revised as follows:

§ 101-45.309-3 Demilitarization and decontamination.

(a) Dangerous material shall not be disposed of pursuant to this Part 101-45 without first being demilitarized or decontaminated when a duly authorized official of the executive agency concerned determines this action to be in the interest of public health, safety, or security. This may include rendering the property innocuous, stripping from it any confidential or secret characteristics, or otherwise making it unfit for further use.

(b) Demilitarization or decontamination of property to be donated to public bodies pursuant to Subpart 101-44.7 shall be accomplished in a manner so as to preserve so far as possible any civilian utility or commercial value of the property.

(c) Except for those sales otherwise authorized by § 101-45.309-2 or other statutes, and for specialized sales authorized by the Secretary of Defense, U.S. Munitions List items identified as requiring demilitarization shall not be reported for public sale without first being demilitarized or requiring demilitarization to be a part of the terms and conditions of sale. GSA may refer technical questions on demilitarization to the Department of Defense for advice.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: June 30, 1978.

JAY H. BOLTON,
Acting Commissioner,
Federal Supply Service.

[FR Doc. 78-19892 Filed 7-18-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-165; FCC 78-387]

Amending Multiple Ownership Rules To Include Educational FM and TV Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission, on its own motion, proposes to consider changes in its rules to apply multiple ownership limitations to noncommercial educational FM and TV stations. As with the similar rules already in effect for commercial stations, this proposal is designed to increase the diversity of program sources and provide the listener and viewer with greater variety in informational and other progaming.

DATES: Comments must be received on or before November 15, 1978 and reply comments on or before December 15, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Jonathan David, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of the Commission's Multiple Ownership Rules to Include Educational FM and TV Stations.

Adopted: June 7, 1978.

Released: July 14, 1978.

1. The Commission has before it a possible amendment of its multiple ownership rules to include noncommercial educational FM and TV stations. Under the existing rules, there is no fixed limit on the total number of such stations a given educational entity may hold or even the number it might have in one locality. To deal with this situation, we propose amendments which would make the multiple ownership rules applicable, at least in part, to educational FM and TV stations.[1]

2. The Commission's multiple ownership rules, which now apply to commercial AM, FM and TV stations,[2] limit the multiple ownership of broadcast stations as well as the cross-ownership of broadcast stations and daily newspapers or CATV systems. These rules, intended to prevent "duopoly"[3] or undue concentration of control[4] specifically exempt noncommercial educational stations. The concerns which had led to the adoption of rules limiting the multiple ownership of commercial stations had not seemed to apply to the ownership of educational stations. In part, the Commission chose not to apply such rules because it believed that this approach could foster the development of educational broadcasting. By virtue of the absence of multiple ownership rules, there is no limit on the number of stations which could be owned by a single entity nor on their location. This is a far cry from the commercial broadcasting situation.

3. The Commission's concern with multiple ownership is a matter of long standing.[5] In 1938, the Commission began its "chain" (that is, network) broadcasting inquiry, to study the implications of network operations. It included network ownership of stations as part of this inquiry. During the same period the Commission also was considering multiple ownership by parties other than networks. Even though the Communications Act contained no specific provisions regarding the number of broadcast stations which a single licensee could hold, an informal "duopoly" policy was gradually adopted by the Commission as an important consideration in the granting of licenses. In effect, this policy was designed to avoid having one entity be the licensee of two AM stations in a particular locality.[6] By 1940, a formal multiple ownership rule for FM broadcasting stations had been adopted (FCC Rule 3.228). The rule contained a local "duopoly" provision and placed a limit of six on the total number of licenses which could be held by a single individual or organization nationwide. Television stations were permitted to convert from experimental to commercial operation in April of 1941, with a limit of three stations nationwide and one station locally. This was later increased in May of 1944, to five television licenses. The Commission's first rule limiting multiple ownership of AM stations was finalized in 1943 and included the "duopoly" rule, but no total limit on the number of licenses held nationally.

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[1] Most noncommercial educational FM stations to which the rules would apply operate in the portion of the FM band set aside for such use, and most of the TV stations in question operate on reserved channels. However, the rules we propose would apply to any educational station whether licensed on a reserved frequency or not.

[2] See Sections 73.35 (AM), 73.240 (FM), and 73.636 (TV) of the Commission's Rules. Also see Section 76.501 regarding Cable/Broadcast Cross Ownership.

[3] "Duopoly" refers to the common ownership, operation or control of two stations in the same broadcast service with overlapping service contours.

[4] Concentration of control has several meanings. The concentration can be geographic, as with concentration in a locality or region. Also it can refer to a pattern of ownership which, because of total numbers alone, becomes concentration.

[5] A discussion of the history of multiple ownership regulation in the commercial area and its absence in the educational area is contained in an article by Robert K. Avery entitled "Public Broadcasting and the Duopoly Rule," 5 Public Telecommunications Review No. 5, page 29.

[6] Apparently, the Commission did contemplate waivers upon a proper showing, as was made clear in Genesee Radio Corporation," 5 F.C.C. 183 (1938). Even though the Commission's decision was to deny the application in question, it did suggest that such an application could be granted if "there is a compelling showing upon the whole case that public convenience, interest or necessity would be served thereby." at 187.

The Commission decided on divestiture of NBC's network "duopoly" and the stations relinquished by NBC became the core of the ABC network. Over the years, the Commission has made various changes in the multiple ownership rules. Now the total number of stations permitted is seven AM, seven FM and seven TV, no more than five of which can be VHF.

4. The multiple ownership rules are designed to promote diversity in programing and to prevent undue concentration of economic power contrary to the public interest. Although the economic concentration concern is not directly applicable, the interest in promoting diversity is pertinent to the educational area as well as the commercial one. Although the Commission has not yet placed any restriction on educational station multiple ownership, we think that the time has come to give active consideration to this subject and possibly to adopt specific rules to govern at least some aspects of educational station multiple ownership.

5. Among other things, the difference in treatment between commercial and educational licensees seemed to rest on the fact that spectrum space for educational stations was not in as great demand as that for commercial stations. Usually one or more channels remained vacant, available for use if needed. Indeed, multiple ownership may have allowed for educational broadcasting service that would not otherwise have been provided. Thus, allowing a single educational entity to have multiple holdings exceeding those allowed commercial licensees was not as likely to have reduced diversity. Now, however, frequency space for educational stations is at a premium, and this fact requires us to reevaluate several of our policies. Part of this reevaluation is already underway—see the actions taken in Docket No. 20735, dealing with a range of issues related to FM allocation policies. Beyond this, we believe that multiple ownership of educational FM and TV stations also can have harmful effects.

6. In the commercial broadcasting area it has long been accepted that there should be some limits on the extent and nature of ownership by a single entity.[7] To do otherwise would curtail diversity and, consequently, undermine the public interest. This is a particular concern when one entity has more than one station of a particular type (that is AM, FM or TV), in a given locality or nearby. This has led us to impose a prohibition on such commercial station "duopoly." The rule is expressed in terms of prohibiting overlap of the respective service contours of the FM and TV stations. We believe "duopoly" is one of the key points to consider here as well. To this end we propose to utilize a contour overlap standard in much the same way as it is already used for commercial TV and FM stations. Generally, we propose to follow the rules now in effect for commercial stations which require commercial FM stations to be located so as to avoid 1 mV/m overlap and TV stations to be located so as to avoid Grade B overlap.

7. One area of particular concern involves that of statewide networks. It could be argued that application of the duopoly rule to statewide networks would endanger their existence. The statewide networks are established under state aegis and licensed to a state or one of its instrumentalities such as an educational agency or state university. Their role is to provide an educational service to all residents of a state, see section 392(c) of the Communications Act. In order to provide coverage to the entire state, these stations have been located in a way that inevitably brings some overlap of service contours. In the past, the Commission has encouraged the development of these state networks. In part, this was designed to foster the earlier establishment of these stations even though they would not be offering much separate programing, at least in the beginning.

8. The justification, however, for continuing to encourage statewide networks—the prospect that much of the public would otherwise be denied educational broadcasting service—is open to serious question.[8] It is also true that continuation of such multiple ownership patterns can have a significant impact on the opportunity for the development of minority ownership and control in the broadcasting industry and on the participation of minorities in the offering of progaming responsive to these local needs.[9] These serious issues deserve careful study and we invite comments specifically addressing this point.

9. We also believe that it is necessary to consider a rule to deal with concentration of control. As has been noted, a rule dealing with concentration of control has more than one aspect. On the one hand, it limits the total number of stations that may be under common control, and on the other it is aimed at an overall pattern of ownership which can give rise to concern. Our principal area of focus here in the number of stations which may be under common control, and we propose to apply the same limits as now govern commercial holdings. The same concerns posed by the proposed "duopoly" rule with respect to statewide networks also apply in the instance of a rule proposing a limit on the number of stations which could be held under common control. Once again we invite comments on the divergent policies which might lead us to impose or not impose such a rule on statewide networks. Thus, we could consider excepting them from application of the rule, leaving them to be governed by the "duopoly" provision designed to apply to them.

10. We contemplate including commercial and noncommercial educational stations in the total which would be allowed. Thus, a single entity could control seven FM stations, for example four educational FM and three commercial FM, or any other combination totalling seven. At present, few educational entities are licensees of commercial stations. Even so, with the possible exception, again, of statewide networks, we do not see public interest reasons for permitting more than 7 FM or 7 TV (no more than 5 to be VHF) to be under common ownership or control.

11. Although we are proposing to apply multiple ownership rules to educational broadcasting, it does not appear necessary to include in this proposal a rule which would restrict common ownership of a radio station and a television station in a particular locality. These stations often can complement each other and work in tandem to provide service to the community. Such a combination does not pose the competitive problem which could arise with a commercial FM and TV combination. Nor do we think it necessary to propose one restricting CATV or newspaper-broadcast common ownership as there does not seem to be any move underway to create such combinations and no significant number of them exist now.

12. The possible adoption of the rules outlined above raises another question: namely, what to do about any existing ownership situations which would not be in conformity with any rules which might be adopted. In reaching a conclusion on how to deal with this issue we need to examine the pattern of existing ownership and the degree to which a conflict with the proposed rule would exist. There are a total of six entities which hold licenses for two educational TV stations li-

[7] This has particular importance as for example where minority groups or others that did not acquire stations in earlier times find no frequency space remains available.

[8] As a consequence, if this arrangement is to continue, some alternative approach regarding multiple ownership would be necessary. This could be accomplished with a rule barring overlap of city-grade contours—the level of signal which is required to be provided to the entire city of license. This would prevent undue overlap of common service areas without interfering with a pattern of statewide coverage.

[9] See Statement of Policy on Minority Ownership of Broadcasting Facilities, FCC 78-322 (released May 25, 1978).

censed to the same community.[10] In each instance, the television combination consists of one VHF station and one UHF station. There have been no additions since 1970,[11] and, indeed, combinations have dropped from the list in recent years in Richmond, Va., and Dayton, Ohio, and in Philadelphia, Pa./Wilmington, Del. Also, there is some reason to believe that one or more of the remaining group of six may remove themselves from the list. Two of these TV stations are now silent, and others operate limited hours or duplicate the other station's programing.

13. In the case of FM, at present a total of five entities (four public universities and one public library) hole licenses or permits for two educational FM stations[12] in the same locality.[13] The list of FM stations appears to have grown recently. Even so, from the information now available it does not appear necessary to require divestiture. Only relatively few cities are involved, and it is not clear that this pattern of ownership necessarily precludes otherwise possible service. Nonetheless, in such of these instances where no other channel is available for use in the locality and where a single entity has two stations, we may need to provide for special treatment such as time sharing. Consideration must also be given to whether to indefinitely continue the present pattern of ownership if commonly-owned stations are off the air or are operated only on a duplicated or otherwise limited basis. While time sharing might represent an appropriate solution when the station has a limited operating schedule, some other approach could be required in cases where the station is not operational at all. Suggestions as to how to deal with these situations would be most helpful. We also invite comments on whether these or other such procedures are warranted in the TV "duoply" cases.

14. The Commission desires comments on the proposal outlined above or on alternatives that might be suggested. In addition, the Commission desires comments on two other points. The first is how to define common ownership for these stations. It may be necessary to develop a separate, perhaps even a quite different method from that employed for commercial stations. Suggestions along this line would be helpful. In this regard, recognition needs to be given to the fact that some commercial stations are licensed to the same or related organizations. We need to consider how to treat such situations. We could use the existing standards of common ownership, operation or control or new approaches could be developed. Suggestions on which course is preferable could prove helpful. Our tentative thinking is that there should be a prohibition on educational/commercial FM or TV duopoly and should count both commercial and educational stations in the number of licenses one entity could hold. All relevant suggestions on these points and any other matters relevant to the present inquiry are welcomed. It is hoped that the comments would be accompanied by sufficient documentation so it would be possible to evaluate the likely impact of the approach suggested, thereby enabling the Commission to better determine the benefits and detriments involved.

15. Authority to institute the subject rulemaking proceeding is found in sections 4(i), 303(a), (g), (h) and (r) and 307(b) of the Communications Act of 1934, as amended.

16. *Comments and Reply Comments.* Pursuant to applicable procedures set out in § 1.4, 1.415 and 1.419 of the Commission's rules and regulations, interested parties may file comments on or before November 15, 1978, and reply comments on or before December 15, 1978. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. All relevant and timely comments will be considered by the Commission before final action is taken.

17. In accordance with the provisions of § 1.419 of the rules, an original and five copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number, including the entire designation (BC Docket No. 78-165) in the heading. All filings in this proceeding will be available for public inspection by interested persons during regular business hours in the Commission's Public Reference Roon at its headquarters, 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-19888 Filed 7-18-78; 8:45 am]

[10] The pattern of television combinations is as follows:

City	Call letter	Date permit granted	Channel
Boston	WGBH	7-15-53	2
Do	WGBX	7-15-53	4
Miami	WTHS	11-12-53	*2
Do	WLRN	9-18-61	17
Milwaukee	WMVS	6-6-56	10
Do	WMVT	2-21-62	36
Minneapolis/St. Paul	KTCA	6-20-56	2
Do	KTCI	7-27-64	17
Pittsburgh	WQED	5-15-53	13
Do	WQEX	11-12-58	16
San Francisco	KQED	7-22-73	9
Do	KQEC	9-9-70	32

* Shaved time.

[11] However, there is one possible addition to the television list, as an application for a second (UHF) channel has been filed by the licensee of a VHF station in St. Louis.

[12] They are the University of Idaho, Moscow, Idaho—KVOI—10W (student station) and KUID, the University of Massachusetts, Amherst, Mass.—WMUA and WFCR, the University of North Carolina, Chapel Hill, N.C.—WUMC and new 10W station, the University of Kansas, Lawrence, Kans.—KANU and KJHE—10W (also has an AM station) and the Louisville Public Library, Louisville, Ky.—WFPL and WFPK.

[13] An unknown number of others, not licensed to the same city, might involve overlap of the sort we propose to prohibit.

notices

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

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10 a.m., July 31, 1978 in the library of the Administrative Conference, Suite 500, 2120 L Street NW., Washington, D.C. 20037.

The Committee will meet to consider, at length, a draft "Study of the Exercise of Discretion in Prosecution of Violations of the Food, Drug, and Cosmetic Act" submitted by Professor William J. Lockhart of the University of Utah School of Law.

The Committee will also receive an update from Professor Colin Diver on his study of "Civil Penalty Administration."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, at least 2 days in advance. The Committee's Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers, 202-254-7065. Minutes of the meeting will be available on request.

Dated: July 13, 1978.

RICHARD K. BERG,
Executive Secretary.

[FR Doc. 78-19874 Filed 7-18-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A632]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Mississippi counties as a result of excessive rainfall with flooding during the period May 3 through May 12, 1978, in Itawamba, Lee, Marshall, Pearl River, Tippah, and Union Counties. High winds were also reported May 12, 1978, in Marshall County; and May 3, 4, and 9, 1978, in Pearl River County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Cliff Finch that such designation be made.

Applications for emergency loans must be received by this Department no later than December 26, 1978, for physical losses and June 28, 1979, for production losses, except that qualifed borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 10th day of July 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-19913 Filed 7-18-78; 8:45 am]

[3410-07]

[Notice of Designation No. A634]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Comanche County, Okla., as a result of severe winds, hail, heavy rain, and flooding May 27 and 28, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. David L. Boren that such designation be made.

Applications for emergency loans must be received by this Department no later than December 26, 1978, for physical losses and June 28, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 10th day of July 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-19914 Filed 7-18-78; 8:45 am]

[3410-07]

[Designation Number A635]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Luna County, N. Mex., as a result of severe hailstorms May 20 and 21, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Jerry Apodaca that such designation be made.

Applications for emergency loans must be received by this Department no later than December 28, 1978, for

physical losses and July 2, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 12th day of July 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-19939 Filed 7-18-78; 8:45 am]

[3410-07]

[Notice of Designation No. A633]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas counties as a result of drought January 1, 1978, through May 19, 1978, in Dimmit County; and drought July 1, 1977, to May 24, 1978, and hailstorms May 2, 1978, in Uvalde County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than December 26, 1978, for physical losses and June 28, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 10th day of July 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-19915 Filed 7-18-78; 8:45 am]

[3410-07]

[Notice of Designation No. A636]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas counties as a result of drought March 1, 1977, through June 1, 1978, in Bandera County; drought May 1, 1977, through May 19, 1978, in Brooks County; drought January 1, 1978, through April 21, 1978, in La Salle County; excessive rainfall, flooding, hail, tornadoes, and high winds May 20 through May 28, 1978, in Randall County; and drought May 1, 1977, through May 22, 1978, and intermittent fires caused by lightning during March, June, July, and August 1977, in Schleicher County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than January 2, 1979, for physical losses and July 5, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 11th day of July, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-19916 Filed 7-18-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 32364, etc.; Order 78-7-39]

AIR NEW ENGLAND, INC., ET AL.

Order Regarding, Applications for Amendment of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of July 1978.

Application of Air New England, Inc., for amendment of its certificate of public convenience and necessity for route 172 to serve Hartford/Springfield, Docket 32364; application of Air New England, Inc., for exemption authority to serve Hartford/Springfield, Docket 32365; application of Pilgrim Aviation & Airlines, Inc., for exemption authority to use large aircraft between Hartford and New York/Newark, Docket 32568; application of Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 authorizing nonstop Burlington-Hartford operations, Docket 32577.

On April 5, 1978, Air New England (ANE) filed an application in Docket 32364 for an amendment of its certificate of public convenience and necessity for route 172 to serve Hartford, Conn./Springfield, Mass. on a subsidy-ineligible basis. Contemporaneously, the carrier filed an exemption application in Docket 32364 for the same authority. It asks that the exemption authority be granted by September 1, 1978 pending final decision on its certificate request. On May 8, ANE filed a motion for an expedited hearing or an order to show cause why its certificate amendment application should not be granted. ANE is proposing nonstop service between Hartford and the following: New York (LaGuardia), Boston, Burlington, Lebanon, and Portland. One- and multi-stop service will be provided to other points in New England from Hartford.

In support of its applications and motion, ANE alleges that its proposal would greatly increase consumer convenience and strengthen its route system with only minimal diversion from other carriers; that ANE's proposal will also offer first single-plane service in the Hartford-Burlington/Hyannis/Lebanon/Martha's Vineyard/Nantucket/Portland markets, as well as first competitive service in the New York-Burlington/Portland markets; that a broad range of new fares will be available to Hartford and LaGuardia travelers for the first time; and that its proposal would result in an operating profit of nearly $830,000.

A number of parties have filed pleadings in response to ANE's applications and motion.[1] Allegheny submitted an answer to the exemption request, an application (Docket 32577) for removal of its own one-stop restriction in the Burlington-Hartford market, and a motion to consolidate its application with ANE's (Docket

[1] Answers in support of the exemption and/or certificate requests were filed by the following: Aviation Committee, Greater Hartford Chamber of Commerce, Lake Champlain Regional Chamber of Commerce, Connecticut Department of Transportation, Lebanon Regional Airport Authority, State of Vermont, city of Portland, Greater Portland Chamber of Commerce and Maine State Chamber of Commerce, Commonwealth of Massachusetts, the New England Council, Inc., Massachusetts Port Authority and the Greater Boston Chamber of Commerce, State of Maine, Greater Burlington Industrial Corp., city of Burlington, Vt., State of Connecticut, Provincetown-Boston Airline, State of New Hampshire, Cape Cod Chamber of Commerce, New York Chamber of Commerce and Industry; Nantucket Memorial Airport, and Greater Lebanon Chamber of Commerce.

32364). In its answer, Allegheny states that it has no objection to ANE's exemption request provided service in the New York-Burlington market is limited to one-daily round trip (which is the level of service proposed by the applicant) for a 2-year period. Allegheny also argues that if the Board gives ANE Burlington-Hartford nonstop authority it should eliminate Allegheny's one-stop restriction.

Pilgrim Aviation & Airlines, a commuter air carrier, submitted answers in opposition to ANE's exemption request, ANE's motion for an expedited hearing or an order to show cause, and Allegheny's motion to consolidate. It also filed an application (Docket 32568) to operate large aircraft in commuter service between Hartford and New York and a motion for contemporaneous consideration of its own application with ANE's exemption request. Another commuter air carrier, Bar Harbor Airlines, also filed an objection to ANE's exemption request. Their position is that the markets which ANE proposes to serve, particularly Hartford-New York and Portland-Hartford, are primarly commuter air carrier markets and that the entry of ANE, by exemption or certificate amendment, using its certificated status and subsidy, would be to the disadvantage of commuter air carriers. However, if the Board grants ANE's exemption, Pilgrim argues that it too should be authorized to use large aircraft in its commuter operations between Hartford and New York.

ANE filed a consolidated reply and an answer to Pilgrim's exemption request, to which Pilgrim filed a reply.

We have decided to: (1) Issue an order to show cause which proposes to add Hartford/Springfield to ANE's certificate for route 172 and to amend Allegheny's certificate for route 97 so as to authorize nonstop Burlington-Hartford service; (2) by exemption authorize Pilgrim to use large aircraft between Hartford and New York; and (3) defer action on ANE's exemption request in Docket 32365.

We have tentatively concluded, on the basis of the findings below, that the public convenience and necessity require the amendment of ANE's certificate for route 172 so as to authorize unrestricted authority between Hartford and all points on the carrier's system. We also tentatively find that ANE is fit, willing, and able to properly perform the air transportation it proposes and to conform to the provisions of the act, and the Board's rules. On the basis of the environmental evaluation submitted by ANE, we tentatively find that our proposed action would not be a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975 (EPCA), as defined in § 313.9(2)(1) of the Board's regulations.

ANE's application, analogous to Piedmont's recent Boston entry proposal,[2] falls within the class of cases which can be handled by show cause procedures because of the lack of any material issue of law, fact, or policy requiring resolution in a formal evidentiary proceeding before an administrative law judge. We also find that ANE's proposed service would significantly benefit the traveling public in many New England markets, including first single-plane service between Hartford and Burlington, Lebanon, Portland and the Cape and Islands, as well as first single-carrier benefits. (See app. A.) Hartford is a large relatively nonseasonal traffic base and fits well geographically within ANE's system. Low-fare,[3] well-timed flights as proposed by ANE will help moderate the effects of the severe seasonality of its traffic flows and the short haul character of its markets. We are satisfied that a plausible showing has been made that ANE's service proposal, or a modification of it, can be economically feasible. ANE does not seek subsidy support for these services, and we will make them ineligible for subsidy under "Category II," so that they will not increase its subsidy, directly or indirectly.[4] Further, we find that grant of this authority will not threaten the ability of any carrier to perform its certificate obligations.[5] Finally, we find that the public convenience and necessity require that the authority we propose to grant ANE be permissive, so that ANE's management can have the flexibility to provide service or not as the demands of the marketplace dictate.

The only opposition to ANE's motion is from Pilgrim, a part 298 carrier serving the Hartford-New York market. We have previously rejected granting commuters route protection from competition from certificated carriers,[6] and the idea is even more anomalours in light of our general policy of promoting a more competitive air transportation system, both certificated and air taxi.[7] To this end, we have decided to grant Allegheny's motion to consolidate and we request all interested persons to show cause why unrestricted authority for Allegheny in the Burlington-Hartford market should not be granted. We will also grant Pilgrim's motion for contemporaneous consideration and authorize Pilgrim to use large aircraft in the Hartford-New York market.

Since we have proposed to give ANE unrestricted Hartford-Burlington authority, it is our view that such a small market (970 O. & D. plus connecting passengers (1976)) does not, as a practical matter, present competitive considerations of significant magnitude, and we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets.[8] The removal of Allegheny's one-stop restriction will give that carrier greater flexibility to establish more logical aircraft routings, and may enable it to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Consistently with our tentative findings and conclusions set forth in Orders 78-4-109 and 77-11-74, we tentatively find and conclude that the elimination of the restriction on Allegheny's operations in the Burlington-Hartford market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable. We also tentatively find that Allegheny is fit, willing, and able to perform properly the air transportation it proposes and to conform to the provisions of the act and the Board's rules.

Interested persons will be given 21 days following the date of adoption of this order to show cause why the above tentative findings and conclusions should not be made final. We expect that objections will be supported by detailed economic or legal arguments. If an oral evidentiary hearing complete with the opportunity for cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.[9]

We have decided to grant Pilgrim authority to use FH-227/CV-580 type or smaller aircraft between New York

[2] Order 78-4-69, Apr. 14, 1978.

[3] ANE is proposing various excursion fares and a "Nutmeg" fare similar to the "Peanuts" fare (pp. 13-14, Docket 32365).

[4] See *Phoenix-Des Moines/Milwaukee Route Proceeding*, et. al., Order 78-1-116, Jan. 26, 1978.

[5] Allegheny has asked that certain restrictions be placed on an exemption authority to ANE, but did not oppose ANE's motion for an order to show cause.

[6] The *Baltimore-Norfolk Service Case*, Order 76-6-53, June 19, 1976.

[7] See, e.g., Order 78-4-69, Apr. 14, 1978, Order 78-2-71, Feb. 14, 1978, and Order 78-4-70, Apr. 14, 1978.

[8] Orders 78-4-109, 77-11-74, and 76-5-101.

[9] Allegheny has not submitted sufficient information for us to determine the environmental consequences of its certificate amendment application at this time or the gross transportation revenues which might result from grant. Therefore, we will require Allegheny to file the information set forth in parts 312 and 313 and expected financial results for the first year of operations.

and Hartford contingent upon the Board receiving a positive, written evaluation from the Federal Aviation Administration (FAA) concerning Pilgrim's safety and compliance record. The use of large aircraft will afford Pilgrim greater operating flexibility and will enable it to provide more efficient and improved service in the Hartford-New York market. Moreover, Pilgrim will be able to provide backup service should ANE leave the market. Grant of the request will not adversely affect any certificated carrier. Under these circumstances, we conclude that the services authorized are in the public interest.[10]

Further, we find that the operations proposed by Pilgrim, as conditioned, are limited in extent and warrant use of the exemption powers. To require Pilgrim to undergo a certificate proceeding would subject it to financial burdens disproportionate to its total operations, delay, and might have the effect of precluding the proposed operations altogether. Therefore, we find that enforcement of section 401 of the act, and of the terms and conditions of part 298 of the Board's economic regulations, insofar as they would otherwise prevent the applicant from using large aircraft in the Hartford-New York market, would be an undue burden on Pilgrim by reason of the limited extent of its operations and would not be in the public interest.[11]

Finally, we have decided to defer action on ANE's exemption application. The carrier has asked that the authority be granted by September 1, the end of its peak season. If we are unable to make our tentative findings final before that date, the requested exemption will be granted to ANE. However, if we are able to give ANE permanent Hartford authority by September 1, we will dismiss the exemption request as moot.

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not issue an order making final these tentative findings and conclusions and amending (a) Air New England's certificate for route 172 to add Hartford/Springfield (docket 32364) and (b) Allegheny's certificate for route 97 so as to authorize nonstop scheduled air transportation between Burlington and Hartford/Springfield (docket 32577);

2. Any interested person having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments shall, within 21 days from the date of adoption of this order file with the Board and serve upon all persons listed in paragraph 13 a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support its objections; answers to objections shall be filed 10 days later;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board; [12]

4. In the even no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for further action;

5. Allegheny's motion to consolidate Dockets 32364 and 32577 and Pilgrim's motion for contemporaneous consideration of Dockets 32365 and 32568 be granted;

6. Pilgrim Aviation and Airlines be exempted from section 401 of the act and Part 298 of the Economic Regulations to the extent that they would prevent it from using FH-227/CV-580 type or smaller aircraft in scheduled and charter air transportation between New York and Hartford;

7. In the conduct of the service authorized in paragraph 6, Pilgrim shall be deemed a commuter air carrier within the meaning of Part 298 of the Economic Regulations and shall comply with, and be subject to, all provisions of such Part: *Provided,* That operation of the services authorized shall not preclude the carrier from conducting other operations under such Part;

8. The operations authorized in paragraph 6 shall be conducted in accordance with the appropriate safety requirements prescribed by the Administrator of the FAA under an operating certificate and specifications issued by the Administration;

9. The continued effectiveness of the large aircraft exemption authority granted here shall be conditioned upon the filing of all reports required by law and by the Board's regulations; [13]

10. The authority granted in paragraph 6 shall become effective on the date of receipt of a positive written evaluation on Pilgrim from the FAA and shall continue in effect for a period of two years;

11. The authority granted in paragraph 6 above may be amended or revoked at any time in the discretion of the Board without hearing;

12. Action on Docket 32365 be deferred until further order of the Board; and

13. A copy of this order shall be served on all persons named in the service lists of Dockets 32364, 32365, 32568, and 32577 and any persons who filed answers to those applications.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[14]
Secretary.

APPENDIX A.—AIR NEW ENGLAND'S SERVICE IMPROVEMENTS DOCKET 32364

Market	*Traffic* [1]
First Competitive Service	
New York to—	
Burlington	88,140
Portland	90,340
First Single-Plane Service	
Hartford to—	
Burlington	1,050
Hyannis	190
Lebanon	
Martha's Vineyard	140
Nantucket	480
Portland	3,950
First Single-Carrier Connecting Service	
Hartford to—	
Augusta	790
Keene	10
Lewiston/Auburn	90
Montpelier	20
New Bedford	
Waterville	

[1] Table 8 True O.&D. and Table 10 Interline Connections for the year ended September 30, 1977.

[FR Doc. 78-19953 Filed 7-18-78; 8:45 am]

[6320-01]

[Docket No. 33019; Order 78-7-41]

CHICAGO-MIDWAY EXPANDED SERVICE PROCEEDING

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1978.

Order Instituting Investigation

By Order 76-12-149, December 28, 1976, the Board instituted the "Chicago-Midway Low-Fare Route Proceeding," Docket 30277, to examine means to restore service to Midway Aiport. A total of 15 nonstop city-pair markets were proposed for consolidation into the proceeding. The Board determined that for reasons of administrative convenience only the six largest of those

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[10] A rulemaking proposing to raise the part 298 weight limitations to encompass FH-227, CV-580 and similar aircraft within the blanket exemption under this part is under active consideration by the Board.

[11] Since Pilgrim is proposing only one round trip in the Hartford-New York market, we find that our action will not constitute either a major Federal action having a significant adverse impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 or a major regulatory action under the Energy Policy and Conservation Act of 1975.

[12] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests or petitions for reconsideration of this order will be entertained.

[13] We will not condition the authority granted in paragraph 6 on the requirement that the carrier periodically submit separate traffic data for its large aircraft operations. However, we would expect it to submit such data on a yearly basis in any further applications should it apply for renewal of its exemption authority.

[14] All Members concurred.

proposed markets would be included in the case.[1] An evidentiary hearing was held in Washington, D.C., between January 31 and February 10, 1978, and a tentative decision issued.[2] In the course of that decision, we tentatively concluded that the public convenience and necessity required reactivation of Midway Airport, and that reactivation could best be achieved through the authorization of new services to Midway. We further concluded that all requested authority should be granted, that no special conditions should be imposed upon the applicants, and that all the certificates should be permanent.

In addition to making tentative awards in the six original markets, the Board in Order 78-7-40 found that an expedited proceeding should be instituted to consider service in additional Midway markets. We mentioned there that an important expedient in attracting consumers to an airport is the availability of service to a range of destinations. Furthermore, inclusion of additional markets should make it easier for Midway Airlines and Midway (Southwest) to get financing by providing them with greater start-up and marketing flexibility. We also expect that the expanded number of markets will insure against possible predatory behavior by incumbents by substantially increasing the number of markets where they would need to engage in it.

Our choice of additional markets is comprised in part of those excluded for reasons of administrative convenience from the "Chicago-Midway Low-Fare Route Proceeding." These are Buffalo, Cincinnati, Columbus, Dayton, Des Moines, Louisville, Memphis, Omaha, and Indianapolis. Since the findings of public convenience and necessity made in Order 78-7-40 are applicable to Midway services in general; we believe that we can included additional cities in this second proceeding and still conduct it reasonably quickly. We will be able to reduce potential delay further by applying procedures similar to the ones used in the "Oakland Service Case." [3] Those cities were selected on the basis of several criteria: (1) Operational and environmental considerations at Midway that favor the use of aircraft with a range of 1,000 miles or less; (2) the similarity of the markets to those considered in the "Chicago-Midway Low-Fare Route Proceeding"; (3) the desirability of promoting Midway service consistently with the overall plans of the city of Chicago for the use of both airports; and (4) our desire to maximize the number of destinations available to potential travelers at Midway Airport. On the basis of these considerations, we are including the Major cities of the Boston/Washington corridor: Boston, Hartford, New York, Philadelphia, and Baltimore/Washington. We are also including Atlanta, Denver, and Dallas/Fort Worth; these cities are rapidly growing and are major connecting complexes for large numbers of small regional cities.

We have already declared our intention to use procedures like the ones in the "Oakland Service Case." The first procedural stage in that case, however, provides for written comments and oral argument on the proposed policy determintion the permissive authority should be awarded to all qualified applicants in each market in which a need for additional authority is found. Since we have already held a full evidentiary hearing in the initial "Midway" case and determined that awards of multiple permissive authority will best develop service at Midway, we have, in effect, resolved the issues which are the subject of the first phase of the "Oakland Service Case." [4] Therefore, we will in this proceeding conduct only the remaining two phases of the "Oakland" procedure: an economic hearing and a fitness, willingness, and ability hearing.

The economic hearing will be conducted before an administrative law judge to consider all elements of the public conveniene and necessity for awards of additional certificated route authority in the Midway markets placed in issue. This phase will center on the need for an award of additional authority in these markets; whether some service with suitable aircraft can be economically operated; the illustrative service proposals of the applicants and the effects of new authorizations upon the incumbents; [5] environmental impact at the 17 cities,[6] and energy considerations. A summary of the evidence to be supplied is included in Appendix B.

The second phase will examine the individual qualifications of each of the applicants. As we pointed out in "Oakland," [7] there may be significant differences between the applicants in respect to the subordinate issues raised by the statutory requirement that the Board find each applicant fit, willing, and able. [8] Because the test of fitness is not comparative, but instead must be passed or failed by each applicant without regard to any other, the Board suggests that for applicants for whom this kind of evidence is sufficient, fitness findings based on officially noticeable data be handed down in a separate initial decision, and not be delayed by the process of determining fitness for applicants for whom the requisite evidence cannot be as readily evaluated.

Appendix C sets forth the minimum fitness evidence and information that applicants whose fitness cannot be established by notice, including applicants not operating air service at this time, should provide. [9]

(b) Whether the applicants for such authority are fit, willing, and able to perform the air transportation found by the Board to be required by the public convenience and necessity.

3. Applications, motions to consolidate, petitions for leave to intervene and petitions for reconsideration of this order shall be filed within 21 days following the date of service of this order, and answers shall be filed within 15 days thereafter.

4. The proceeding shall be divided into two phases as follows; each shall be heard before an administrative law judge at a time and place to be determined later:

(a) The economic hearing will focus on the need for an award of additional

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[1] The markets were Minneapolis/St. Paul, Detroit, St. Louis, Cleveland, Kansas City, and Pittsburgh. Order 77-5-81, May 17, 1977.

[2] Companion Order 78-7-40.

[3] Order 78-4-121.

[4] In "Oakland," we tentatively found that markets over a certain size (38,570 O&D passengers who could have realistically used Oakland Airport) could support nonstop service. That finding was the basis for our determination of need for service. We have, in the course of this opinion, made other findings which support our determination of the need for service at Midway besides the specific level of traffic which can be expected in the six markets. However, we point out that each of the 17 markets which we are including in the second Midway case have a greater amount of traffic than the lower threshold of 38,570 passengers which we relied upon in Oakland. The exact traffic figures are included as App. A.

[5] Unlike the service proposals submitted in the typical route case before this, the illustrative service proposals to be submitted here will not be comparatively evaluated. See sec. V-B of Order 78-4-121.

[6] We have already examined the environmental impact upon the Midway area in our tentative decision in the "Chicago-Midway Low-Fare Case." The Final environmental impact statement evaluated conditions at Midway through 1990 and assumed that by that date service would be operated to 22 cities, reaching a maximum of 342 daily air carrier operations. The markets used in the model parallel closely the cities that would be sered if authority is awarded in the 6 original Midway markets plus the 17 included in this second proceeding.

[7] Order 78-4-121 at 61.

[8] For example, it is clear that under traditional practice the fitness of existing federally certificated carriers can be established through generalized findings based on official noticeable data, such as the Form 41, and the noticeable fact that the applicant is an operating entity. Likewise, intrastate and other carriers (including Midway Airlines and Midway (Southwest)) seeking certification in this proceeding should not have to prove fitness separately if the matter has been adjudicated in other proceedings.

[9] Alterations to App. C may of course be made by the administrative law judge who presides over the fitness hearing.

authority in the markets at issue; whether some service with suitable aircraft can be economically operated; the illustrative service proposals of the applicants and the effects of new authorizations upon the incumbents; environmental impact at the 17 cities and energy considerations. The evidence required of all applicants is set forth in Appendix B subject to the rulings of the administrative law judge. All applicants shall file environmental evaluations pursuant to Part 312 of the Board's regulations within 50 days of the date of service of this order, or 15 days after the filing of their respective applications, whichever is later.

(b) Fitness, Willingness and Ability Hearing. The adminstrative law judge shall hear all issues relating to the fitness, willingness, and ability of the applicants. The evidence required of applicants not holding a certificate of public convenience and necessity for scheduled service, or whose fitness has not been adjudicated in another proceeding, is set forth in Appendix C, subject to the rulings of the administrative law judge.

5. All authority awarded in this proceeding shall be permissive and ineligible for Federal subsidy, and all authority awarded to local service carriers and any other subsidized carriers shall be subject to the subsidy-ineligible condition established in Order 78-1-116.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[10]
Secretary.

APPENDIX A

[Calendar 1976]

Markets	O&D passengers		O&D plus connecting passengers	
	100 pct	40 pct	100 pct	40 pct
Chicago				
Cincinnati	205,530	82,212	341,380	136,552
Columbus	178,050	71,220	271,050	108,420
Indianapolis	171,560	68,624	313,470	125,388
Memphis	158,970	63,588	258,270	103,308
Louisville	131,090	52,436	224,670	89,868
Des Moines	128,200	51,280	225,270	90,108
Omaha	121,950	48,780	203,680	81,472
Dayton	116,920	46,768	178,680	71,472
Buffalo	111,700	44,680	191,050	76,420
New York	1,684,670	673,868	1,982,240	792,896
Washington/Baltimore	652,310	260,924	888,340	355,336
Washington	520,190	208,076	700,100	280,040
Baltimore	132,120	52,848	188,240	75,296
Boston	388,020	155,208	528,440	211,376
Philadelphia	363,570	145,428	494,700	197,880
Denver	339,590	135,836	614,430	245,772
Dallas/Fort Worth	328,220	131,288	499,430	199,772
Atlanta	275,890	110,356	454,190	181,676
Hartford	163,580	65,432	245,410	98,164

APPENDIX B

EVIDENCE TO BE SUPPLIED BY ALL APPLICANTS

1. *Illustrative schedule*

The illustrative schedule of proposed daily operations shall show all points to be served, type and capacity of equipment to be used, and elapsed flight time, in block hours, over the segment or segments.

2. *Illustrative cost estimate*

Applicants shall make, for the market(s) at issue only, an estimate of the cost of operating one daily round trip of the illustrative schedule using current Subpart K methodology with appropriate adjustments to reflect innovative features of the proposal. All such adjustments shall be clearly noted. The applicant shall estimate the annual amount of traffic needed to generate sufficient revenue for profitable operation of one daily roundtrip, including a return elememt.

3. *Price/quality options*

The applicant shall state the normal and discount fares to be offered in the market(s) applied for, estimate the proportion of total traffic that would use each fare category, and estimate yield for each market.

APPENDIX C

EVIDENCE TO BE SUBMITTED BY NEW ENTRANTS

A. *Identity, citizenship, and relationships*

1. Name and address.

2. Type of organization and the name of the State under the laws of which it is organized.

3. Statement that the applicant is a citizen of the United States as defined in section 101(13) of the Federal Aviation Act.

4. List the names and addresses and briefly indicate the expertise and responsibilities of all directors, officers, and key management personnel of the applicant.

(a) Is each a U.S. citizen? If not, give citizenship;

(b) Set forth for each, the amount of applicant's stock held by class, the number of options and warrants held, including value and the exercise dates and price;

(c) Each should submit a statement describing the shares of stock (if 5 percent or more of total voting stock is owned), officerships and directorships, or other interests held in any (1) air carrier, (2) foreign air carrier, (3) person engaged in a phase of aeronautics, (4) common carrier, or (5) person whose principal business (in purpose or in fact) is the holding of stock in or control of (1), (2), (3), or (4).

5. State the name, address, citizenship, and principal business of each person holding 5 percent or more of applicant's total voting stock, together with the amount and percentages held, and the name, address, citizenship, and principal business of any person for whose account, if other than the holder, such interest is held; if any of these people are related by blood or marriage, include the relationship;

(a) Is any person or is any subsidiary [1] of any person listed in 5, an (1) air carrier, (2) foreign air carrier, (3) person engaged in a phase of aeronautics, (4) common carrier, (5) officer or director of (1)-(4), or (6) an owner of 10 percent or more of the total voting stock of (1)-(4)? If so, describe.

6. List any person not included in 4 or 5 above, who has the power to substantially influence the management of the applicant.

7. List all subsidiaries of the applicant, briefly describing the relationship to the applicant and principal business.

8. Describe the shares of stock or other interests the applicant or any of its subsidiaries holds in any (1) air carrier, (2) foreign air carrier, (3) person engaged in a phase of aeronautics, (4) common carrier, and (5) person whose principal business (in purpose or in fact) is the holding of stock in or control of (1)-(4).

B. *Financial information*

1. Supply copies of 10K reports filed with the SEC for the past three years, if such reports were filed.

2. To the extent not supplied under B.1, supply for the most recent twelve month period and the two preceding calendar years (audited if possible, otherwise notarized), separating out for (b) and (c) transport and nontransport activities:

(a) balance sheet;
(b) profit and lost statement;
(c) cash flow statement.

C. *Operational information*

1. Provide a brief chronological narrative of the ownership and operations of the applicant, including

(a) CAB, State, and FAA authority under which the applicant has conducted operations;

(b) For the past three calendar years, total aircraft hours, aircraft miles, revenue passenger miles, and revenue ton miles flown;

(c) Types of aircraft used, types of service performed, and major (e.g. 10) markets served.

[10] All Members concurred.

[1] As used in this request, a subsidiary means any business of which the applicant owns 10 percent or more of the total voting stock, and any subsidiaries of the applicant's subsidiary.

2. Provide a list of aircraft currently operated indicating aircraft type, capacity, and whether owned or leased.

3. Describe equipment (other than aircraft), ground facilities, and personnel currently utilized.

D. *Proposed operations*

1. Describe plans for acquisition or lease of additional aircraft to be used in proposed operations, including number and type of aircraft, and financial plans contemplated for the acquisition or lease of such aircraft.

2. Provide for the first normalized year of operations an illustrative traffic forecast indicating, in the aggregate, estimated revenue hours and revenue miles by type of aircraft, number of passengers and number of tons of cargo carried, and major markets in which above traffic will be generated.

3. Provide for the first normalized year of operations an illustrative pro-forma balance sheet (as at the end of the period), profit and loss statement on as fully-allocated cost basis, and statement of sources and uses of funds. Provide, to the extent practical, derivation of unit costs used in estimating operating expenses.

4. Describe any assistance agreements the applicant will rely upon for managerial or technical expertise.

E. *Compliance Disposition*

1. Provide a description of each formal or docketed complaint lodged against the applicant, any predecessor of affiliate thereof (or against any other transportation company over which the applicant or predecessor exercises or has ever exercised control) in the past five years regarding compliance with the Federal Aviation Act or the rules, regulations and requirements thereunder. Indicate the final disposition, if any, of the matters.

2. State whether any of the persons and/or companies listed in item A above, either as a partner, officer, director or stockholder, have been affiliated with, controlled, or participated in control of any air carrier which during such association, was found to have committed knowing willful violations of the Act, or of any order, rule, or regulation issued pursuant to the Act. If so, list the orders covering the period from 10 years ago to date.

3. Indicate any action taken by the FAA under 14 CFR 13.15 (involving civil penalties of $500 or more per violation), 13.17, 13.19, and 13.23 and the dispostion of each.

4. Has the applicant, any predecessor, or any of the persons listed in A.4, 5, or 6 ever been convicted of a felony, antitrust violation, or fraud (criminal or civic) within the past 10 years? If so, identify the proceeding and provide a description, including current status of final disposition.

[FR Doc. 78-19954 Filed 7-18-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL; SHRIMP ADVISORY PANEL AND STONE CRAB ADVISORY PANEL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Subpanels of Shrimp and Stone Crab of the Advisory Panel of the Gulf of Mexico Fishery Management Council will conduct a series of meeting.

DATES: The joint meeting of the Shrimp and Stone Crab Subpanels will start at 8 a.m. on Monday, August 7, 1978, and continue to 4 p.m. The Stone Crab Subpanel will reconvene at 8 a.m. on Tuesday, August 8, 1978, and adjourn at 4 p.m.

ADDRESS: The subpanel meetings will take place in suite 881 of the Lincoln Center located at 5401 West Kennedy Boulevard, Tampa, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla 33609, telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council was established by the Fishery Conserservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established Subpanels on Shrimp and Stone Crab. The Shrimp and Stone Crab Subpanel agenda is as follows:

AUGUST 7

(1) Review of aspects of fishery management plan;
(2) Resolution of gear conflicts.

AUGUST 8

(1) Review of aspects of fishery management plan;
(2) Preparation of recommendations to the task force team developing the fishery management plan for stone crabs.

The Shrimp and Stone Crab Subpanel meetings will be open to the public. The subpanels expect to address each of the items of the agenda above. Tme restrains may require that some items be deferred to a later meeting. Interested parties should contacat the Executive Director, as mentioned above, to obtain a more detailed agenda.

Dated July 14, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.78-19920 Filed 7-18-78; 8:45 am]

[3510-22]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Meeting.

SUMMARY: The Groundfish Subpanel of the Mid-Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will hold a meeting to discuss the Groundfish Fishery Management plan. For information on seating, changes to the agenda or schedule, or written comments contact the Executive Director.

DATES: The meeting will be on August 3, 1978, starting at 7:30 p.m. and will adjourn at 10 p.m. This meeting will be open to the public.

ADDRESS: The meeting will be held at the Holiday Inn, Route 25 (exit 72 of the Long Island Expressway), Riverhead, N.Y.

FOR FURTHER INFORMATION CONTACT:

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Del. 19901, telephone 302-674-2331.

Dated: July 17, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-20198 Filed 7-18-78; 9:57 am]

[3510-18]

Office of the Secretary

[Organization Order 20-2]

DEPARTMENT ORGANIZATION ORDER SERIES

This order effective June 27, 1978, supersedes the material appearing at 42 FR 40963 of August 12, 1977.

SEC.1. *Purpose.* .01 This order prescribes the functions and organization of the Office of Audits.

.02 This revision merges the External Audit Policy Staff into the Program, Planning, and Review Staff, increases the number of Washington based operating divisions from three

to seven, reduces the number of regional offices from six to four, and designates six suboffices.

SEC. 2. *Status and Line of Authority.* The Office of Audits, a departmental office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.*.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall conduct audits of all organizational units of the Department except as the Assistant Secretary for Administration may otherwise determine with respect to particular auditing tasks for designated organizational units. The audits may (a) encompass the operating, administrative, automatic data processing (ADP), and financial activities of units, including the administration for compliance with applicable law, economy and efficiency, and achievement of desired results, or (b) concern selected claims, costs, cost proposals, and cost and pricing data arising from contracts, grants, subsidies, loans, or other similar agreements entered into, or proposed by, Commerce organization units. The Office may also, by agreement, conduct audits for other Government organizations on a reimbursable basis, with the approval of the Assistant Secretary for Administration.

.02 The Director of Audits shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration on all internal and external audit matters of the Department, and shall serve as adviser to other Departmental officials with respect to these matters. The Director shall represent the Department in conferences and negotiations with officials of other Federal agencies or other groups with respect to audit matters.

.03 The Director of Audits shall be responsible for the Interagency Auditor Training Center (IATC). Subject to such policies and directives as the Director of Audits may prescribe, the Director, Interagency Auditor Training Center, shall be responsible for the day-to-day management and operation of the Center.

SEC. 4. *Specified Authority.* In addition to the authority implicit in and essential to carrying out the functions assigned the Office, the Director of Audits is expressly delegated the authority to arrange with other Federal, State, and local agencies, and other organizations, to make external audits.

SEC. 5. *Organization.* Under the direction and supervision of the Director, Office of Audits, the functions of the Office shall be organized and carried out as provided below:

.01 The Deputy Director of Audits shall be the chief operating aide to the Director of Audits on substantive audit matters and shall be responsible for managing the audit staff. In consultation and cooperation with the Departmental Office of Personnel, the Deputy Director shall be responsible to the Director of Audits for obtaining a high quality professional staff, for developing and prescribing programs designed to further the career development of individual staff members, and for obtaining appropriate recognition of the professional character of the work done by members of the audit staff. The deputy director shall perform such other duties and assignments as the Director may prescribe. The Deputy Director shall also perform the functions of the Director in the latter's absence.

.02 The Program, Planning, and Review Staff (PPRS) shall develop, in collaboration with operating division chiefs and regional managers, (a) policies, procedures and standards for planning, programming, executing, and reporting on all (internal and external) audits, and (b) policies and procedures for all management and administrative matters for the Office of Audits. It shall coordinate, review, and revise, as appropriate, standard audit guides and programs and individual audit programs and audit plans applicable to financial and comprehensive audits prepared by the operating divisions and Regional Offices in the Office; maintain surveillance, through audit site visits, reports and conferences, over audits in process to determine compliance with approved policies, plans, and programs; postreview selected audits in detail as a quality control; review, reference, edit, and process audit reports; coordinate and control efforts by Operating Audit Divisions, ADP Division, and Regional Offices on follow-up on all audit findings and recommendations; coordinate responses to and comments on General Accounting Office reports; maintain liaison with other Federal agencies and other groups on all matters pertaining to external audits; and carry out such other duties and assignments as the Director may prescribe.

.03 The Operating Audit Divisions, excluding the Departmentwide Financial, Administrative, and ADP Division, shall carry out, on a cyclical basis, comprehensive (internal and external) audits of the operating activities of commerce organization units, or special audits relating thereto. Each audit division is assigned, as specified below, a group of organizations of the Department, all of which include programs which are national in scope.

Organizations to audit

Division I—National Oceanic and Atmospheric Administration.

Division II—Office of the Secretary, Maritime Administration, United states Travel Service, and National Fire Prevention and Control Administration.

Division III—Economic Development Administration and Regional Commissions.

Division IV—Office of Minority Business Enterprise and DOC Procurement.

Division V—Departmentwide Financial, Administrative, and ADP Division (see paragraph 5.04).

Division VI—National Bureau of Standards, National Telecommunications and Information Administration, Patent and Trademark Office, and National Technical Information Service.

Division VII—Industry and Trade Administration, Bureau of the Census, and Bureau of Economic Analysis.

The primary purpose of the comprehensive audits is to furnish management with objective appraisals concerning the national and international programs and functions for which they are responsible. Such appraisals focus attention on conditions related to program or activity effectiveness and efficiency which are in need of correction or improvement. The operating audit divisions will recommend changes or other pertinent actions to assist management in attaining more effective, efficient and economical operations. Specifically, the responsibilities of these operating divisions fall primarily within the realm of the areas of accountability of the GAO "Standards for Audit of Governmental Organizations, Programs, Activities and Functions," which contains the basic principles, standards, and concepts of comprehensive auditing in the Federal agencies. Each Audit Division Chief is responsible for carrying out the audit program manager concept which provides for the comprehensive evaluation of national and international programs, including the internal procedures, structure, administration and the contract/grant/loan subsidy operations of the entire program. Audit cognizance requires following programs from initiation through the internal Commerce management process to the final expenditures of funds by third parties outside the Federal Establishment. The Operating Audit Divisions will, as appropriate, maintain liaison with other Federal agencies and other groups on all matters pertaining to external audits; and carry out such other duties and assignments as the Director may prescribe.

.04 The Departmentwide Financial, Administrative, and ADP Division is primarily responsible for planning, coordinating, supervising, and conducting comprehensive reviews and evaluations of financial, administrative, and ADP activities within all organizational elements of the Department of Commerce, including the development of, in collaboration with the PPRS staff, policies, procedures, and standards for planning, programming, executing, and reporting on all audits

within the scope of its designated responsibilities. This Division performs Departmentwide review of internal controls applicable to accounting and financial systems, administrative activities, and ADP functions. It shall also supervise the Office of Audits' computer specialist activities and functions which relate to the automation of data for the Office concerning various audit information management systems.

.05 The Regional Offices are located in Atlanta, Chicago, Denver, and San Francisco with designated suboffices located in New York, Philadelphia, and Boston (supporting the Atlanta office), Kansas City (supporting the Chicago office), Dallas (supporting the Denver office), and Seattle (supporting the San Francisco office). The regional offices shall carry out, or arrange for, site audits of documentation in support of claims, costs, cost proposals, and cost and pricing data arising from selected contracts, grants, subsidies, loans, and other similar agreements, entered into or proposed by Commece organization units. The regional offices shall further carry out, or arrange for, site audits of contracts, grants or similar agreements, or proposals thereto, as requested by the Department officials and agreed to by the Director of Audits. The regional offices shall make any necessary arrangements with other Federal, State, and local agencies, or with any other organizations, for the performance of audits of such contracts, grants, or other agreements, on a reimbursable or other basis, and shall prescribe the scope of such audits and maintain liaison with the auditing agency or organization. The regional offices shall supervise all activities of the audit suboffice administratively assigned to the region and shall assist in comprehensive (internal and external) audit programs for designated departmental offices and operating units which are located within the geographic region. The regional managers may also be designated as lead regions for certain comprehensive audits of decentralized Commerce operations which would require the development of policies, procedures, standards, and audit programs for planning, executing, and reporting on segments of comprehensive audits for which each regional manager will be completely responsible. The regional offices will, as appropriate, maintain liaison with other Federal agencies and other groups on all matters pertaining to external audits; and carry out such other duties and assignments as the Director may prescribe.

.06 The Interagency Auditor Training Center shall conduct interagency training oriented to the specific needs of the Government auditor by making available a comprehensive training program specifically designed to satisfy the training needs of Government audit offices. The Center is operated as an independent reimbursable cost center under a working capital fund arrangement with all costs of the Center recovered through tuition charges. The Director of Audits shall act as Chairperson of the IATC Board of Directors, which is composed of representatives of IATC sponsoring offices, and convene the Board, as appropriate, to discuss and provide advice on broad policies and problems related to the operation of the Center.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-19882 Filed 7-18-78; 8:45 am]

[3510-18]

[Organization Order 20-9]

DEPARTMENT ORGANIZATION ORDER SERIES

This order effective June 26, 1978 supersedes the material appearing at 41 FR 31415 of July 28, 1976, 42 FR 11863 of March 1, 1977, and 42 FR 44832 of September 7, 1977.

SECTION 1. *Purpose.* .01 This order prescribes the functions and organization of the Office of Publications.

.02 This revision abolishes the position of Associate Director for Program Analysis; deletes functions that have previously been transferred to the Office of Public Affairs; establishes the position of staff assistant; abolishes the Publications Standards Development Division in accord with the transfer of its editorial functions to the Office of Public Affairs, and assignment of its remaining functions to the newly established staff assistant; and incorporates outstanding amendments.

SEC. 2 *Status and Line of Authority.* The Office of Publications (the "Office"), a departmental office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration shall prescribe, the Office of Publications shall provide publications, printing (both conventional and microform), and related services to departmental offices or operating units of the Department. To carry out this responsibility, the Office shall perform the following functions:

(a) Formulate policies on publishing, develop standards for the design and style of publications, and advise officials of the Department on these matters.

(b) Provide printing and publications management services, which shall consist of performing composition, design, graphics and photographic services, determining the method of printing for particular publications, operating a central printing plant and a central micrographic service, managing the working capital fund for printing and related activities, procuring all printing and related work, and performing or overseeing publications mailing services.

(c) Conduct or coordinate, on behalf of all elements of the Department, all contacts with the Joint Committee on Printing and with the Government Printing Office, including the Superintendent of Documents, directly related to its authority as defined herein.

(d) Review for approval all requests for the purchase or rental of printing (conventional or microform), binding, photographic, composing, and related equipment, including copying machines.

(e) Carry our principal departmental responsibility for coordinating and processing all requirements for seals and emblems (as prescribed in DAO 201-1), and for stationery specifications (as prescribed in DAO 214-2).

.02 In order to assure departmentwide conformance with printing and publishing regulations, the authority of the Office described in this order shall apply to all publications and other printed materials originating in any departmental office or operating unit of the Department.

SEC. 4. *Specified Authority.* In addition to the authority implicit in and essential to carrying out the functions assigned the Office and related to the exercise of such functions, the Director, Office of Publications, is hereby expressly delegated the authority to:

(a) Approve or disapprove prices proposed by departmental offices or operating units of the Department for the sale of Commerce publications which are not sold through the Superintendent of Documents, except that the authority shall not apply to publications sold by the National Technical Information Service (15 U.S.C. 1152 et. seq.).

(b) In support of the Office of Public Affairs, review departmental requests for OMB clearance of periodicals to insure that production elements are in accordance with regulations prescribed by the Joint Committee on Printing and the Government Printing Office (GPO).

SEC. 5. *Organization.* Under the direction and supervision of the Director, the functions of the Office shall be organized and carried our as provided below.

.01 Office of Director. The Director shall be the adviser to and serve as the representative of the Assistant Secretary for Administration on publishing, printing and related activities. In managing the Office, the Director shall be principally assisted by:

(a) A Deputy Director who shall be the chief operating aid to the Director and shall perform the functions of the Director during the latter's absence.

(b) A staff assistant who shall serve as the Department's contact for matters concerning Government printing regulations, including those of the Joint Committee on Printing of the U.S. Congress, and monitor compliance with these regulations; review stationery requests for compliance with Government regulations; review requests for seals and emblems; and coordinate the other Department clearances required for approval of such requests; manage the Office's publishing cost-reduction program; manage the Department's publications mailing program; and serve as Department liaison with the Superintendent of Documents for the pricing and distribution of Department publications.

.02 The program analysis and support staff shall plan and direct the financial control operations related to the Department's central printing plant; develop guidelines for cost controls for all printing, composition, binding, and related activities; review and evaluate costs of printing, binding, and related activities and develop uniform price schedules; and prepare required reports relating to the printing activities of the Office.

.03 The Design and Graphics Division shall, for all departmental offices or operating units of the Department: provide central art direction; prepare necessary design, illustration, photographic, art, and graphics services for all general audience publications, printed materials, and visual presentations; approve or provide, requisition, or approve for procurement, all design, illustration, photographic, art, and graphic services; provide related technical support where necessary; and photographically record all newsworthy or historic subjects or occasions.

.04 The Printing Division shall requisition and/or approve for procurement all printing and binding, and related services for all departmental offices or operating units of the Department; control and schedule all printing operations; operate the Department's central printing plant including its addressing and mailing services; perform periodic surveys and inspect printed material produced by all departmental printing and duplicating plants; manage a coordinated system of copying machine installations; prescribe guidelines, policies and procedures for establishing microform programs, acquiring microform equipment, and using microforms in the Department; and investigate and analyze new printing methods.

.05 The Micrographic Division shall operate the Department's central microform and related reproduction services facility.

.06 The Composition Division shall requisition and/or approve for procurement all composition, and/or contractor services for composition involving machine readable input and related services, for all departmental offices and operating units of the Department; control and schedule all composition; provide planning and preplanning services; operate the Department's computerized composition system and peripheral equipment; conduct GPO liaison for all photocomposition requirements; and investigate and evaluate all new composition systems.

GUY CHAMBERLAIN, Jr.
Acting Assistant Secretary for Administration.

[FR Doc. 78-19883 Filed 7-18-78; 8:45 am]

[6360-01]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, July 26, 1978, commencing at 2 p.m. The hearing will be a part of the Commission's regular July business meeting which is open to the public. Both the hearing and the meeting will be held in the Seminar Room, second floor of the State Office Building, Ninth and French Streets, Wilmington, Del. The subject of the hearing will be application for approval of the following projects as amendments to the comprehensive plan pursuant to article 11 of the compact and/or as project approvals pursuant to section 3.8 of the compact.

1. *Pennsylvania Department of Environmental Resources (D-78-50 CP).*—A scenic river project involving portions of the Schuylkill River from the Forks at Port Clinton, Berks County, to Fairmount Dam in Philadelphia, Pa. Various segments of the Schuylkill River, totaling 94 miles, are proposed for designation as recreational or modified recreational components of the Pennsylvania Scenic River System pursuant to the Pennsylyvania Scenic River Act of 1972. The proposed designation is in accordance with a report by the applicant "Schuylkill River study" dated May 1, 1978.

2. *City of Dover (78-45 CP).*—A well water supply project to augment public water supplies in the city of Dover, Kent County, Del. The city proposes to utilize a replacement well for abandoned well No. 9. The new facility is expected to have a yield of 860,000 gallons per day.

3. *Dublin Water Co. (D-76-63 CP).*—A well water supply project to augment public water supplies in the company's service area in Upper Dublin Township, Montgomery County, Pa. The application is for approval to withdraw 600,000 gallons per day from well No. 5 and to increase the total average withdrawal from all sources to 1.2 million gallons per day. Adjudicatory hearings on this application have been held by the Commission and a report of the hearing officer filed on June 2, 1978. The application and the recommendations of the hearing officer will be considered by the Commission.

4. *Corco Chemical Corp. (D-75-58).*—An industrial wastewater discharge at the company's plant in Falls Township, Bucks County, Pa. About 288,000 gallons per day of treated wastewater will be discharged to a sand and gravel pit.

5. *Charles R. Davis, Jr. (D-77-44).*—An irrigation well on the subject farm in Milford, Kent County, Del., to be used for the irrigation of crops. The new facility is expected to yield about 1.4 million gallons per day.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. BRINTON WHITALL.

JULY 12, 1978.

[FR Doc. 78-19927 Filed 7-18-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

LIFTING EMBARGO ON CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM INDIA BEFORE JULY 7, 1978

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Lifting embargo on certain apparel and made-up and miscellaneous textile products in categories 330-369, 431-469, and 630-669 (group II), exported from India before July 7, 1978. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), and June 22, 1978 (43 FR 26773).

SUMMARY: The Bilateral Cotton, Wool and Manmade Fiber Textile Agreement of December 30, 1977, as amended, between the governments of the United States and India established an unadjusted group ceiling of 35,403,000 square yards equivalent for categories 330-369, 431-469, and 630-

669, as a group, during the 12-month period which began on January 1, 1978 and extends through December 31, 1978 (see 43 FR 4451). Under the terms of the flexibility provisions of the bilateral agreement the group ceiling was subsequently increased to 42,837,630 square yards equivalent for the year which began on January 1, 1978. The adjusted group limit was filled on June 27, 1978. Pending consultations between the two governments, leading to a long term solution of problems that have arisen in the implementation of the bilateral agreement, the U.S. Government has agreed to permit entry for consumption and withdrawal from warehouse for consumption of cotton, wool and manmade fiber textile products in categories 330-369, 431-469, and 630-669, as a group, exported from India after December 31, 1977 and on or before July 7, 1978. In the letter published below the chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to take this action. Charges to the group level in excess of the adjusted group limit established for the current year will be charged to the applicable group level for the 1979 agreement year pending final determination during consultations.

EFFECTIVE DATE: July 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

U.S. DEPARTMENT OF COMMERCE,
ASSISTANT SECRETARY FOR INDUSTRY AND TRADE,
Washington, D.C., July 18, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of January 27, 1978, from the chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry for consumption and withdrawal from warehouse for consumption of certain cotton, wool and manmade fiber textile products, produced or manufactured in India, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Manmade Fiber Textile Agreement of December 30, 1977, as amended, between the governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on July 21, 1978, to permit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and manmade fiber textile products in categories 330-369, 431-469, and 630-669, as a group, exported from India on or before July 7, 1978, in excess of the previously established level of restraint. Ceilings established for individual categories within the group shall not be exceeded.

The actions taken with respect to the government of India and with respect to imports of cotton, wool and manmade fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-20199 Filed 7-18-78; 9:57 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. G-5005, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

JULY 10, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natual gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protects in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft³	Pressure base
G-5005, D, June 13, 1978	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Oxoco-Texas Inc., tract 466, Corpus Christi Bay in Nueces County, Tex.	Shell assigned all of its working interest effective Apr. 17, 1978, to Oxoco-Texas Inc.	
CI73-136, C, June 15, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., East Cameron block 77, offshore, Louisiana, limited to interval between subsea surface and base of JK sand.	(1)	15.025
CI74-528, C, June 16, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., J. B. Tubb wells nos. 158, 145 and 159, Sand Hills Field, Crane County, Tex.	(2)	14.65

Docket No. and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft³	Pressure base
CI76-498, C, June 16, 1978.....	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Colorado Interstate Gas Co., Table Rock, southwest field, Sweetwater County, Wyo., limited to production formations below the base of the Almond formation.	(2)	14.65
CI77-339, C, June 12, 1978.....	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Leonard Bros. Nos. 15, 16, and 19 wells located in the E/2 NW/4, NW/4 SW/4 of sec. 13-T26S-R37E, Lea County, N. Mex., limited to the Leonard Queen South and Penrose formations.	(2)	14.65
CI77-818, C, June 15, 1978.....	Pan Eastern Exploration Co., P.O. 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., certain acreage in Woods County, Okla.	(2)	14.65
CI78-863, A, June 14, 1978.....	Tenneco Oil Co	Mississippi River Transmission Corp., Brock "A" 1-20 northeast Chickasha Field, Grady County, Okla.	(2)	14.65
CI78-864, A, June 7, 1978.....	Shell Oil Co	Tennessee Gas Pipeline Co., East Cameron block 96 field, offshore Louisiana.	(2)	15.025
CI78-865 (CI61-605), B, June 6, 1978.	MORGAS, P.O. Box 7249, Amarillo, Tex. 79109.	Transwestern Pipeline Co., East Panhandle Gas Field, Wheeler County, Tex.	After Aug. 24, 1978, MORGAS will have no pipeline with which to deliver gas to Transwestern Pipeline Co.	
CI78-866, A June 8, 1978.....	Sonat Exploration Co., 3336 Richmond Ave., Houston, Tex. 77098.	Southern Natural Gas Co., block 34, East Cameron area, offshore Louisiana.	(2)	15.025
CI78-867 (CI72-283), B, June 9, 1978.	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Northwest Pipeline Corp., Cisco Dome Field, Grand County, Utah.	As of Mar. 1, 1976, Tenneco assigned all its rights, title, and interest to Willard Pease Oil & Gas Co.	
CI78-868, A, June 12, 1978.....	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Hugoton and Panoma Fields, Hamilton and Stanton Counties, Kans.	(3)	14.65
CI78-869, A, June 12, 1978.....	American Natural Gas Production Co., 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	El Paso Natural Gas Co., certain acreage in Roger Mills County, Okla.	(4)	14.73
CI78-870, A, June 12, 1978.....	.....do	Michigan Wisconsin Pipe Line Co., certain acreage in Grady County, Okla.	(5 6)	14.65
CI78-871, A, June 12, 1978.....	.....do	Michigan Wisconsin Pipe Line Co., certain acreage in Roger Mills County, Okla.	(7 6)	14.65
CI78-872 (CI65-130), B, June 12, 1978.	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Cities Service Gas Co., Barby No. 1-4 gas unit well, all of sec. 4-T4N-R26E, Beaver County, Okla.	Plugged and abandoned and delivery and sale of gas has ceased.	
CI78-873, B, June 12, 1978.....	Flag-Redfern Oil Co., 1200 Wall Towers West, Midland, Tex. 79701.	Panhandle Eastern Pipe Line Co., Mauntel lease, Alva West Field, Woods County, Okla.	Ceased production, plugged and abandoned.	
CI78-874 (G-5019), B, June 13, 1978.	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	El Paso Natural Gas Co., Langmat Field, Lea County, N. Mex.	Conveyed interest.	
CI78-875 (G-10210), B, June 13, 1978.	.....do	Florida Gas Transmission Co., East White Point Field, San Patricio County, Tex.	Assigned all of its working interest effective Apr. 17, 1978.	
CI78-876, A, June 12, 1978.....	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Texas Gas Transmission Corp., High Island block A-334 and A-335, east addition, south extension, High Island area, offshore, Texas.	(8)	14.65
CI78-877, A, June 13, 1978.....	Pioneer Production Corp. (partial successor to Kerr-McGee Corp.), P.O. Box 2542, Amarillo, Tex. 79189.	El Paso No. Natural Gas Co., Lee unit No. 1, Allison Park (U Morrow) Field, Wheeler County, Tex.	(2)	14.65
CI78-879 (G-19071), B, June 15, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Roberts Field, Sutton County, Tex.	Ceased production, wells drilled on the leases have been plugged and abandoned and leases released.	
CI78-880, A, June 15, 1978.....	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Natural Gas Pipeline Co. of America, Mehl No. 2 well, located in sec. 11-T2N-R21E.C.M., southeast Boyd Field, Beaver County, Okla.	(9)	14.73
CI78-881, A, June 15, 1978.....	Elf Aquitaine, Inc., 950 Threadneedle, Suite 200, Houston, Tex. 77079.	El Paso Natural Gas Co, casinghead gas from certain acreage in the Gallegos Field, San Juan County, N. Mex.	(2)	15.025
CI78-882, A, June 16, 1978.....	Exxon Corp	Trunkline Gas Co., West Cameron block 608 field, offshore, Louisiana.	(2)	15.025
CI78-883 (CI71-688), B, June 16, 1978.	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Montana-Dakota Utilities Co. and Kansas Nebraska Natural Gas Co., East Riverton Field, Fremont County, Wyo. (nugget formation).	Ceased production, plugged and abandoned and the lease reverted to the land owner (USGS) at landowner's insistence.	
CI78-884, A, June 16, 1978.....	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	United Gas Pipe Line Co., specified properties in the High Island area, blocks A302, A303, A318, and A319, east addition—south extension, Federal offshore Texas.	(2)	14.73
CI78-885 (CI71-689), B, June 16, 1978.	Continental Oil Co	Montana-Dakota Utilities Co. and Kansas Nebraska Natural Gas Co., East Riverton Field, Fremont County, Wyo. (Phosphoria formation).	Ceased production, plugged and abandoned and the lease reverted to the land owner (USGS) at landowner's insistence.	

[1] Applicant is filing under gas purchase and sales agreement dated July 25, 1972, amended by amendment dated May 19, 1978.
[2] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[3] Applicant is filing under gas sales contract dated April 28, 1978.
[4] Applicant is filing under gas purchase contract dated May 2, 1978.
[5] Applicant is filing under gas purchase contract dated May 5, 1978.
[6] Applicant and purchaser are affiliated.
[7] Applicant is filing under gas purchase contract dated May 16, 1978.
[8] Applicant is filing under gas purchase contract dated May 26, 1978.
[9] Applicant is filing under gas purchase contract and abbreviated gas purchase contract dated May 25, 1978.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-19763 Filed 7-18-78; 8:45 am]

[6740-02]

[Docket Nos. G-5236, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

JULY 10, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 31, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
G-5236, C, June 26, 1978	Cabot Corp. (GLC), (successor to Godfrey L. Cabot, Inc.), P.O. Box 1473, Charleston, W.Va. 25325.	Consolidated Gas Supply Corp. North Fork district, McDowell, County, W.Va.	(1)	14.65
G-10021, D, June 8, 1978	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., Bayou Penchant Field, Terrebonne Parish, La..	No known physically recoverable gas reserves.	
G-11809, D, June 26, 1978	Marathon Oil Co., (operator), et al., 539 South Main St., Findlay, Ohio 45840.	Northern Natural Gas Co., Southeast Lea area, Lea County, N. Mex.	(2)	
G-17379, D, June 19, 1978	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla..	Well plugged and abandoned and leases released.	
CI61-1621, E, June 8, 1978	Prosper Energy Corp. (successor in interest to Hunt Industries), 2900 First National Bank Bldg., Dallas, Tex. 75202.	Montana-Dakota Utilities Co., North Tioga area, Burke County, N. Dak..	(3)	14.74
CI73-148, C, June 23, 1978	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., East Cameron block 77, offshore, Louisiana..	(4)	14.73
CI74-63, E, June 8, 1978	Prosper Energy Corp. (succesor in interest to Hunt Industries).	Montana-Dakota Utilities Co., North Tioga area, Burke County, N. Dak.	(5)	14.73
CI76-646, C, June 19, 1978	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., SW/4 of West Cameron block 35, and S/2 of West Cameron block 66, offshore Louisiana..	(6)	15.025
CI76-766, C, June 26, 1978	....do	Transco Gas Supply Co., West Cameron block 436, offshore Louisiana..	(7)	15.025
CI78-878, A, June 22, 1978	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Roquemore No. 1 well, Panola County, Tex.	(8)	14.73
CI78-886, A, June 19, 1978	....do	Natural Gas Pipeline Co. of America, Phillip Renn No. 1 well, Brazoria County, Tex.	(8)	14.73
CI78-888, A, June 21, 1978	CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., blocks 329-338, Vermilion area, south addition, offshore Louisiana..	(8 9)	14.73
CI78-889, A, June 23, 1978	POGO Producing Co., P.O. Box 2504, Houston, Tex. 77001.	Sea Robin Pipeline Co., Eugene Island block 262, offshore Louisiana..	(8)	14.73
CI78-890, A, June 12, 1978	A. G. Hill, et al., 2500 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., E/2 sec. 28 and sect. 3, all in township 26 south, range 36 east, Lea County, N. Mex.	(10)	14.73
CI78-891, (G-6528), B, June 12, 1978.	McCulloch Oil & Gas Corp., (successor in interest to McCulloch Oil Corp.), 10880 Wilshire Blvd., Los Angeles, Calif. 90024.	Mississippi River Fuel Corp., Lisbon Field, Lincoln and Claiborne Parishes, La. (Patton-Pollock and J. H. Wise units).	Depleted, last gas deliveries were made in 1968.	
CI78-892, A, June 12, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	El Paso Natural Gas Co., Nye well No. 3-A (E/2 of sec. 1-T30N-R11W), Basin Dakota Field, San Juan County, N. Mex., limited to the Dakota formation underlying the Nye lease.	(11)	15.025
CI78-893, A, June 15, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Southern Natural Gas Co., Kerr-McGee, et al., State lease No. 2000, well No. 45, located in block 29, Breton Sound area, Plaquemines Parish, La.	(8)	15.025
CI78-894, A, June 19, 1978	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., C. W. Roberts No. 5 well, sec. 17-T25N-R3W, Basin Dakota Field, Rio Arriba County, N. Mex., limited to Gallup and Dakota formations only.	(12)	14.65
CI78-895 (CI73-785), B, June 19, 1978.	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.	Plugged and abandoned and leases released.	
CI78-896, A, June 19, 1978	Sun Oil Co	Alabama-Tennessee Natural Gas Co., Ross Beatty gas unit No. 1 located in Lamar County, Miss.	(13)	15.025
CI78-897, A, June 19, 1978	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	South Texas Natural Gas Gathering Co., F. B. Godinez unit which is located in the Shepherd Field, Hidalgo County, Tex.	(8)	14.65

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft ³	Pressure base
CI78-901, A, June 19, 1978.....	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Texas Gas Transmission Corp., certain properties in the blocks A-302 and A-303, east addition, south extension, High Island area, offshore Texas..	([8])	14.73
CI78-902, A, June 22, 1978.....	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., James K Gladney No. 1 well unit in the Leatherman Creek Field, Claiborne Parish, La..	([8] [9])	15.025
CI78-903 (CI72-194), B, June 22, 1978.	Ladd Petroleum Corp. (succession to LVO Corp.), 1730 M St. NW., Washington, D.C. 20036.	Cities Service Gas Co., certain acreage in Grant County, Okla.	Dry hole.	
CI78-904 (CI60-508), B, June 22, 1978.	.....do.....	Tennessee Gas Pipe Line Co., North East Loreno Field, Zapata County, Tex.	Depletion of reservoir.	
CI78-905, A, June 20, 1978.....	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Pacific Alaska LNG Associates, Lewis River Field, Cook Inlet area, Alaska, limited from the surface down to 9,500 ft or the stratigraphic equivalent thereof.	([8])	14.73
CI78-906, A, June 20, 1978.....	.....do.....	Transwestern Pipeline Co., Horseshoe Bend well No. 1, w/2 sec. 34-T23S-R25E, Eddy County, N. Mex., limited from the surface to the base of the Morrow formation.	([8])	14.65
CI78-907 (G-9854), B, June 20, 1978.	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Getty Oil Co. (successor in interest to Skelly Oil Co.) Velma Field, Stephens County, Okla.	([14])	
CI78-907, A, June 20, 1978.....	.....do.....	Lone Star Gas Co., Velma Field, Stephens County, Okla.	([8])	14.65
CI78-908, A, June 20, 1978.....	Champlin Petroleum Co., P.O. Box 1257, Englewood, Colo. 80150.	McCulloch Interstate Gas Corp., Dry Fork Field, Converse County, Wyo.	([8])	14.65
CI78-934, A, June 23, 1978.....	POGO Producing Co., P.O. Box 2504, Houston, Tex. 77001.	Sea Robin Pipeline Co., West Cameron block 563, offshore Louisiana.	([8])	14.73
CI78-935, A, June 23, 1978.....	.....do.....	Sea Robin Pipeline Co., Eugene Island block 261, offshore Louisiana.	([8])	14.73
CI78-936, A, June 23, 1978.....	.....do.....	Eugene Island block 312, offshore Louisiana.	([8])	14.73
CI78-937, A, June 23, 1978.....	.....do.....	Sea Robin Pipeline Co., Eugene Island block 333, offshore Louisiana.	([8])	14.73
CI78-938, A, June 23, 1978.....	.....do.....	Sea Robin Pipeline Co., West Cameron block 609, offshore Louisiana.	([8])	14.73
CI78-939, A, June 23, 1978.....	.....do.....	Sea Robin Pipeline Co., West Cameron block 617, offshore Louisiana.	([8])	14.73

[1] Applicant requests to add the delivery point set forth in the amendatory agreement of June 19, 1978.
[2] Hansen State well No. 4 reclassified from gas well to oil well. Oil well gas is contractually committed to Warren Petroleum Corp.
[3] Applicant is requesting to continue service of predecessor for all the gas covered under gas sales contract dated Mar. 27, 1961
[4] Applicant is filing under contract dated July. 25, 1972, amended by amendatory agreement dated Aug. 23, 1977 to add their remaining 25 percent of reserves to the original contract.
[5] Applicant is requesting to continue service of predecessor for all the gas covered under gas purchase contract dated July. 9, 1973.
[6] Applicant is filing under gas purchase and sales agreement dated June. 17, 1976, amended by amendatory agreement dated June. 2, 1978.
[7] Applicant is filing under contract dated Aug. 19, 1976, amended by amendatory agreement dated May 10, 1978.
[8] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[9] Applicant and purchaser are affiliated.
[10] Applicant is filing under gas sales contract dated May 19, 1978.
[11] Applicant is filing under gas purchase agreement dated May 23, 1978.
[12] Applicant is filing under gas purchase contract dated Mar. 6, 1978.
[13] Applicant is filing under gas purchase contract dated May 26, 1978.
[14] General American Oil Co. of Texas proposes to abandon service from certain interests to Getty Oil Co. made under two percentage-type gas sales contracts, in order to sell directly to Lone Star Gas Co.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-19764 Filed 7-18-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of June 26 Through June 30, 1978

Notice is hereby given that during the period June 26 through June 30, 1978, the proposed decisions and orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (Sept. 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the proposed decision and order in final form may file a written notice of objection within 10 days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a notice of objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the proposed decision and order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed de-

cision and order. In that statement of objections an aggrieved party must specify each issue of fact or law contained in the proposed decision and order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays.

Dated: July 11, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Commonwealth Oil Refining Co., Inc., Penuelas, P.R., DEE-1369, Crude Oil

The Commonwealth Oil Refining Co., Inc. (Corco) filed and Application for Exception in which it requested exception relief to be implemented through the Entitlements Program which would provide it with an economic incentive to purchase 50,000 barrels per day of California crude oil for use in its refinery in Puerto Rico. On June 30, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted and that Corco should be accorded additional entitlements each month equal in value to the expenses which Corco estimates it will incur in transporting crude oil from California to its refinery.

Glenrock Refinery, Inc., Glenrock, Wyo., FEE-4853, Crude oil

Glenrock Refinery, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67(e)(2). The exception request, if granted, would result in the issuance of additional entitlements to Glenrock for the crude oil which other firms process for Glenrock's account. On June 28, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Monsanto Co., Houston, Tex., DXE-1115, Crude oil

Monsanto Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to continue to sell a portion of the crude oil produced from the Hendrick "C" property, located in Winkler County, Tex., at upper tier ceiling prices. On June 30, 1978, the DOE issued a Proposed Decision and Order in which it determined that partial exception relief should be extended to the firm for an additional six month period of time.

New England Petroleum Corp., New York, N.Y., DEE-0861, Residual fuel oil; petroleum products

New England Petroleum Corp. (NEPCO) filed an Application for Exception from the provisions of 10 CFR 211.67 and 10 CFR, Part 213. The exception request, if granted, would permit NEPCO to receive additional entitlements for residual fuel oil and other refined petroleum products that it imports into the United States. In addition, NEPCO would be permitted to import finished products at a net license fee equal to the fee applicable to imports of crude oil. On June 29, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Reading & Bates Oil and Gas Co., Tulsa, Okla., DXE-1316, Crude oil

Reading & Bates Oil and Gas Co. (Reading & Bates) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would result in the extension of exception relief previously granted and would permit the firm to continue to sell certain volumes of the crude oil which it produces from the Dempsey-Mantooth No. 2A well at upper tier ceiling prices. On June 29, 1978 the DOE issued a Proposed Decision and Order to Reading & Bates which determined that the request be granted in part.

Terry Oil Co., Commerce, Calif., DEE-0901, Crude oil

Terry Oil Co. filed and Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Terry to sell the crude oil which it produces from the East Los Angeles Field at exempt price levels. On June 30, 1978, the DOE issued a Proposed Decision and Order in which it determined that exception relief should be granted in order to afford Terry a 15 percent rate of return on its proposed investment at the East Los Angeles Field.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued proposed decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Adobe Oil & Gas Corp	DXE-1149	Adobe Sale Ranch	Martin, Tex	$0.01229
Allied Chemical Corp	DXE-1150	Perkins	Coke, Tex	.01793
Arkansas Louisiana Gas Co	DXE-1312	Hamilton	Columbia, Ark	.0347
Atlantic Richfield Co	DXE-1174	Adair	Gaines, Tex	.0261
	DXE-1175	Camrick	Beaver, Okla	.0101
	DXE-1176	Chesterville	Colorado, Tex	.0452
	DXE-1177	Crossett	Crane & Upton, Tex	.0282
	DXE-1178	Elmwood	Beaver, Okla	.0060
	DXE-1179	Elk Basin	Park, Wyo	.0203
	DXE-1180	Empire Abo	Eddy, N. Mex	.0220
	DXE-1181	Gillette	Campbell, Wyo	.0324
	DXE-1182	Hull	Liberty, Tex	.0568
	DXE-1183	Kermit	Winkler, Tex	.0195
	DXE-1184	Knox-Bromide	Grady, Okla	.0393
	DXE-1185	Lapeyrouse	Terrebonne Parish, La	.0201
	DXE-1186	Ojai Timber	Ventura, Calif	.4149
	DXE-1187	Riverton Dome	Freemont, Wyo	.3573
	DXE-1188	Silsbee	Hardin, Tex	.1286
	DXE-1189	South Coles Levee	Kern, Calf	.0188
	DXE-1190	Taft	San Patricio, Tex	.0442
	DXE-1191	West Lake	Nolan, Tex	.0482
	DXE-1192	West Seminole	Gaines, Tex	.0258
	DXE-1193	Worland	Washakie, Wyo	.0330
Belridge Oil Co	DXE-1273	Kern County	Kern, Calif	.1122
Breckenridge Gasoline Co	DXE-1286	Eliasville	Stephens, Tex	.1450
	DXE-1287	Lodi	Cass, Tex	.1796
Champlin Petroleum Co	DXE-1263	Gulf Plains	Nueces, Tex	.0775
	DXE-1264	Mayfield	Kleberg, Tex	.1760
	DXE-1265	Peoria	Arapahoe, Colo	.0356
Cities Service Co	DXE-1194	Adair	Terry, Tex	.0292
	DXE-1195	Bluitt	Roosevelt, N. Mex	.0764
	DXE-1196	Citronelle	Mobile, Ala	.0729
	DXE-1197	Garrett	Kay, Okla	.0707
	DXE-1198	Kimball	Kimball, Nebr	.0640
	DXE-1199	May	Kleberg, Tex	.1437

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS—Continued

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Cities Service Co	DXE-1200	Midway	Kingman, Kans	.0497
	DXE-1201	Moncrief	Franklin, Tex	.0735
	DXE-1266	Myrtle Springs	Van Zandt, Tex	.1636
	DXE-1267	Panola	Panola, Tex	.0374
	DXE-1268	Red Fish Bay	San Patricio, Tex	.0175
	DXE-1269	Rio Grande	Starr, Tex	.0550
	DXE-1270	Robstown	Nueces, Tex	.0382
	DXE-1271	St. Amelia	St. James Parish, La	.1563
	DXE-1272	West World	Crockett, Tex	.0552
Coastal States Gas Corp	DXE-1202	Albany	Shackelford, Tex	.0540
	DXE-1203	Corpus Christi	Nueces, Tex	.0173
	DXE-1204	Freer	Webb, Tex	.0159
	DXE-1205	Mission	Hidalgo, Tex	.0251
	DXE-1206	San Antonio	Elmdorf & Bexar, Tex	.0056
Continental Oil Co	DXE-1151	Elk Basin	Park, Wyo	.0825
	DXE-1152	Hennessey	Kingfisher, Okla	.0147
	DXE-1153	Kettleman Hills	Kings, Calif	.0253
	DXE-1154	Medford	Grant, Okla	.0631
	DXE-1155	Nueces River	Live Oak, Tex	.0169
	DXE-1156	O.W. Ward	Hidalgo, Tex	.0501
	DXE-1157	Ramsey	Reeves, Tex	.0933
	DXE-1158	Thomas	Dewey, Okla	.0427
Dougherty Group	DXE-1119	Normanna	Bee, Tex	.0425
Sanford P. Fagadau	DXE-1120	Bluegrove	Clay, Tex	.15059
	DXE-1121	Maryetta	Jack, Tex	.05279
Florida Gas Co	DXE-1122	Brooker	Bradford, Fla	.0372
				0485
General Crude Oil Co	DXE-1301	Dayton	Liberty, Tex	.0360
	DXE-1302	Silsbee	Hardin, Tex	.1411
Getty Oil Co	DXE-1207	Bay Springs	Jasper, Miss	.0297
	DXE-1208	Bayou Sale	St. Mary Parish, La	.0278
	DXE-1209	Buena Vista	Kern, Calif	.0267
	DXE-1210	Cameron	Cameron Parish, La	.0771
	DXE-1211	Cymric	Kern, Calif	.0442
	DXE-1212	Kermit	Winkler, Tex	(1)
	DXE-1213	Kettleman Hills	Kings, Calif	.0275
	DXE-1214	Marlow	Stephens, Okla	.1975
	DXE-1215	New Hope	Franklin, Tex	.0209
	DXE-1216	Normanna	Bee, Tex	.0322
	DXE-1217	Old Ocean	Brazoria, Tex	.0234
	DXE-1218	Placios	Matagorda, Tex	.0701
	DXE-1219	South Pecan Lake	Cameron Parish, La	.0174
	DXE-1220	Ventura	Ventura, Calif	.0263
	DXE-1221	West Bernard	Wharton, Tex	.0872
Gulf Oil Corp	DXE-1159	Azalea	Midland, Tex	.0457
	DXE-1160	Milfay	Creek, Okla	.0823
	DXE-1161	Sand Hills	Crane, Tex	.0536
Kansas-Nebraska Natural Gas Co., Inc	DXE-1082	Yenter	Logan, Colo	.0524
Kerr-McGee Corp	DXE-1108	Milfay	Creek, Okla	.1538
L. C. Kung; Charles F. Chien; T. P. Wang; and A. B. Rothwell.	DXE-1342	R. M. Stephens	Clairborne Parish, La	.0785
Locust Ridge Processing Co	DXE-1277	Locust Ridge	Tensas Parish, La	.06855
Marathon Oil Co	DXE-1123	Camrick	Beaver, Okla	.0366
	DXE-1124	Cotton Valley	Webster Parish, La	.0198
	DXE-1125	Heyser	Calhoun, Tex	.3135
	DXE-1126	Indian Basin	Eddy, N. Mex	.0071
	DXE-1127	Markham	Matagorda, Tex	.0283
	DXE-1128	Scipio	Hillsdale, Mich	.0439
	DXE-1129	South Coles Levee	Kern Calif	.0631
	DXE-1130	Stephens	Clayborne Parish, La	.0300
Matrix Land Co	DXE-1274	Mobeetie	Wheeler, Tex	.05557
McCulloch Gas Processing Corp	DXE-1087	Fairview	Richland, Mont	.0712
	DXE-1088	Hilight	Campbell, Wyo	.0394
	DXE-1089	Jamison Prong	do	.0415
	DXE-1090	Tule Creek	Roosevelt, Mont	.1518
	DXE-1091	Well Draw	Converse, Wyo	.2538
Michigan Hydrocarbons, Inc	DXE-0855	Gaylord	Otsego, Mich	.0722
Mobile Oil Corp	DXE-1222	Union-Adena	Morgan, Colo	.0850
	DXE-1223	Bryans Mill	Cass, Tex	.0257
	DXE-1224	Cotton Valley	Webster Parish, La	.0376
	DXE-1225	Dewey County Complex	Dewey, Okla	.0073
	DXE-1226	Greeley	Kern, Calif	.1832
	DXE-1227	Hagist	Duval, Tex	.0246
	DXE-1228	Heyser	Victoria, Tex	.1123
	DXE-1229	Gulf-Knox	Grady, Okla	.0191
	DXE-1230	Old Ocean	Brazoria, Tex	.0119
	DXE-1231	Postle Hough	Texas, Okla	.0264
	DXE-1232	Putnam Oswego	Dewey, Okla	.0380
	DXE-1233	R.M. Stephens	Clairborne Parish, La	.0537
	DXE-1234	Shell Seiling	Dewey, Okla	.0074
	DXE-1235	Vanderbilt	Jackson, Tex	.1006
	DXE-1236	Wilcox	La Vaca, Tex	.0128
Ozona Gas Processing Plant	DXE-1237	Ozona	Crockett, Tex	.0139
Palo Pinto Oil & Gas Co	DXE-1324	Markley	Jack, Tex	.10771

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS—Continued

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
The Permian Corp	DXE-1131	Possum Kingdom	Stephens, Tex	.03669
	DXE-1168	Todd Ranch	Crockett, Tex	.02599
Phillips Petroleum Co	DXE-1162	Cimarron	Woodward, Okla	.0955
	DXE-1163	Goldsmith	Ector, Tex	.0096
	DXE-1164	Lusk	Lea, N. Mex	.0208
	DXE-1165	Sooner No. 1	Major, Okla	.0383
Placid Oil Co	DXE-1278	Black Lake	Natchitoches Parish, La	.0110
	DXE-1279	Lake Washington	Terrebonne Parish, La	.0322
	DXE-1280	Lapeyrouse	Plaquemine Parish, La	.0212
	DXE-1281	Lirette	Terrebonne Parish, La	.0055
	DXE-1282	Patterson	St. Mary Parish, La	.0159
	DXE-1283	Prentice	Terry, Tex	.0178
	DXE-1284	Promix	St. Mary Parish, La	.0198
	DXE-1285	Yscloskey	St. Bernard Parish, La	.0080
Southern Natural Resources, Inc	DXE-1132	Lapeyrous	Terrebonne Parish, La	.0303
	DXE-1133	Patterson	do	.0218
	DXE-1134	Sea Robin	do	.0226
Standard Oil Co. (Indiana)	DXE-1135	Empire Abo	Eddy, N. Mex	.0330
	DXE-1136	Lake Boeuf	Lafourche Parish, La	.0114
	DXE-1137	Prentice	Yoakum, Tex	.0390
	DXE-1138	Ropes	Harkley, Tex	.0423
	DXE-1139	South Jennings	Jefferson Davis Parish, La	.0285
	DXE-1140	South Thornwell	Cameron Parish, La	.0327
	DXE-1141	White Flat	Nolan, Tex	.0399
Standard Oil Co. (Indiana)	DXE-1323	Kalkaska	Kalkaska, Mich	(1)
	DXE-1364	South Fullerton	Andrews, Tex	.00566
Sun Co., Inc.	DXE-1295	Carney	Lincoln, Okla	.0449
	DXE-1296	Markham	Matagorda, Tex	.0225
	DXE-1297	Steedman	Pontotoc, Okla	.0530
	DXE-1313	Burnell	Goliad, Tex	.0171
	DXE-1314	Fullerton	Andrews, Tex	(1)
	DXE-1315	Mayfield	Kleberg, Tex	.1511
	DXE-1325	Dragon Trail	Rio Blanco, Colo	(1)
	DXE-1326	Fairway	Henderson, Tex	.0058
	DXE-1327	Maurice	Lafayette Parish, La	.0347
	DXE-1328	Van	Van Zandt, Tex	0197
	DXE-1341	Okarche	Kingfisher, Okla	.2795
	DXE-1366	Concho	Concho, Tex	.0519
	DXE-1367	Jameson	Coke, Tex	.0100
The Superior Oil Co	DXE-1330	Cymric	Kern, Calif	.0745
	DXE-1331	Kettleman Hills	Kings, Calif	.0478
	DXE-1332	Levelland	Cochran & Hockley, Tex	.0126
	DXE-1334	TXL	Ector, Tex	.0115
	DXE-1335	West Seminole	Gaines, Tex	.0372
Texaco, Inc	DXE-1238	Apache	Caddo, Okla	.0178
	DXE-1239	Blessing	Matagorda, Tex	.0453
	DXE-1240	Coalinga Nose	Fresno, Calif	.0123
	DXE-1241	Delhi	Richland Parish, La	.0080
	DXE-1242	Elmwood	Beaver, Okla	.0172
	DXE-1243	Headlee Cycling	Ector, Tex	(1)
	DXE-1244	Headlee Gas	do	.0371
	DXE-1245	Houma	Terrebonne Parish, La	.0161
	DXE-1246	Humble	Harris, Tex	.0237
	DXE-1247	Lamesa	Dawson, Tex	.0372
	DXE-1248	Lockridge	Ward, Tex	.0435
	DXE-1249	Maurice	Vermilion Parish, La	.0098
	DXE-1250	Mermentau	Acadia Parish, La	.0302
	DXE-1251	North Cowden	Ector, Tex	.0168
	DXE-1252	Old Ocean	Brazoria, Tex	.0316
	DXE-1253	Ozona	Crockett, Tex	.0129
	DXE-1254	Pampa	Gray, Tex	.0147
	DXE-1255	Pledger	Brazoria, Tex	.0094
	DXE-1256	Toca	St. Bernard Parish, La	(1)
	DXE-1257	Wilcox	Lavaca, Tex	.0121
Shell Oil Co	DXE-1092	Calumet	St. Mary Parish, La	.0215
	DXE-1093	Conley	Hardeman, Tex	.0413
	DXE-1094	Elmwood	Beaver, Okla	.0870
	DXE-1095	Goodwater	Clark, Miss	.2619
	DXE-1096	Houston Central	Colorado, Tex	.0072
	DXE-1097	Indian Basin	Eddy, N. Mex	.0073
	DXE-1098	Iowa Tet	Calcasieu Parish, La	.0608

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS—Continued

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Shell Oil Co	DXE-1099	Lake Washington	Plaquemines Parish, La	.0172
	DXE-1100	Molino	Santa Barbara, Calif	.1283
	DXE-1101	Seeligson	Jim Wells, Tex	.0194
	DXE-1102	Tippett, Crossett	Crockett, Tex	.0268
	DXE-1103	Yates	Pecos, Tex	(1)
Trend Exploration Ltd	DXE-1258	Buck Peak	Moffat, Colo	.0194
Union Oil Co. of California	DXE-1142	Adena	Morgan, Colo	.0406
	DXE-1143	Dominquez	Los Angeles, Calif	.0865
Upham Oil & Gas Co	DXE-1109	Chico	Wise, Tex	.0436
Vickers Energy Corp	DXE-1260	Mayfield	Kleberg, Tex	.1371
	DXE-1261	Patterson	St. Mary Parish, La	.0118
	DXE-1262	Putnam Oswego	Dewey, Okla	.0167

[1] Denied.

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 929-7]

HOUSTON AIR QUALITY

Public Meeting

Recently, the Environmental Protection Agency, Region 6, gave notice in the FEDERAL REGISTER that a public meeting would be held at the Holiday Inn, Medical Center, 6701 South Main, Houston, Tex., from 9 a.m. to 4 p.m. July 26, 1978.

This notice gives additional details about that meeting.

The meeting's purpose is to discuss the present studies regarding Houston's air quality. Following is the agenda for the meeting:

Co-chairpersons: A. Harrison, EPA Region 6 Administrator; S. Gage, EPA Assistant Administrator for Research and Development.

I. HOUSTON AIR POLLUTION RESEARCH STUDY

9:00 a.m.—Opening Remarks and Introduction of Projects.
9:25 a.m.—Air Pollution and Health Effects Research.
10:00 a.m.—Public Comments.
10:45 a.m.—Break.
11:00 a.m.—EPA Air Quality Research Study: A. Aerosol-Haze (10 min.); B. Ozone-Oxidant (25 min.).
11:35 a.m.—Public Comments.
12:00 Noon.—Lunch.

II. VEHICLE TESTING PROGRAM

1:00 p.m.—Houston Automotive Emissions Testing Program.

III. HOUSTON AIR OXIDANT STUDY (HAOS)

1:15 p.m.—Committee Report.
2:00 p.m.—Public Comments.
2:30 p.m.—Break.

[FR 7767 Filed 7-18-78; 8:45 am]

IV. OXIDANT CONTROL STRATEGIES

2:45 p.m.—Oxidant Control Strategies Option Study Update.
3:30 p.m.—Public Comment.

V. GENERAL COMMENTS

4:00 p.m.—Public Comments on overall Houston Air Studies.

Those wishing to make comments at the meeting should contact Peyton Davis, 214-767-2630. Written comments also may be sent to Peyton Davis, U.S. Environmental Protection Agency, Office of Public Awareness, 1201 Elm Street, Dallas, Tex. 75270. In addition, attendees may register and comment at the meeting as time permits. Comments will be limited to 5 minutes.

Dated: July 7, 1978.

ADLENE HARRISON,
Regional Administrator.

[FR Doc. 78-19902 Filed 7-18-78; 8:45 am]

[6560-01]

[FRL 929-6]

SCIENCE ADVISORY BOARD SUBCOMMITTEE ON AIR QUALITY CRITERIA FOR POLYCYCLIC ORGANIC MATTER

Open Meeting

As required by Pub. L. 92-463, this is to announce a public meeting of the Science Advisory Board's subcommittee to review the Environmental Protection Agency's draft documents relating to the human health effects of atmospheric polycyclic organic matter (POM). The draft documents to be reviewed are entitled "Preliminary Assessment of the Sources, Control, and Population Exposure to Airborne Polycyclic Organic Matter" as indicated by Benzo (A) Pyrene; "Health Assessment Document for Polycyclic Organic Matter"; and "Carcinogen Assessment Group's Preliminary Report on Population Risk to Polycyclic Organic Matter."

The meeting will be for 1½ days, starting at 9 a.m. on Thursday, August 3, and at 9 a.m. on August 4, room 1101, West Tower, 401 M Street SW., Washington, D.C. The meeting is open to the public. Any member of the public wishing to attend or submit written comments regarding the scientific and technical information on the documents should call or write Ms. Judi Blinn or Mr. Terry F. Yosie, Science Advisory Board (A-101), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The telephone number is 703-557-7720.

Dated: July 12, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-19900 Filed 7-18-78; 8:45 am]

[6325-01]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, August 3, 1978.

Thursday, August 17, 1978.
Thrusday, August 24, 1978.
Thursday, August 31, 1978.

The meetings will convene at 10 a.m., and will be held in room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Civil Service Commission thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Permature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal wage system pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415, 202-632-9710.

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee

JULY 13, 1978.

[FR Doc. 78-19919 Filed 7-18-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BATES COUNTY BANCSHARES, INC.

Formation of Bank Holding Company

JULY 13, 1978.

Bates County Bancshares, Inc., Rich Hill, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80.7 percent of the voting shares of Security Bank of Rich Hill, Rich Hill, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the reserve Bank, to be received not later than August 16, 1978.

Board of Governors of the Federal Reserve System, July 12, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19906 Filed 7-18-78; 8:45 am]

[6210-01]

S & S HOLDING CO.

Formation of Bank Holding Company

JULY 13, 1978.

S & S Holding Co., Meridian, Idaho, 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 95.245 percent of the voting shares of Farmers & Merchants State Bank, Meridian, Idaho. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 11, 1978.

Board of Governors of the Federal Reserve System, July 12, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19907 Filed 7-18-78; 8:45 am]

[6210-01]

ST. JOSEPH BANCSHARES, INC.

Formation of Bank Holding Company

St. Joseph Bancshares, Inc., St. Joseph, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 99 percent or more of the voting shares of Farmers State Bank, St. Joseph, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 17, 1978.

Board of Governors of the Federal Reserve System, July 13, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19905 Filed 7-18-78; 8:45 am]

[6820-22]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 5, August 8, 1978, from 10 a.m. to 4 p.m., Room 3520A, John C. Klyczynski Federal Building, 230 South Dearborn Street, Chicago, Ill. The meeting will be devoted to the review of the concept submission for the proposed new U.S. courthouse annex, Detroit, Mich. The meeting will be open to the public.

Dated: June 29, 1978.

S. MAHER,
Acting Regional Administrator.

[FR Doc. 78-19877 Filed 7-18-78; 8:45 am]

[4110-08]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE, NCI

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

Carcinogenesis Program Scientific Review Committee, National Cancer Institute, August 3-4, 1978, Building 31, Conference Room 9, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. The meeting will be open to the public on August 3, 1978 from 9:30 a.m., to 10 a.m. and on August 4, 1978 from 8:30 a.m. to 9 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 3, 1978 from 10 a.m. to adjournment, and on August 4, 1978 from 9 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the descussions could reveal confidential trade secrets or commercial property such as patentable material and personal information about individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Carl E. Smith, Executive Secretary of the August 3, 1978 meeting, National Cancer Institute, Landow Building, Room 8C37, National Institutes of Health, Bethesda, Md. 20014, 301-496-4141, and Dr. Virginia C. Dunkel, Executive Secretary of the August 4, 1978 meeting, National Cancer Institute, Landow Building, Room 3A14, National Institutes of Health, Bethesda, Md. 20014, 301-496-1071, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.395, National Institutes of Health.)

Dated: July 11, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-19899 Filed 7-18-78; 8:45 am]

[4110-08]

NCI LAETRILE RETROSPECTIVE ANALYSIS EVALUATION COMMITTEE (TEMPORARY)

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the NCI Laetrile Retrospective Analysis Evaluation Committee (Temporary), National Cancer Institute, August 8-10, 1978, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md. 20014. This meeting will be open to the public on August 8, 1978 from 9 a.m. to 9:15 a.m., to define the purpose of the meeting. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 8, 1978, from 9:15 a.m. to adjournment on August 10, for the review, discussion, and evaluation of case histories of individual patients and physicians who voluntarily submitted medical records, the disclosure of which would constitute a clearly unwarranted invasion of personal; privacy.

Dr. Neil M. Ellison, Coordinator, National Cancer Institute, Landow Building, Room 8C08, National Institutes of Health, Bethesda, Md. 20014, 301-496-9326, will furnish summary minutes of the meeting and rosters of committee members, upon request.

Dated: July 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-19898 Filed 7-18-78; 8:45 am]

[4110-08]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee, National Cancer Institute, August 14 and 15, 1978, Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md. 20014. This meeting will be open to the public on August 14, 1978, from 9 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will closed to the public on August 14, 1978, from 9:30 a.m. to 5 p.m., and on August 15, 1978, from 9 a.m. to adjournment for the review of contract proposals in the field of viral oncology. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meeting and rosters of committee members.

Dr. Clarice E. Gaylord, Executive Secretary, Landow Building, Room 9A-12, National Institutes of Health, Bethesda, Md. 20014, 301-496-6085, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.393, National Institutes of Health.)

Dated: July 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-19897 Filed 7-18-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 568]

ARIZONA

Filing of Plat of Survey

JULY 11, 1978.

Plat of survey of lands described below will be officially filed in Arizona State Office, Phoenix, Ariz. effective at 10 a.m., on August 28, 1978.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 12 E.

A dependent resurvey of portions of the south boundary and subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, and the survey of portions of the south boundary and subdivisional lines, and the survey of the subdivision of sections 26, 27, and 35 in T. 4 N., R. 12 E., Gila and Salt River Meridian, Arizona.

The land encompassed in the survey is located near the east edge of Roosevelt, Ariz., and about 28 miles northwest of Globe, Ariz. The area can be reached by means of Arizona State Highway 88, which crosses through portions of sections 26, 27, and 35. There are numerous gravel and dirt roads and trails in sections 26 and 27.

The elevation ranges from 4,000 feet above sea level in the southwest quarter of section 34, to about 2,100 feet near Roosevelt Lake, including the north boundaries of sections 26 and 27. All of section 34, the southwest quarter of section 27, and most of the west half of section 35 are mountainous, and the rest of the area is rolling hills. A number of washes and dry creeks, which are generally north northeast, take any excess amounts of water, which are rare, into Roosevelt Lake.

There is dense palo verde and scattered juniper with a scattering of jojoba, mesquite, and creosote in the lower areas. In the higher elevation cholla cactus abounds and saguaro cactus is scattered throughout the region. There are no timber trees in the area. The soil is predominately rocky with a scattering of native grasses.

Some cattle grazing exists in the lower areas. However, the principal use of the area is recreation, mainly fishing and visiting the Tonto National Monument. Improvements include the headquarters of the Tonto National Monument in section 34 and some park buildings located in the northwest quarter of section 35. There are also some scattered fences throughout the areas.

No mineral deposits of any consequence exist in the sections involved in this survey.

The lands in the area of this survey lie within the Tonto National Monument and are reserved from all forms of appropriation under the public land laws and, therefore, the lands will not be open to entry.

THERESA A. CARMACK,
Acting Chief, Records and Data Management.

[FR Doc. 78-19878 Filed 7-18-78; 8:45 am]

[4310-84]

[NM 33771]

NEW MEXICO

Application

JULY 11, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 29 E.,
Sec. 31, lots 5, 6 and NE¼SW¼.

This pipeline will convey natural gas across 0.285 mile 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 application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-19928 Filed 7-18-78; 8:45 am]

[4310-84]

[Colorado 22771 L and Colorado 25122 a, Z]

NORTHWEST PIPELINE CORP.

R/W Applications for Pipelines

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for rights-of-way for 4½" o.d. natural gas pipelines for the Trail Canyon and Foundation Creek gathering systems approximately 1.314 miles long, across the following public land:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 4 S., R. 101 W.,
Sec. 24: SW¼NW¼, NE¼SW¼.
T. 4 S., R. 102 W.,
Sec. 11: SE¼NE¼, SE¼; Sec. 22: S½NE¼, N½SE¼.

The above-named gathering systems will enable the applicant to collect natural gas in the area through which the pipelines will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of the environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the applications. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claims or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team Branch of Adjudication.

[FR Doc. 78-19879 Filed 7-18-78; 8:45 am]

[4310-84]

[W-62914]

WYOMING

Application

JULY 10, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 6⅝ inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 25 N., R. 109 W.,
Sec. 31, E½W½.
T. 24 N., R. 110 W.,
Sec. 1, SW¼NW¼, W½SW¼;
Sec. 2, Lots 1, 2, and SE¼NE¼.

The proposed pipeline will transport natural gas from a point in the NE¼NW¼ of section 31, T. 25 N., R. 109 W., to a point of connection with Northwest Pipeline Corp.'s proposed trunk "B" pipeline located in the SW¼NW¼ of section 1, T. 24 N., R. 110 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-19880 Filed 7-18-78; 8:45 am]

[4310-84]

[Wyoming 64353]

WYOMING

Application

JULY 7, 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 Cities Service Gas Co. of Oklahoma City, Okla. filed an application for a right-of-way to construct a 4½-inch pipeline and related anode facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 91 W.,
Sec. 6, lot 7, E½SW¼, N½SE¼ and SW¼SE¼.
T. 18 N., R. 92 W.,
Sec. 12, NE¼NE¼.

The proposed pipeline with appurtenant anode facilities will transport natural gas from a point in the NE¼NE¼ of sec. 12, T. 18 N., R. 92 W., to a point of connection with Cities Service Gas Co.'s existing gathering system located in sec. 5, in T. 18 N., R. 91 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 application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-19881 Filed 7-18-78; 8:45 am]

[4310-84]

Office of the Secretary

[INT FES 78-14]

PROPOSED DOMESTIC LIVESTOCK GRAZING PROGRAM FOR THE UNCOMPAHGRE BASIN RESOURCE AREA; MONTROSE DISTRICT, COLO.

Availability of Final Environmental Statement

Pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969, the Department of Interior's Bureau of Land Management has prepared a final environmental statement (FES) on the proposed grazing management in the Uncompahgre Resource Area, Colorado.

The statment analyzes environmental impacts that would result from implementation of intensive grazing management plans, including necessary range improvements, on 91 percent of the public lands (479,265 acres) in the resource area. Other allotments would be managed less intensively (29,940 acres), or would be entirely eliminated from grazing use (3,020 acres). The remaining 13,550 acres are not currently grazed by livestock and that status would remain the same.

Several alternatives were considered, including Continuation of Present Grazing Program, Elimination of Livestock Grazing, Custodial Management, Reduced Livestock Grazing, and Elimination of Grazing on Allotments with Soils in Severe and Critical Erosion Classes.

In preparing the final statement, BLM requested and received assistance and comments from many agencies of Federal, State, and local governments and private citizens. Notice of availability of draft environmental statement appeared in FEDERAL REGISTER Vol. 42, No. 186, September 26, 1977. Written comments were invited for a 45-day period ending November 9, 1977. Additional opportunity to comment was provided at public hearings held on November 1, 1977, in Montrose, Colo. The final environmental statement contains specific responses to both written comments and oral testimony that dealt with the adequacy of the draft environmental statement. Revisions in the text were also made in response to comments or new information provided by the public during the comment period.

Copies of the final statement and review copies are available at the following Bureau of Land Management offices:

Montrose District Office, Highway 550 South, P.O. Box 1269, Montrose, Colo. 81401, telephone, 303-249-7791.

Colorado State Public Affairs Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, telephone, 303-837-4481.

Uncompahgre Resource Area Office, 307 Main, Montrose, Colo. 81401, telephone 303-249-2244.

Review copies are available at the following locations:

Washington Office of Public Affairs, Bureau of Land Management, Room 5625, 18th and C Streets NW., Washington, D.C. 20240, telephone, 202-343-4151.

Montrose Regional Library, 434 South First, Montrose, Colo. 81401

Delta City Public Library, 563 Palmer, Delta, Colo. 81416.

Ouray Library, Sixth Avenue, Ouray, Colo. 81427.

Paonia Public Library, Grand, Paonia, Colo. 81428.

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colo. 80206.

Montrose County Courthouse, Montrose, Colo. 81401.

Delta County Courthouse, Detla, Colo. 81416.

Ouray County Courthouse, Ouray, Colo. 81427.

Gunnison County Courthouse, Gunnison, Colo. 81230.

Dated: July 12, 1978.

HEATHER L. ROSS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-19893 Filed 7-18-78; 8:45 am]

[4310-84]

[INT DES 78-26]

PROPOSED LIVESTOCK GRAZING MANAGEMENT IN THE SEVEN LAKES AREA, SOUTH-CENTRAL WYOMING; RAWLINS, DISTRICT, WYO.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared an environmental statement on proposed livestock grazing management in the Seven Lakes area of south-central Wyoming, and has made copies of the document available for public review and comment.

The draft statement analyzes environmental impacts that would result from the implementation of the grazing systems in three (3) proposed allotments providing for livestock grazing management and use of available forage on approximately 512,800 acres, including necessary range improvements. The statement further analyzes the environmental impacts that would result from the implementation of each of six (6) alternatives to that proposal.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Rawlins District Office, 1300 Third Street, Rawlins, Wyo. 82301.

Bureau of Land Management, Lander Resource Area, Highway 287 South, Lander, Wyo. 82520.

Bureau of Land Management, Wyoming State Office, Branch of Records and Data Management, 2515 Warren Avenue, Cheyenne, Wyo. 82001.

Bureau of Land Management, Rock Springs District Office, Highway 187 North, Rock Springs, Wyo. 82901.

Bureau of Land Management, Casper District Office, 7 Union Boulevard, Casper, Wyo. 82601.

Bureau of Land Management, Worland District Office, 1700 Robertson Avenue, Worland, Wyo. 82401.

Coe Library, University of Wyoming, University Station, Box 3334, Laramie, Wyo. 82071.

Library, Western Wyoming Community College, 2500 College Drive, Rock Springs, Wyo. 82901.

Rock Springs Public Library, 400 C Street, Rock Springs, Wyo. 82901.

Fremont County Library, 451 North Second Street, Lander, Wyo. 82520.

Laramie County Library, 2800 Central Avenue, Cheyenne, Wyo. 82001.

Carbon County Public Library, Court House, Rawlins, Wyo. 82301.

Saratoga Public Library, 104 West Elm, Saratoga, Wyo. 82331.

Encampment Branch Library, Encampment, Wyo. 82325.

Albany County Public Library, 405 Grand Avenue, Laramie, Wyo. 82070.

Library of Natrona County, 307 East Second, Casper, Wyo. 82601.

Library, Laramine County Community College, 1400 East College Drive, Cheyenne, Wyo. 82001.

Wyoming State Library, Government Publications, Supreme Court and Library Building, Cheyenne, Wyo. 82002.

Casper College Library, 125 College Drive, Casper, Wyo. 82601.

Single copies of the draft statement can be obtained from the Team Leader, Bureau of Land Management, Seven Lakes Environmental Statement, P.O. Box 670, Rawlins, Wyo. 82301; or the State Director (952), Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyo. 82001.

Written comments on the draft environmental statement will be accepted on or before September 8, 1978. They are to be addressed to Paul Bodenberger, Team Leader, Bureau of Land Management, Seven Lakes Environmental Statement, P.O. Box 670, Rawlins, Wyoming 82301.

Oral and written comments will also be received at public hearings on August 29, 1978, in the East Room, Jeffrey Memorial Community Center, Third and Spruce Streets, Rawlins, Wyo. Hearing sessions will begin at 1:30 and 7:30 p.m.

Oral testimony of 10 minutes duration will be accepted from each witness at the hearing, in lieu of written comments or in addition to any written comments submitted by such a witness. The 10 minute limitation will be strictly enforced by the presiding officer, who will be the Wyoming BLM Associate State Director. Complete text of prepared speeches may be filed at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Speakers will be heard in their established order on the witness list. After the last listed witness has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinions of a private citizen.

Written requests to testify orally should be received at the Rawlins District Office of the Bureau of Land Management at the above address prior to close of business on August 25, 1978. Request should identify the organization represented, should be signed by the prospective witness, and should state the approximate time (afternoon or evening) for giving oral testimony. The cutoff date is necessary so that a witness list can be made available in the Rawlins District Office on the day before the public hearing.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

Dated: July 13, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant,
Secretary of the Interior.

[FR Doc. 78-19894 Filed 7-18-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[303-TA-3]

CERTAIN FISH FROM CANADA

Investigation, Public Hearing, and Request for Written Views

Having received advice from the Department of the Treasury on June 27, 1978, that a bounty or grant is being paid with respect to certain fish imported from Canada, entered under item Nos. 110.1585, 110.1589, 110.4710, 110.4726, 110.7033, 110.7039, 111.2200, 111.6400, and 111.6800 of the Tariff Schedules of the United States Annotated, which merchandise is accorded duty-free treatment, the U.S. International Trade Commission on July 13, 1978, instituted investigation No. 303-TA-3 under section 303(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(b)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public hearing.—A public hearing in connection with the investigation will be held in Wasington, D.C., at 10 p.m. e.d.t., on Tuesday, August 15, 1978, in the hearing room, U.S. International Trade Commission Building, 701 E Street NW. All interested persons will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20346, and should be received not later than noon Thursday, August 10, 1978.

Written statements.—In addition to, or in lieu of, an appearance at the hearing, interested persons are requested to submit to the Commission, in writing, any information pertinent to whether an industry in the United States is being or is likely to be injured or is prevented from being established, by reason of the importation of the subject fish from Canada. Written statements should be addressed to the Secretary of the Commission at the Commission's office in Washington, D.C., and should be submitted not later than Friday, August 18, 1978.

By order of the Commission:

Issued: July 14, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-19876 Filed 7-18-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, NUCLEAR REGULATORY COMMISSION

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 3-5, 1978, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, AUGUST 3, 1978

8:30 a.m.-9 a.m.: Executive session (open).—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for construction permits for the Davis-Besse Nuclear Power Station units 2 and 3.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this project and information related to physical protection of this facility.

9:15 a.m.-12 noon: Davis-Besse Nuclear Power Station units 2 and 3 (open).—The Committee will hear and discuss presentations by representatives of the Nuclear Regulatory Commission (NRC) staff and the applicant related to the request for construction of the Davis-Besse Nuclear Power Station units 2 and 3.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this project and information related to physical protection of this facility.

1 p.m.-1:15 p.m.: Executive session (open).—The Committee will discuss the report of its subcommittee and consultants who may be present regarding the request for a construction permit for the Erie Nuclear Plant units 1 and 2.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this project and information related to physical protection of this facility.

1:15 p.m.-4 p.m.: Erie Nuclear Plant units 1 and 2 (open).—The Committee will hear and discuss reports by representatives of the NRC staff and the applicant related to the request for a construction permit for this facility.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this project and information related to physical protection of this facility.

4 p.m.-5 p.m.: Meeting with NRC staff (open).—The Committee will hear presentations and hold discussions with representatives of the NRC staff regarding Anticipated Transients Without Scram.

5 p.m.-6:30 p.m.: Executive session (open).—The Committee will hear and discuss the reports of ACRS Subcommittees and consultants who may be present regarding generic matters applicable to reactor safety and waste management. Topics discussed will include proposed revisions to NRC regulatory guides, NRC policy on decommissioning of nuclear facilities, and issues relevant to the regulation of radioactive waste management.

The Committee will also discuss its proposed reports to the NRC regarding the Davis-Besse Nuclear Power Station units 2 and 3 and the Erie Nuclear Plant units 1 and 2.

Portions of this session will be closed as necessary to protect proprietary information, information regarding physical protection of these plants and material involved in adjudicatory proceedings.

FRIDAY, AUGUST 4, 1978

8:30 a.m.-9:30 a.m.: Executive session (open).—The Committee will hear and discuss a report on perceived and acceptable risk—implications for nuclear power decisionmaking.

9:30 a.m.-12 noon and 1 p.m.-2:30 p.m.: Meeting with NRC staff (open).—The Committee will hear presentations from and hold discussions with members of the NRC staff regarding recent licensing actions and operating experience including settlement of the pumphouse at the North Anna Nuclear Station, failure of a crane hook at the Crystal River Nuclear Plant, location of a fuel pipeline at the Beaver Valley Nuclear Plant, the quality assurance program at the D. C. Cook Nuclear Plant, and cracking of the containment torus at the Vermont Yankee Nuclear Station.

The Committee will hear presentations by members of the NRC staff and hold discussions regarding NRC activities regarding systems interaction analysis of nuclear facilities, and test facilities for reactor safety research related to emergency core cooling systems.

The future schedule for ACRS activities will also be discussed.

2:30 p.m.-3 p.m.: Executive session (open).—The Committee will hear and discuss the report of its subcommittee and consultants who may be present regarding the request for preliminary design approval of the Westinghouse Electric Corp. Reference Safety Analysis Report RESAR-414.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this system and provisions for physical protection of this type plant.

3 p.m.-6:30 p.m.: Westinghouse Electric Corp. Reference Safety Analysis Report RESAR-414 (open).—The Committee will hear and discuss reports of representatives of the NRC staff and the applicant regarding the request for preliminary design approval of RESAR-414.

Portions of this session will be closed if necessary to discuss proprietary information applicable to this system and provisions for physical protection of this type facility.

6:30 p.m.-7:15 p.m.: Executive session (open/closed).—The Committee will discuss its proposed reports to NRC regarding the Davis-Besse Nuclear Power Station units 2 and 3, the Erie Nuclear Plant units 1 and 2, and RESAR-414.

Portions of this meeting will be closed if necessary to discuss proprietary information applicable to these facilities, provisions for physical protection of these plants, and matters involved in adjudicatory proceedings.

SATURDAY, AUGUST 5, 1978

8:30 a.m.-4 p.m.: Executive session (open/closed).—The Committee will complete its reports to the NRC regarding matters discussed during this meeting and proposed ACRS comments regarding the source term used in accident analysis and the use of class 9 accidents in the evaluation of alternate sites. Portions of this session will be closed as necessary to protect proprietary and classified information, information related to plant physical protection, and matters involved in adjudicatory proceedings. The Committee will also hear the reports of ACRS subcommittees on generic items relating to reactor safety, and will discuss a proposed report regarding ACRS activities during May-August 1978, comments regarding the status of ACRS requests and recommendations, and amendment of the ACRS bylaws.

Procedures for the conduct of and participation in ACRS meetings were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its Consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of classified and proprietary information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c) (1) and (4)), and to permit discussion of matters involved in adjudicatory proceedings (5 U.S.C. 552b(c)(10)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection as appropriate in the NRC's public document room, 1717 H Street NW., Washington, D.C. 20555 and in the following public document rooms:

Davis-Besse Nuclear Power Station units 2 and 3: Ida Rupp Public Library, 310 Madison Street, Port Clinton, OH 43452.

Erie Nuclear Plant units 1 and 2: Berlin Township Public Library, 4 East Main Street, Berlin Heights, OH 44814.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m. e.d.t.

Dated: July 14, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc 78-20061 Filed 7-18-78; 8:45 am]

[7590-01]

INSTRUCTIONAL BOOKLETS AND POSTERS FOR CARGO WORKERS AT TRANSPORTATION TERMINALS

Issuance and Availability

The Nuclear Regulatory Commission and the Department of Transportation have issued two booklets and two posters for use at transportation terminals for personnel who handle packages containing radioactive materials and for their supervisors. The two booklets are entitled "How to Handle Radioactive Materials Packages—A Guide for Cargo Handlers" and "All About Radioactive Materials Packages—A Guide for Supervisors at Cargo Terminals." The two posters are entitled "Radioactive Materials Packages—How to Handle Them" and "Radioactive Materials Packages—Rules for Handling."

The booklets and posters are designed to provide cargo workers with

simple instructions on how to prevent unnecessary radiation exposures when handling shipments of radioactive materials. The booklets also provide basic information on radiation and radioactive materials packages and emergency procedures to be used following an accident involving these packages.

These materials are available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be obtained from U.S. Department of Transportation, Research and Special Programs Administration, Materials Transportation Bureau, Information Services Division, Washington, D.C. 20590.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 10th day of July 1978.

For the Nuclear Regulatory Commission.

RAY G. SMITH,
Acting Director,
Office of Standards Development.

[FR Doc. 78-19872 Filed 7-18-78; 8:45 am]

[7590-01]

[NUREG-75/087]

REVISION TO STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the standard review plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to section Nos. 3.11 (Environmental Qualification of Mechanical and Electrical Equipment), 7.1 (Introduction), 7.2 (Reactor Trip System), 7.3 (Engineered Safety Feature Systems), 7.4 (Systems Required for Safe Shutdown), 7.5 (Safety-Related Display Instrumentation), 7.6 (All Other Instrumentation Systems Required for Safety), 7.7 (Control Systems Not Required for Safety), and Appendix 7-A (Branch Technical Positions (ICSB)) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the standard review plan for the review of safety analysis reports for nuclear power plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70, including first-year supplements. Annual subscriptions for supplements alone are $30. Individual sections are available at current prices. The domestic price for Revision No. 1 of each section is $4. Foreign price information is available from NTIS. A copy of the standard review plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 7th day of July 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-19873 Filed 7-18-78; 8:45 am]

[7590-01]

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Co. (the licensee), which revised the technical specifications for operation of Arkansas Nuclear 1, Unit No. 1 (ANO-1) located in Pope County, Ark. The amendment is effective as of its date of issuance.

The amendment modifies the technical specifications for ANO-1 to increase the volume requirements and to modify the concentration requirements of the boric acid addition tank.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application for amendment dated March 14, 1978, (2) Amendment No. 33 to License No. DPR-51, 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 Arkansas Polytechnic College, Russellville, Ark. 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 6th day of July 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-19866 Filed 7-18-78; 8:45 am]

[7590-01]

[Docket No. 50-287]

DUKE POWER CO., OCONEE NUCLEAR STATION UNIT NO. 3

Exemption

I

Duke Power Co. (the licensee) is the holder of Facility Operating License No. DPR-55 which authorizes the operation of the nuclear power reactor known as Oconee Nuclear Station, Unit No. 3 (the facility), at steady reactor power levels not in excess of 2,568 megawatts termal (rated power). The facility consists of a Babcock & Wilcox (B&W) designed pressurized water reactor (PWR) located at the licensee's site in Oconee County, S.C.

II

In accordance with the requirements of the Commission's emergency core cooling system (ECCS) acceptance criteria, 10 CFR 50.46, the licensee submitted on July 9, 1975, an ECCS evaluation for the facility. The ECCS performance submitted by the licensee was based upon an ECCS evaluation model developed by the B&W, the designer of the nuclear steam supply system for this facility. The B&W ECCS evaluation model had been previously found to conform to the requirements of the Commission's ECCS acceptance critieria, 10 CFR part

50.46, and Appendix K. The evaluation indicated that with the limits set forth in the facility's technical specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On April 12, 1978, B&W informed the NRC that it had determined that in the event of a small break loss of coolant accident (LOCA) on the discharge side of a reactor coolant pump, high pressure injection (HPI) flow to the core could be reduced somewhat. Subsequent calculations indicated that in such a case the calculated peak clad temperature might exceed 2,200° F.

Previous small break analyses for B&W 177 fuel assembly (FA) lowered loop plants had identified the limiting small break to be in the suction line of the reactor coolant pump. recent analyses have shown that the discharge line break is more limiting than the suction line break.

The Oconee Nuclear Station Unit No. 3 has an ECCS configuration which consists of two HPI trains which are supplied by three HPI pumps. each train injects into two of the four reactor coolant system (RCS) cold legs on the discharge side of the RCS pump. The two parallel HPI trains are connected but are kept isolated by manual valves (known as the crossover valves) that are normally closed.

Duke Power has proposed by letter dated April 21, 1978, to maintain all three pumps in an operable status. The Oconee emergency power system is designed with suffient capacity for this mode of operation. Upon receiving a safety injection signal the HPI pumps are started and valves in the injection lines are opened. Assuming loss of offsite power and the worst single failure (the HPI pump C or the HPI valve HP26), two HPI pumps would still be available and only one of the two injection valves would fail to open.

If a small break is postulated to occur in the RCS piping between the RCS pump discharge and the reactor vessel, the high pressure injection flow injected into this line (about 50 percent of the output of two high pressure pumps) could flow out the break. Therefore, for the worst combination of break location and single failure, 50 percent of the flow rate of two high pressure ECCS pumps would contribute to maintaining the coolant inventory in the reactor vessel. This situation had not been previously analyzed and B&W had indicated that the limits specified in 10 CFR 50.46 may be exceeded.

B&W has stated that they have analyzed a spectrum of small breaks in the pump discharge line and have determined that to meet the limits of 10 CFR 50.46(b), operator action is required to open the two manual operated crossover valves and to manually aline the motor driven isolation valve which had failed to open. This would allow the flow from the two HPI pumps to feed all four reactor coolant legs. B&W has assumed that 30 percent of the flow would be lost through the break and 70 percent would enter the core. The licensee has committed to provide for the neccessary operator actions within the required time frame. That is, in the event of a small break and a limiting single failure, manual action will be taken to begin opening these valves within 5 minutes and have them fully opened and an adequate flow split obtained within the following 10 minutes. The analyses performed by B&W assumed that the flow split was established at 650 seconds by operator action. We conclude that the analyses are a reasonable approximation of the operator action that actually will be taken, provided specific procedures are prepared and followed to assure such action.

B&W has prepared a summary entitled "Analysis of Small Breaks in the Reactor Coolant Pump Discharge Piping for the B&W Lowered Loop 177 FA Plants," April 24, 1978 (the B&W summary), which describes the methods used and the results obtained in the above analysis. The analysis models operator action by assuming a step increase in flow to the reactor vessel (with balanced flow in the three intact loops) 10 minutes after the LOCA reactor protection system trip signal occurs.

On April 26, 1978, the Commission issued an order for modification of license which amended the license for Oconee Unit 3 requiring (1) submission of a reevaluation of the emergency core cooling system calculated in accordance with the B&W evaluation model for operation with operating procedures described in the licensee's letter of April 21, 1978, and (2) operation in accordance with the procedures described in the licensee's letter of April 21, 1978.

By letter dated May 16, 1978, the licensee submitted a copy of the B&W summary for our review. In their submittal, the licensee stated that the analysis indicates that the ECCS cooling performance calculated in accordance with the B&W evaluation model for operation of Oconee units at the rated core thermal power of 2,568 Mwt with operating procedures described in their letter of April 21, 1978, is wholly in conformance with the provisions of 10 CFR 50.46. We have reviewed the B&W summary and find that the methods of analysis meet the requirements of 10 CFR 50.46.

However, due to the Oconee Unit 3 ECCS not meeting the operator action requirements of 10 CFR 50.46 and because Oconee Unit 3 was to be shut down for refueling for cycle 4 operation, the licensee was requested by telephone on June 8, 1978, to either provide an acceptable ECCS for Oconee Unit 3 cycle 4 operation or file a request for an exemption from the provisions of 10 CFR 50.46 and supporting justification to support the licensing of Oconee 3 for cycle 4 operation.

On June 8, 1978, the licensee requested an exemption from the provisions of 50.46.

On June 16, 1978, Oconee 3 was shutdown for refueling.

In the licensee's submittal of June 8, 1978, it was stated that to meet the limits of 10 CFR 50.46, operator action at the valve locations is required to open high pressure injection (HPI) pump B-C discharge header cross over valves (HP-116 and HP-117) and the HPI injection line A engineering safeguards valve (HP-26) within 10 minutes.

Reliance on local operation of valves this soon after the onset of a loss-of-coolant accident is not desirable on a permanent basis. The licensee has requested an exemption from the requirements of 10 CFR 50.46 for operation at Oconee 3 during cycle 4 until such time as a permanent solution to this problem can be implemented.

The original concern derived from an unexpected but nevertheless inadequate assessment of a spectrum of breaks. This deviation from 10 CFR 50.46 has been ameliorated on a temporary basis by the actions discussed herein. However, combined reliance on prompt operator action to perform the required steps to assure plant safety over a period of years into the future is undesirable and should be replaced as promptly as possible by returning the sytem to automatic or control room actuation. To this extent, the original defect still remains until the modifications are made to eliminate the reliance on prompt operator actions.

We have reviewed the effects of changes made to the facility during the current refueling outage and have concluded that operation of Oconee Unit 3 at power levels of up to 2,568 Mwt and in accordance with the operating procedures of this exemption, will assure that the ECCS system will conform to the performance criteria of 10 CFR 50.46. Accordingly, until modifications are completed to achieve full compliance with 10 CFR 50.46, operation of the facility at power levels up to 2,568 Mwt with appropriate operating procedures will not endanger life or property or the common defense and security.

In the absence of any safety problem associated with the facility during the period until the modifications for

achieving full compliance with 10 CFR 50.46 are completed, there appears to be no public interest consideration favoring undue restriction of the operation of the captioned facility. Accordingly, the Commission has determined that an exemption in accordance with 10 CFR 50.12 is appropriate. The specific exemption is limited to the period of time necessary to complete modifications to the ECCS system.

III

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Oconee County Library, 201 South Spring, Walhalla, S.C.

(1) The application for exemption dated June 8, 1978, and

(2) This Exemption in the matter of Duke Power Co., Oconee Nuclear Station, Unit No. 3.

IV

Wherefore, in accordance with the Commission's regulations as set forth in 10 CFR 50.12, the licensee is hereby granted an exemption from the provisions of 10 CFR 50, paragraph 50.46(a). With respect to Oconee Unit 3, this exemption supersedes the conditions of the Commission's order for modification of license dated April 26, 1978, and is conditioned as follows:

(1) As soon as possible the licensee shall submit plans and schedules to modify the facility to eliminate reliance on prompt operator action described herein.

(2) Upon approval by the staff the licensee shall undertake such modifications in accordance with the approved schedule.

(3) Until further authorization by the Commission, the licensee shall operate in accordance with the procedures described in its letter of April 21, 1978.

(4) This exemption shall be terminated upon completion of the modifications in accordance with this exemption.

Dated at Bethesda, Md., this 6th day of July 1978.

For the Nuclear Regulatory Commission,

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-19867 Filed 7-18-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S Nuclear Regulatory Commission (the Commission) has issued amendments Nos. 63, 63, and 60 to facility operating licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Co. for operation of the Oconee Nuclear Station, units Nos. 1, 2 and 3, located in Oconee County, S.C. The amendments are effective as of the date of issuance.

These amendments revise the technical specifications to support the operation of Oconee Unit No. 3 at full rated power during cycle 4 after core reload and removal of the orifice rod assemblies from the core.

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 the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 30, 1978, as supplemented June 14, 23, and 28, 1978, (2) amendments Nos. 63, 63 and 60 to licenses Nos. DPR-38, DPR-47, and DPR-55, 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, 1771 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. 29691. 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 6th day of July 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-19868 Filed 7-18-78; 8:45 am]

[7590-01]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO.

Issuance of Amendment to Provisional Operating License

In the matter of Northeast Nuclear Energy Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and Connecticut Light & Power Co.

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 52 to provisional operating license No. DPR-21, issued to Northeast Nuclear Energy Co., and Connecticut Light & Power Co. (the licensees), which revised technical specifications for operation of the Millstone Nuclear Power Station, unit No. 1 (the facility) located in Waterford, Conn. The amendment is effective as of its date of issuance.

The amendment revises figure 3.3.1 of the appendix A technical specifications to permit ascension to power within the envelope defined by a modified power/flow limit line.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of proposed issuance of amendment to provisional operating license in connection with this action was published in the FEDERAL REGISTER on January 21, 1976 (41 FR 3114). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 8, 1975, and supplements thereto dated March 30, 1977, September 6, 1977, October 20, 1977, and February 15, 1978, (2) amendment No. 52 to license No. DPR-21, and (3) the Commission's re-

lated 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. 06385. A single 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 11th day of July 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-19869 Filed 7-18-78; 8:45 am]

[7590-01]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO.

Issuance of Amendment to Provisional Operating License

In the matter of Northeast Nuclear Energy Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and Connecticut Light & Power Co.

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 51 to provisional operating license No. DPR-21, issued to Northeast Nuclear Energy Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and Connecticut Light & Power Co. (the licensees), which revised the technical specifications for operation of the Millstone Nuclear Power Station, unit No. 1 (the facility) located in Waterford, Conn. The amendment is effective as of its date of issuance.

The amendment revised the appendix A technical specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the Commission staff's "Mark I Containment Short Term Program Safety Evaluation," NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13110 published on March 29, 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) application for amendment dated November 22, 1976, and a supplement thereto dated March 3, 1977, (2) amendment No. 51 to license No. DPR-21, 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. 06385. A single 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 6th day of July 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-19870 Filed 7-18-78; 8:45 am]

[7590-01]

[Docket No. 50-305; Amendment to License No. DPR-43]

WISCONSIN PUBLIC SERVICE CORP., ET AL. (KEWAUNEE NUCLEAR POWER PLANT)

Hearing on Amendment of Facility Operating License; (Increase Spent Fuel Storage Capacity)

Pursuant to the Atomic Energy Act of 1954, as amended (the act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before and Atomic Safety and Licensing Board (Board) to consider the application of Wisconsin Public Service Corp., Wisconsin Power & Light Co. and Madison Gas & Electric Co. (the licensees) for an amendment to Facility Operating License No. DPR-43, which currently authorizes licensees to possess, use and operate the Kewaunee Nuclear Power Plant (the facility) located in Kewaunee, Wis. The proposed amendment would allow modification to the spent fuel storage pool to increase the spent fuel storage capacity at the Kewaunee facility in accordance with the licensees' application for amendment dated November 14, 1977. Approval of the proposed modification would require concurrent issuance of an amendment to the above-identified license to revise the technical specifications for the facility to reflect the increased spent fuel storage capacity.

The hearing, which will be scheduled to begin in the vicinity of the site of the Kewaunee facility, will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Panel. The Board consists of Mr. Glenn O. Bright and Dr. Oscar H. Paris, Members, and Robert M. Lazo, Esq., Chairman.

A notice of "Proposed Issuance of Amendment to Facility Operating License" was published by the Nuclear Regulatory Commission in the FEDERAL REGISTER on December 30, 1977 (42 FR 65335). The notice provided that any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license.

On April 24, 1978, Lakeshore Citizens for Safe Energy and Safe Haven, Limited (petitioners), filed an untimely request for a hearing to intervene and petition regarding licensees' proposed modification of the spent fuel pool at the Kewaunee Nuclear Power Plant. Following the filing of responses by the Staff and licensees, this Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene in this proceeding was established on May 10, 1978. The Board issued a Memorandum and Order dated May 12, 1978 (Order), which found that the petitioners had failed to make adequate showings of their interest in the proceeding and justification for the untimely filing of the petition. However, the Board granted the petitioners 14 days from the date of service of the Board's Order to cure the petition's defects by way of an amendment. Following the filing of an amended petition on May 19, 1978, the Board admitted petitioners as a party to the proceeding pursuant to the provisions of 10 CFR § 2.714.[1] At the same time, the Board granted the request of the State of

[1] Memorandum and Order of the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene, dated July 12, 1978.

Wisconsin to participate as an interested State pursuant to the provisions of 10 CFR § 2.715(c).

A prehearing conference or conferences will be held by the Hearing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details with respect to the matters under consideration, see the application for amendment dated November 14, 1977, which is available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C., and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, not later than August 18, 1978. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than August 8, 1978.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be filed by delivery to the Commission's public document room, 1717 H Street NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions to the of 10 CFR § 2.708 of the Commission's rules of practice, an original an twenty (20) conformed copies of each such paper with the Commission.

Dated at Bethesda, Md., this 12th day of July 1978.

It is so Ordered.

For the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

ROBERT M. LAZO,
Chairman.

[FR Doc. 78-19872 Filed 7-18-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 13th meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on August 14 and 15, 1978.

The purpose of this meeting is to discuss procedures for comparing Country Development Strategy Statements with the A.I.D. Agricultural Development Policy Paper; to develop procedures for reviewing university proposals for Strengthening grants; to revise the proposal for Title XII field representation; to reconsider the appropriate approach to conducting country baseline studies; and to consider other business brought before the Committee.

The meeting on August 14, 1978, will convene in Regional Work Groups (RWG's): Africa RWG at 9:30 a.m. in room 2941, New State Department Building; Asia RWG at 9:30 a.m. in room 322 Rosslyn Plaza Building, 1601 North Kent Street, Rosslyn, Va.; Near East RWG at 9:30 a.m. in room 6484, New State Department Building; and Latin America RWG at 9:30 a.m. in room 2242 New State Department Building. The meeting on August 15, 1978, will convene from 9 a.m. to 5 p.m. in the Arlington room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Carl Ferguson, Office of Title XII Coordination, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9054.

Dated: July 13, 1978.

CARL FERGUSON,
A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 78-19912 Filed 7-18-78; 8:45 am]

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the 14th meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on August 8 and 9, 1978.

The purpose of this meeting is to review progress in the planning of Collaborative Research Support Grants (CRSP's) on Small Ruminants, Sorghum/Millet, Fisheries, and Nutrition; to review the Scopes of Work and PIO/T's on the planning of new CRSP's on Beans and Soil Management; to consider a report of the Research Advisory Committee review on Nutrition; to discuss approaches to prioritization of Contract Research, and to consider other business brought before the Committee.

This meeting will convene at 9 a.m. and adjourn at 5 p.m. on August 8 and 9, 1978. The meeting will be held in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va., 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State

Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: July 13, 1978.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-19911 Filed 7-18-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

BAY PINES VETERANS' ADMINISTRATION CENTER AT BAY PINES, FLA.

Availability of Final Environmental Impact Statement.

Notice is hereby given that a document entitled "Final Environmental Impact Statement for the Bay Pines, Fla., Proposed Replacement Hospital", dated July 1978, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed Replacement Hospital is to be located on the existing Bay Pines, Florida Veterans Administration Center site. The project proposes construction on the existing site of a 520-bed Medical and Surgical Replacement Building with support facilities. A new 120-bed Nursing Home Care Unit to supplement the existing Nursing Home and a 200-bed Domiciliary are also proposed. Building 1, presently a hospital patient building will be renovated to house 190 psychiatric beds. Buildings 22 and 23 will be renovated for adminstration and ancillary services.

This Final Statement discusses the environmental impact of the proposed Replacement Hospital. The document is being placed for public examination in the Veterans Administration Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420

Single copies of the Final Statement may be obtained on request to the above office.

Dated: July 13, 1978.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-19918 Filed 7-18-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 680]

ASSIGNMENT OF HEARINGS

JULY 14, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121654 (Sub-9), Coastal Transport & Trading Co. and MC 142207 (Sub-12), Gulf Coast Truck Services, Inc., now assigned September 26, 1978 at New Orleans, LA, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 121683 (Sub-2), Jackson Express, Inc., now assigned for continued hearing on August 30, 1978 at Memphis, TN, will be held in Conference Room 396, Federal Building, 167 North Main Street.

MC 121658 (Sub-9), Steve D. Thompson, now assigned for continued hearing August 1, 1978 at New Orleans, LA, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 133796 (Sub-46), George Appel, now being assigned October 4, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 133796 (Sub-47), George Appel, now being assigned October 5, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 133655 (Sub-106), Trans-National Truck, Inc., now being assigned October 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 25798 (Sub-302), Clay Hyder Truck Lines, Inc., now being assigned October 19, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 28088 (Sub-32F), North & South Lines, Inc., now being assigned October 18, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 144156, Foodcrafters Distributing Co., now being assigned October 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 124078 (Sub-752), Schwerman Trucking Co., now being assigned October 20, 1978, at Chicago, IL, in a hearing room to be later designated.

MC 123522 (Sub-3), Seyller Transport, Inc., now being assigned October 19, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 139495 (Sub-273), National Carriers, Inc., now being assigned October 18, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 138469 (Sub-48), Donco Carriers, Inc., now being assigned October 17, 1978, at Chicago, IL (1 day), in a hearing room to be later designated.

MC 4405 (Sub-573), Dealers Transit, Inc., now being assigned October 16, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 113855 (Sub-407F), International Transport, Inc., now being assigned October 12, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC 123048 (Sub-386), Diamond Transportation System, Inc., and MC 135562 (Sub-6), O.C.C., Inc., now being assigned October 13, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC C-10040, *Joan Of Arc Co., Inc.* v. *Schneider Transport, Inc. et al.*, now being assigned October 11, 1978 (1 day), at Chicago, IL, in a hearing room to be later designated.

MC F-13368, Carolina Western Express, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC F-13369, Old Dominion Freight Line—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC 107478 (Sub-30), Old Dominion Freight Line; MC F-13375, Russell Transfer, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy, through Assignment from B & P Motor Lines, Inc.; MC 68860 (Sub-27), Russell Transfer, Inc; MC F-13392, B & P Motor Lines, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC 106704 (Sub-47), B & P Motor Lines, Inc.; MC F-13399, Roy Stone Transfer Corp.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee; MC F-13412, Sherman and Boddie, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc.; MC-F-13420, Colonial Refrigerated Transportation, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy and MC 115841 (Sub-579), Colonial Refrigerated Transportation, Inc., are now assigned for hearing September 19, 1978 (9 days) at the Hilton Inn, 830 West Market Street, Greensboro, NC.

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

[FR Doc. 78-19932 Filed 7-18-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Decided May 26, 1978.

Osborn Transportation, Inc., (MC-140389 and two subs) and Tompkins Motor Lines, Inc., (MC-20783 and numerous subs), both under common control, have filed a petition seeking Commission approval of a lease of equipment agreement.

Findings:

1. The petitioners lease of equipment agreement does not meet the requirements of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

It is ordered:

1. The petitioners' request for approval is denied.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E.

Burns, Robert S. Turkington, and W. F. Sibbald, Jr.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19937 Filed 7-18-78; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before August 8, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before August 18, 1978, subject to its tariff publication effective date.

P-13-78 (Special certificate—Waste products), filed July 11, 1978. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, OH 45427. Representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Waste paper and waste paper products,* between points in the United States (excluding AK and HI), in furtherance of a recognized pollution control program sponsored by Imperial Paper Stock Co., of St. Louis, MO; National Fiber Supply Co., of Chicago, IL; Capital Waste Materials Co., of Dayton, OH; International Cellulose, Inc., of Chicago, IL; Alton Box Board Co., of Alton, IL; and Consolidated Fibres Inc., of Chicago, IL for the purpose of transporting and recycling waste products.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19933 Filed 7-18-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JULY 12, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 30, 1978. A copy must also be served upon applicant or its representative. Protest against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier,* by motor vehicles, over irregular routes.

MC 83539 (Sub-E607), filed May 31, 1977. Applicant: C&H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Heavy machinery* between points in NC, on the one hand, and, on the other, points in WI. Restriction: The service authorized is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. No service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. (Gateway eliminated: Points in VA, IN and IL.)

MC 83539 (Sub-E608), filed May 30, 1977. Applicant: C&H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Heavy machinery* between points in OH, on the one hand, and, on the other, points in SC. (Gateways eliminated: Points in VA and NC.)

MC 83539 (Sub-E611), filed May 30, 1977. Applicant: C&H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Heavy machinery* between points in PA, on the one hand, and, on the other, points in SC. (Gateway eliminated: Points in VA and NC.)

MC 83539 (Sub-E613), filed May 30, 1977. Applicant: C&H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same above). *Heavy machinery* between points in RI, on the one hand, and, on the other, points in SC. (Gateway eliminated: Philadelphia, PA, VA, and NC.)

MC 83539 (Sub-E614), filed May 30, 1977. Applicant: C&H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Heavy machinery,* between points in SC, on the one hand, and, on the other, points in VT. (Gateway eliminated: NC, VA, Philadelphia, PA, and Worchester, MA.)

MC 83539 (Sub-E615), filed May 30, 1977. Applicant: C&H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Heavy machinery,* between points in MI, on the one hand, and, on the other, points in SC. (Gateway eliminated: VA and NC.)

MC 88368 (Sub-E30) (correction), filed May 15, 1964 published in the FEDERAL REGISTER August 25, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods,* as defined by the Commission, (56) from points in OK to points in CT (Arkansas City, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA*); (57) from points in OK to points in ME (Arkansas City, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA, Boston, MA*); (58) from point in OK to points in MA (Arkansas City, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA*); (59) from points in OK to points in OH (Arkansas City, KS, Clinton, IL*); and (60) from points in OK to points in RI (Clinton, IL, Steubenville, OH, Philadelphia, PA, S. Attleboro, MA*). (Gateway eliminated: Indicated by asterisks.) The purpose of this partial republication is to add the above destination States, timely filed, but inadvertently omitted. The remainder of the letter-notice remains as originally published.

MC 88368 (Sub-E38) (partial correction), filed May 15, 1974, published in the FEDERAL REGISTER, issue of August 25, 1975, and republished, as partially corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles

Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods,* as defined by the Commission, (3) from points in NH to points in AL (Lowell, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY*); (4) from points in NH to points in AR (Boston, MA, Philadelphia, PA*); (5) from points in NH to those points in CA in and north of Mendocino, Glenn, Butte, and Sierra Counties (Boston, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO*); (6) from points in NH to points in CO (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS*); (7) from points in NH to points in ID (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Monida, MT*); (8) from points in NH to Harlan, IA and points within 15 miles thereof (Marlborough, MA, Philadelphia, PA, Steubenville, OH, Bloomington, IL*); (9) from points in NH to points in KS (Boston, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL*); (10) from points in NH to points in Harlan County, KY (Lawrence, MA, Philadelphia, PA, Steubenville, OH*); (11) from points in NH to points in LA (Marlborough, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY, Birmingham, AL*); (12) from points in NH to points in MS (Marlborough, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY, Huntsville, AL*); (13) from points in NH to points in MO (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL*); (14) from points in NH to those points in NE on and west of U.S. Hwy 281 (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Goessel, KS*); (15) from points in NH to points in NM (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Arkansas City, KS, El Reno, OK*); (16) from points in NH to points in Jefferson County, OH (Lawrence, MA, Philadelphia, PA*); (17) from points in NH to points in OK (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Arkansas City, KS*); (18) from points in NH to points in OR (Bolton, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Maryhill, WA*); (19) from points in NH to points in PA (Lawrence, MA*); (20) from points in NH to those points in TN on and west of US Hwy 45 and 45E (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Harlan, KY, Florence, AL*); (21) from points in NH to points in TX (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Arkansas City, KS*); (22) from points in NH to points in WA (Clinton, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO*); and (23) from points in NH to points in WY (Clinton, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sidney, NE*). (Gateways eliminated: Indicated by asterisks.) The purpose of this republication is to publish the remainder of this letter notice. The first two parts of this letter-notice remain as previously published.

MC 88368 (Sub-E41) (correction) filed May 15, 1974, published in the FEDERAL REGISTER, September 4, 1975, and republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. *Household goods,* as defined by the Commission, (2) from points in NC to points in AR (Bledsoe, KY, Florence, AL*); (3) from points in NC to points in CO (Florence, AL, Corinth, MS, Hutchinson, KS*); (4) from points in NC to points in FL (Valdosta, GA*); (5) from points in NKC to points in ID (Florence, AL, Corinth, MS, Cape Girardeau, MO, Sterling, CO, Monida, MT*); (6) from points in NC to points in IL within 100 miles of Danville, IL, including Danville (Harlan, KY, Chenoa, IL*); (7) from points in NC to points in IA (Florence, AL, Corinth, MS, Cape Girardeau, MO*); (8) from points in NC to points in KS (Florence, AL, Corinth, MS*); (9) from points in NC to points in LA (Bledsoe, KY, Florence, AL*); (10) from points in NC to points in MS (Florence, AL*); (11) from points in NC to points in MO (Florence, AL, Dyersburg, TN*); (12) from points in NC to points in MT (Florence, AL, Corinth, MS, Hays, MS, Sterling, CO*); (13) from points in NC to points in NE (Florence, AL, Corinth, MS, St. Joseph, MO*); (14) from points in NC to points in NM (Florence, AL, Corinth, MS, Coater, MO, Hoxie, OK, El Reno, OK*); (15) from points in NC to points in OK (Florence, AL, Corinth, MS, Seligman, MO*); (16) from points in NC to points in OR (Florence, AL, Corinth, MS, Hays, KS, Sterling, CO, Maryhill, WA*); (17) from points in NC to points in SD (Florence, AL, Corinth, MS, Cameron, MO, Harlan, IA*); (18) from points in NC to those points in TX within 200 miles of Detroit, TX, and points on and north of U.S. Hwy 80 (Florence, AL, Corinth, MS, Coater, MO, Idabel, OK*); (19) from points in NC to points in WA (Florence, AL, Corinth, MS, Hays, KS, Sterling, CO*); and (20) from points in NC to points in WY (Florence, AL, Corinth, MS, Newton, KS, Sidney, NE*); (Gateways eliminated: Indicated by asterisks.) The purpose of this republication is to correctly state the origin and destinations of this letter-notice as originally filed. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E46) (correction), filed May 15, 1974, published in the FEDERAL REGISTER on August 25, 1975, and partially republished as corrected this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephraim, Suite 600 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods,* as defined by the Commission, (9) from points in VT to points in CA in and north of Humbolt, Trinity, Tehama, and Lassen Counties (Clinton, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Goessel, KS, Sterling, CO, Maryhill, WA*); (10) from points in VT to points in CO (Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton KS*); (11) from points in VT to points in ID (Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Monida, MT*); (12) from points in VT to those points in IL within a 25 miles radius of Bloomington, IL, including Bloomington (Clinton, MA, Philadelphia, PA, Steubenville, OH*); (13) from points in VT to Harlan, IA, and 15 miles thereof (Marlboro, MA, Philadelphia, PA, Steubenville, OH, Bloomington, OH*); (14) from points in VT to points in KS (Clinton, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL*); (15) from points in VT to points in Harland County, KY (Attleboro, MA, Philadelphia, PA, Steubenville, OH*); (16) from points in VT to points in LA (Marlboro, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY, Birmingham, AL*); (17) from points in VT to points in MS (Marlboro, MA, Philadelphia, PA, Steubenville, OH, Bledsoe, KY, Huntsville, AL*); (18) from points in VT to points in MO (Attleboro, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL*); (19) from points in VT to points in NM (Lawrence, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Arkansas City, KA, El Reno, OK*); (20) from points in VT to points in OR (Clinton, MA, Philadelphia, PA, Steubenville, OH, Clinton, IL, Newton, KS, Sterling, CO, Maryhill, WA*); (21) from points in VT to Philadelphia, PA (Fairlawn, MA*). (Gateways eliminated: Indicated by asterisks). The purpose of this partial republication is to correctly state the territorial description. The remainder of this letter-notice remains as previously published.

MC 95876 (Sub-E96), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Wallboard and plywood, and accessories and supplies used in the installation thereof, and mouldings,* (except commodities in bulk and except commodities requiring special equipment), in containers, or in trailers having an immediately prior or subsequent movement by water, or

by water-rail, or by air, from Pittsburg, KS, to points in CA, OR, WA, NV, ID, WY, MT, OH, PA, MD, DE, DC, NJ, NY, CT, MA, RI, NH, VT, ME, and MI. (Gateway eliminated: Points in NE and IA.)

MC 95876 (Sub-E97), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Granite, marble, slate, and stone* (except commodities requiring special equipment and bulk), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in Boulder, Denver, Larimer and Teller Counties, CO, to points in ME, NH, VT, NY, PA, MA, RI, CT, NJ, DE, MD, WV, VA, KY, TN, NC, SC, GA, AL, FL, and DC. (Gateway eliminated: Points in IL.)

MC 95876 (Sub-E98), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Equipment, materials, and supplies, used in the quarrying, fabricating, manufacturing and installation of granite, marble, slate and stone* (except commodities which because of size or weight require the use of special equipment, and commodities in bulk), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, between points in ID, OR, and WA, on the one hand, and, on the other, points in FL, AL, GA, SC, TN, NC, KY, VA, WV, MD, DE, NJ, PA, OH, IN, MI, NY, CT, RI, MA, VT, NH, ME, and DC. (Gateway eliminated: Grant or Codington Counties, SD, and points in MN.)

MC 95876 (Sub-E99), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Grainite* (except commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR and WA, to points in AL, FL, GA, NC, SC, TN, VA, and WV. (Gateway eliminated: Grant County, SD.)

MC 95876 (Sub-E100), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Cast iron pressure pipe, and fittings and accessories therefore,* when moving with such pipe (except commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR and WA to points in AL, AR, FL, GA, points in IS on and east of U.S. Hwy 81, KY, LA, MS, MO, points in OK on and east of Interstate Hwy 35, points in SC, TN, and points in TX on and east of a line beginning at the OK-TX State line extending along Interstate Hwy 35 to Denton, TX, then along Interstate Hwy 35W to Fort Worth, TX, then along U.S. Hwy 287 to junction Interstate Hwy 45, then along Interstate Hwy 45 to the Gulf of Mexico. (Gateway eliminated: Council Bluffs, IA.)

MC 95876 (Sub-E101), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Cast iron pressure pipe, and fittings and accessories therefore,* when moving with such pipe (except commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in AZ, CA, CO, ID, NE, OR, UT, WA, and WY to points in CT, DE, IN, that part of KY on and east of a line beginning at the KY-IN State line extending along U.S. Hwy 231 to junction U.S. Hwy 31E, then along U.S. Hwy 31E to the KY-TN State line, ME, MD, MA, MI, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC. (Gateway eliminated: Council Bluffs, IA.)

MC 95876 (Sub-E102), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Granite, marble, slate, and stone* (except commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CT, DE, points in IN on, north and east of a line beginning at the IL-IN State line extending along U.S. Hwy 41 to junction U.S. Hwy 52, then along U.S. Hwy 52 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction Interstate Hwy 74, then along Interstate Hwy 74 to the IN-OH State line; points in ME: points in MD on and east of Interstate Hwy 81, points in MA, MI, NH, NJ, NY, OH, PA, RI, VT, points in VA on and east of a line beginning at the VA-NC State line extending along VA Hwy 168 to junction Interstate Hwy 64, then along Interstate Hwy 64 to Richmond, then along U.S. Hwy 95 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the VA-WV State line; and DC, to points in CA on, north and east of a line beginning at the NV-CA State line extending along Interstate Hwy 15 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction Interstate Hwy 5, then along Interstate Hwy 5 to the U.S.-Mexico international boundary line; points in ID, NV, OR, points in UT on, north and west of a line beginning at the UT-WY State line extending along Interstate Hwy 80 to junction Interstate Hwy 80S, then along Interstate Hwy 80S to junction Interstate Hwy 15, then along Interstate Hwy 15 to the UT-NV State line; points in WA, and points in WY on, north and west of a line beginning at the WY-SD State line extending along Interstate Hwy 90 to junction Interstate Hwy 25, then along Interstate Hwy 25 to junction WY Hwy 28, then along WY Hwy 28 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the WY-UT State line. (Gateway eliminated: Watertown, SD, or St. Cloud, MN.)

MC 95876 (Sub-E103), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Granite, marble, slate, and stone* (except commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CT, DE, ME, points in MD on and east of Interstate Hwy 81, points in MA, NH, NJ, NY, points in PA on and east of Interstate Hwy 81, points in RI, VT, and DC, to points in CO on, north and west of a line beginning at the CO-WY State line extending along U.S. Hwy 85 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the CO-UT State line. (Gateway eliminated: Watertown, SD, or St. Cloud, MN.)

MC 95876 (Sub-E104), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Cast iron pressure pipe, and fittings, and accessories* therefore,when moving with such pipe (except commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in CT, DE, IN, points in KY on and east of a line beginning at the KY-IN State line extending along U.S. Hwy 231 to junction U.S. Hwy 31E, then along U.S. Hwy 31E to the KY-TN State line, points in ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC to points in AZ, CO, ID, UT, and WY. (Gateway eliminated: Council Bluffs, IA.)

MC 95876 (Sub-E105), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Silican carbide* (except in bulk and except requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Niagara Falls, NY, to points in CA, OR, WA, ID, NV, MT, WY, and ND. (Gateway eliminated: Grant County, SD.)

MC 95876 (Sub-E106), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Steel shot* (except in bulk and except requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Mansfield, OH, to points in CA, OR, WA, NV, ID, MT, WY, and ND. (Gateway eliminated: Grant County, SD.)

MC 95876 (Sub-E107), filed May 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Arthur A. Budde (same as above). *Stone* (except commodities in bulk and those requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, or water-rail or by air, from points in CA on, north and west of a line beginning at the VA-NV State line extending along U.S. Hwy 15 to San Bernardino, then along U.S. Hwy 10 to Los Angeles, points in ID, MT, points in NV on and north of U.S. Hwy 15, points in OR, points in UT on and north and west of a line beginning at the UT-WY State line extending along U.S. Hwy 189 to junction U.S. Hwy 91, then along U.S. Hwy 91 to the UT-AZ State line, points in WA, and points in WY on and north of a line beginning at the WY-NE State line extending along U.S. Hwy 20 to junction WY Hwy 220, then along WY Hwy 220 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the WY-UT State line, to Bedford, IN, and points within 25 miles of Bedford. (Gateway eliminated: Points in MN on and north of U.S. Hwy 12.)

MC 108119 (Sub-E63), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities* which because of size or weight, require special handling, and *related parts, materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handling, or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connecton therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies, and equipment used or useful in road construction, mining, logging and sawmill operations, between points in OH on and east of U.S. Hwy 23 extending along U.S. Hwy 20 to Columbus, on and north of U.S. Hwy 40 extending easterly to Bridgeport, and south of U.S. Hwy 250 extending northwesterly to Norwalk, and south of U.S. Hwy 20 extending westerly to junction U.S. Hwy 23, on the one hand, and, on the other, points in CO on, north and west of a line beginning at the CO-KS State line extending along U.S. Hwy 24 to Colorado Springs, then along U.S. Hwy 85 to Walsenburg, then along U.S. Hwy 160 to Alamosa, then along U.S. Hwy 285 to the CO-NM State line; points in NM on and west of a line beginning at the CO-NM State line extending along U.S. Hwy 285 to Santa Fe, then along U.S. Hwy 85 to the NM-TX State line; points in El Paso County, TX, points in AZ, CA, ID, NV, OR, UT, WA, and WY. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E64), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Mosher (same as above). *Commodities* which because of size or weight require special handling and *related parts, materials, and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling, or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, or such commodities as are constractors' equipment, heavy and bulky articles, machinery and machine parts, articles, requiring specialized handling or riggings, and machinery, materials, supplies, and equipment used or useful in road construction, mining, logging and sawmill operations, between points in OH on and north of a line beginning at the MI-OH State line extending along U.S. Hwy 23 to junction U.S. Hwy 20, then along U.S. Hwy 20 to Norwalk, then along U.S 250 to the OH-WV State line, not including the commercial zones of Toledo and Cleveland, OH, on the one hand, and, on the other, points in CO on, north and west of a line beginning at the CO-KS State line extending along CO Hwy 96 to Ordway, then along CO Hwy 71 to Rocky Ford, then along U.S. Hwy 50 to La Junta, then along U.S. Hwy 350 to Trinidad, then along U.S. Hwy 85 to the CO-NM State line; points in KS on, north and west of a line beginning at the KS-NE State line extending along U.S. Hwy 383 to Oakley, then along U.S. Hwy 40 to Sharon Springs, then along KS Hwy 27 to Tribune, then along Interstate Hwy 96 to the CO-KS State line; points in NM on and west of a line beginning at the CO-NM State line extending along U.S. Hwy 85 to Ribera, then along NM Hwy 3 to Duran, then along U.S. Hwy 54 to the NM-TX State line; points in El Paso County, TX; points in AZ, CA, ID, NV, OR, UT, WA, and WY. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E65), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities* which because of size or wieight require special handling, and *related parts, materials, and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special handlling, or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery materials, supplies, and equipment used or useful in road construciton, mining, logging, and sawmill operations, between points in the Toledo, OH, Commericial Zone, on the one hand, and, on the other, points in KS on, north and west of a line beginning at the KS-NE State line extending along U.S. Hwy 81 to junction U.S Hwy 24, then along U.S. Hwy 24 to Hill City, then along U.S Hwy 283 to Minneola, then along U.S. Hwy 54 to the KS-OK State line; points in OK on and west of U.S. Hwy 83; points in TX on and west of a line beginning at the OK-TX State Line extending along TX Hwy 207 to Post, then along TX Hwy 669 to Big Spring, then along U.S. Hwy 87 to San Angelo, then along U.S. Hwy 277 to the TX-MX Boundary line; points in AZ, CA, CO, ID, NV, NM, OR, UT, WA, and WY. (Gateway <eliminated: points in MN.)

MC 112304 (Sub-E 360), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and*

iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails rods, roofing, tubing and wire in coils, between points in DC, on the one hand, and, on the other, points in MI. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E 361), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails rods, roofing, tubing and wire in coils,* between points in MD, on the one hand, and, on the other, points in MI. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E 363), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails rods, roofing, tubing and wire in coils,* between points in PA east of US Hwy 15, on the one hand, and on the other, points in MI. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E 364), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails rods, roofing, tubing and wire in coils,* between points in MD, on the one hand, and, on the other, points in IN. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg). Limitation: The certificate in MC 112304 in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.

MC 112304 (Sub-E365), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in MD, on the one hand, and, on the other, points in OH. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E366), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in DC, on the one hand, and, on the other, points in IN. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E367), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in DC, on the one hand, and, on the other, points in OH. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E368), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in PA east of US Hwy 15, on the one hand, and, on the other, points in IN. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E371), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in MD, on the one hand, and, on the other, points in IL. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH; and Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E372), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in DC, on the one hand, and, on the other, points in IL. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH; and Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E373), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A Charles, Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in PA east of U.S. Hwy 15, on the one hand, and, on the other, points in IL. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH; and Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E374), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street., Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in VA on and east of US Hwy 220, on the one hand, and, on the other, points in IL. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH; and Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E376), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Colum-

bus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV, on the one hand, and, on the other, points in IL on and north of a line beginning at the IL–IN State line extending along U.S. Hwy 36 to junction IL Hwy 125, then along IL Hwy 125 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the IL–MO State line. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E377), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY on and east of U.S. 127, on the one hand, and, on the other, points in IL on and north of a line beginning at the IL–IN State line extending along U.S. Hwy 36 to junction IL Hwy 125, then along IL Hwy 125 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the IL–MO State line. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E378), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV, on the one hand, and, on the other, points in WI. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E379), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY on and east of U.S. Hwy 127, on the one hand, and, on the other, points in WI. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E380), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in IN, on the one hand, and, on the other, points in NJ. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E381), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in IN, on the one hand, and, on the other, points in NY. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E382), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY, on the one hand, and, on the other, points in NJ. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E383), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY, on the one hand, and, on the other, points in NY. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E384), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street., Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street. Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY, on the one hand, and, on the other, points in MD. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E385), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY, on the one hand, and, on the other, points in DC. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E386), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY, on the one hand, and, on the other, points in PA on and east of U.S. Hwy 15. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Clarksburg, WV, and points within 50 miles of Clarksburg.)

MC 112304 (Sub-E387), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in MI, on the one hand, and, on the other, points in NJ. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E388), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,*

between points in MI, on the one hand, and, on the other, points in NY. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E389), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in MI, on the one hand, and, on the other, points in PA on and east of U.S. Hwy 15. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E391), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in the Lower Peninsula of MI on and bounded by a line beginning at Clare extending along U.S. Hwy 10 to junction MI Hwy 25, then along MI Hwy 25 to junction MI Hwy 29, then along MI Hwy 29 to junction U.S. Hwy 25, then along U.S. Hwy 25 to the MI-OH State line to junction U.S. Hwy 27, then along U.S. Hwy 27 to points of beginning, on the one hand, and, on the other, points in WI on and south of a line beginning at Lake Michigan extending along U.S. Hwy 18 to junction U.S. Hwy 16, then along U.S. Hwy 16 to junction Interstate Hwy 94, then along Interstate Hwy 94 to junction U.S. Hwy 53, then along U.S. Hwy 53 to junction U.S. Hwy 8, then along U.S. Hwy 8 to the WI-MI State line. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 12304 (Sub-E393), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in IN on and east of a line beginning at the IN—MI State line extending along IN Hwy 327 to junction Interstate Hwy 69, then along Interstate Hwy 69 to junction IN Hwy 3, then along IN Hwy 3 to junction U.S. Hwy 421, then along U.S. Hwy 421 to the IN-KY State line, on the one hand, and, on the other, points in WI. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E394), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural Steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV on, west and north of a line beginning at the WV-PA State line extending along U.S. Hwy 19 to junction WV Hwy 3, then along WV Hwy 3 to junction WV Hwy 99, then along WV Hwy 99 to junction WV Hwy 85, then along WV Hwy 85 to junction WV Hwy 10, then along WV Hwy 10 to junction WV Hwy 65, then along WV Hwy 65 to the WV-KY State line, on the one hand, and, on the other, points in NY. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E395), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural Steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV on, west and north of a line beginning at the WV-PA State line extending along U.S. Hwy 19 to junction WV Hwy 3, then along WV Hwy 3 to junction WV Hwy 99, then along WV Hwy 99 to junction WV Hwy 85, then along WV Hwy 85 to junction WV Hwy 10, then along WV Hwy 10 to junction WV Hwy 65, then along WV Hwy 65 to the WV-KY State line, on the one hand, and, on the other, points in NJ on and north of NJ Hwy 33. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E396), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural Steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV on, west and north of a line beginning at the WV-PA State line extending along U.S. Hwy 19 to junction WV Hwy 3, then along WV Hwy 3 to junction WV Hwy 99, then along WV Hwy 99 to junction WV Hwy 85, then along WV Hwy 85 to junction WV Hwy 10, then along WV Hwy 10 to junction WV Hwy 65, then along WV Hwy 65 to the WV-KY State line, on the one hand, and, on the other, points in PA bounded on, south and east of a line beginning at the PA-NY State line extending along U.S. Hwy 15 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction Interstate Hwy 276, then along Interstate Hwy 276 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the PA-NJ State line. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E397), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural Steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in PA on and west of a line beginning at Lake Erie extending along U.S. Hwy 19 to junction Interstate Hwy 79, then along Interstate Hwy 79 to junction U.S. Hwy 19, then along U.S. Hwy 19 to the PA-WV State line, on the one hand, and, on the other, points in NJ. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E398), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in PA on and west of a line beginning at Lake Erie extending along U.S. Hwy 19 to junction Interstate Hwy 79, then along Interstate Hwy 79 to junction U.S. Hwy 19, then along U.S. Hwy 19 to the PA-WV State line, on the one hand, and, on the other, points in NY on and east of Interstate Hwy 81 (except Onandago and Oswego Counties). Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: points in OH.)

MC 112304 (Sub-E399), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite

1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in Hancock, Brooke, OH and Marshall Counties, WV, on the one hand, and, on the other, points in NJ. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: points in OH.)

MC 112304 (Sub-E400), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in Hancock, Brooke, OH and Marshall Counties, WV, on the one hand, and, on the other, points in NY. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: points in OH.)

MC 112304 (Sub-E401), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in Hancock, Brooke, OH and Marshall Counties, WV, on the one hand, and, on the other, points in PA on and east of U.S. Hwy 15. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: points in OH.)

MC 112304 (Sub-E402), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in IN to points in TX. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY.)

MC 112304 (Sub-E403), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in the Lower Peninsula of MI to points in TX. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY.)

MC 112304 (Sub-E404), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in OH to points in TX. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY.)

MC 112304 (Sub-E406), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in MV to points in TX. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY.)

MC 112304 (Sub-E407), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in PA on and west of U.S. Hwy 15, to points in TX. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY.)

MC 112304 (Sub-E408), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in PA east of U.S. Hwy 15 to points in TX. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980. (Gateway eliminated: OH and Daviess County, KY.)

MC 112304 (Sub-E409), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NY to points in TX. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH, and Daviess County, KY.)

MC 112304 (Sub-E410), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NJ to points in TX. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH, and Daviess County, KY.)

MC 112304 (Sub-E411), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in NY west and north of a line beginning at Lake Ontario extending along NY Hwy 98 to junction NY Hwy 39, then along NY Hwy 39 to junction U.S. Hwy 20, then along U.S. Hwy 20 to the NY-PA State line, to points in TN on and west of Interstate Hwy 65 from the KY-TN State line to the TN-AL State line. Limitation: The certificate in MC 112304 (Sub-65) shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Oakland and Wayne Counties, MI.)

MC 112304 (Sub-E412), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in PA on and north of Interstate Hwy 90 to points in TN on and west of Interstate Hwy 65 from the KY-TN State line to the TN-AL State line. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Oakland and Wayne Counties, MI.)

MC 112304 (Sub-E414), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in the Lower Peninsula of MI on and east of a line beginning at Lake Michigan Extending along Interstate Hwy 75 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction U.S. Hwy 127, then along U.S. Hwy 127 to the MI-OH State line, to points in TN on and west of Interstate Hwy 65 from the KY-TN State line to the TN-AL State line. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Oakland and Wayne Counties, MI.)

MC 112304 (Sub-E416), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY on and east of U.S. Hwy 127, on the one hand, and, on the other, points in IL on and north of a line beginning at the IL-IN State line extending along U.S. Hwy 36 to junction IL Hwy 125, then along IL Hwy 125 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the IL-MO State line. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E417), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in KY on and east of U.S. Hwy 127, on the one hand, and, on the other, points in WI. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E418), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV, on the one hand, and, on the other, points in IL on and north of a line beginning at the IL-IN State line extending along U.S. Hwy 36 to junction IL Hwy 125, then along US Hwy 125 to junction US Hwy 67, then along US Hwy 67 to junction US Hwy 24, then along US Hwy 24 to the IL-MO State line. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E419), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* between points in WV on the one hand, and, on the other, points in WI. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Points in OH.)

MC 112304 (Sub-E423), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in MD to points in TX. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY, Clarksburg, WV, and points with 50 miles of Clarksburg.)

MC 112304 (Sub-E424), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Structural steel, and iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing and wire in coils,* from points in DC to points in TX. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Daviess County, KY, Clarksburg, WV, and points with 50 miles of Clarksburg.)

MC 112304 (Sub-E425), filed May 1, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail and component parts,* from points in WI to points in FL. Limitation: The certificate in MC 112304 (Sub-65), shall be of no further force and effect after August 9, 1980. (Gateway eliminated: Lima, OH.)

MC 113678 (Sub-E102), Filed October 20, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Frozen foods* (except in bulk), (1) from points in CA to points in CT, DE, IA, MD, MS, MI, NJ, NY, OH, PA, RI, SD, VA, WY and DC; (2) from points in CA in and north of San Mateo, Santa Clara, Merced, Mariposa, and Mono Counties, CA, to points in AR, CO, MO, points in NM on and north of a line beginning at the AZ-NM State line extending over Interstate Hwy 40 to junction Interstate Hwy 25, then over Interstate Hwy 25 to junction U.S. Hwy 60, then over U.S. Hwy 60 to the TX-NM State line; OK; and TX (except points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Loving, Ward, Winkler, Pecos, Terrell, and Crane Counties, TX); (3) from points in CA (except points in and north of San Mateo, Santa Clara, Merced, Mariposa, and Mono Counties, CA), to points in CO on and east of Interstate Hwy 25, and on and north of U.S. Hwy 34; and points in MO on and north of U.S. Hwy 50; (4) from points in CA (except points in Imperial County, CA), to points in IL, IN, and NE; (5) from points in Imperial County, CA, to points in IL on and north of a line beginning at the IA-IL State line extending along U.S. Hwy 34 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction U.S. Hwy 24, then over U.S. Hwy 24 to the IN-IL State line; points in IN on and north of a line beginning at the IL-IN State line extending over U.S. Hwy 36 to junction U.S. Hwy 40, then over U.S. Hwy 40 to the OH-IN State line; and points in NE (except points in Dundy, Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, Knuckolls, Thayer, Jefferson, Gage, Pawnee and Richardson Counties, NE); and (6) from points in CA (except points north of CA Hwy 299 and west of Interstate Hwy 5, points in Bernardino and Riverside Counties east of Interstate Hwy 15, and points in Imperial County) to points in KS on and north of Interstate Hwy 70. (Gateway eliminated: Points in Idaho.)

MC 116073 (Sub-E15), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, from Seattle, Vancouver, Kent, Union Gap, Burlington, Mount Vernon, Maple Falls, Aberdeen, Lacey, and

Spokane, WA, to points in SD. (Gateway eliminated: Points in MT.)

MC 116073 (Sub-E16), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon, Winnemucca, Yerrington, and Reno, NV, to points in NM. (Gateway eliminated: AZ.)

MC 116073 (Sub-E17), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon, Winnemucca, Yerrington, and Reno, NV, to points in WY and CO. (Gateway eliminated: UT.)

MC 116073 (Sub-E18), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon, Winnemucca, Yerrington, and Reno, NV, to points in TX. (Gateway eliminated: AZ and Carlsbad, Silver City and Albuquerque, NM.)

MC 116073 (Sub-E19), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon, Winnemucca, Yerrington, and Reno, NV, to points in IA, KS, NE, and SD. (Gateway eliminated: Provo, UT, and Denver, CO.)

MC 116073 (Sub-E20), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon, Winnemucca, Yerrington, and Reno, NV, to points in WA. (Gateway eliminated: OR.)

MC 116073 (Sub-E21), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon-Winnemucca, Yerrington, and Reno, NV, to points in ND. (Gateway eliminated: Provo, UT, and Shoshoni, WY.)

MC 116073 (Sub-E22), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in TX. (Gateway eliminated: Carlsbad, Albuquerque, and Silver City, NM.)

MC 116073 (Sub-E23), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in ID, MT, and WY. (Gateway eliminated: Delta, UT.)

MC 116073 (Sub-E24), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in OR. (Gateway eliminated: Las Vegas, NV.)

MC 116073 (Sub-E25), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in WA. (Gateway eliminated: Las Vegas, NV.)

MC 116073 (Sub-E26), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in IA, KS, and NE. (Gateway eliminated; Albuquerque, NM, and Denver, CO.)

MC 116073 (Sub-E27), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in SD. (Gateway eliminated: Gallup, NM, and Denver, CO.)

MC 116073 (Sub-E28), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from points in AZ to points in ND. (Gateway eliminated: Delta, UT, and Shoshoni, WY.)

MC 116073 (Sub-E29), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Carlsbad, Lordsburg, Deming, Silver City, and Gallup, NM, to points in ID and WA. (Gateway eliminated: Delta, UT, and points in ID.)

MC 116073 (Sub-E30), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Carlsbad, Lordsburg, Deming, Silver City, and Gallup, NM, to points in WY, NE, MT, SD Aand IA. (Gateway; eliminated: Alamosa and Denver, Co.)

MC 116073 (Sub-E31), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Carlsbad, Lordsburg, Deming, Silver City, and

Gallup, NM, to points in CA and NV. (Gateway eliminated: AZ.)

MC 116073 (Sub-E32), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Carlsbad, Lordsburg, Deming, Silver City, and Gallup, NM, to points in OR. (Gateway eliminated: Points in AZ and Winnemucca, NV.)

MC 116073 (Sub-E33), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Carlsbad, Lordsburg, Deming, Silver City, and Gallup, NM, to points in ND. (Gateway eliminated: Denver, CO, and Cheyenne, WY.)

MC 116073 (Sub-E34), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Lordsburg, Deming, Silver City, and Gallup, NM, to points in KS. (Gateway eliminated: Trinidad, CO.)

MC 116073 (Sub-E35), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Price, Provo, Orem, Heber City, Lindon, Richfield, Delta, and Roosevelt, UT, to points in OR. (Gateway eliminated: Winnemucca, NV.)

MC 116073 (Sub-E36), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Price, Provo, Orem, Heber City, Lindon, Richfield, Delta, and Roosevelt, UT, to points in WA. (Gateway eliminated: ID.)

MC 116073 (Sub-E37), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919, 1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Price, Provo, Orem, Heber City, Lindon, Richfield, Delta, and Roosevelt, UT, to points in TX. (Gateway eliminated: AZ, and Carlsbad, Albuquerque, Lordsburg, and Deming, NM.)

MC 116073 (Sub-E38), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Price, Provo, Orem, Heber City. Lindon, Richfield, Delta, and Roosevelt, UT, to points in ND. (Gateway eliminated: Shoshoni, WY.)

MC 116073 (Sub-E39), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Price, Provo, Heber City, Lindon, Richfield, Delta, and Roosevelt, UT, to points in NE, KS, and IA. (Gateway eliminated: Laramie, WY, and Denver, Greenley, and Trinidad, CO.)

MC 116073 (Sub-E40), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Price, Provo, Orem, Heber City, Lindon, Richfield, Delta and Roosevelt, UT to points in SD. (Gateway eliminated: Fort Collins, CO.)

MC 116073 (Sub-E41), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Jamestown, Bismarck, Devils Lake, Dickinson, Minot, Fargo, and Grand Forks, ND, to points in ID, WA, OR, NV, CA, AZ, NM, and UT. (Gateway eliminated: Mankato, MN.)

MC 116073 (Sub-E42), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Jamestown, Bismarck, and Devils Lake, ND, to points in IA. (Gateway eliminated: Mankato, MN.)

MC 116073 (Sub-E44), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Rapid City, SD, to points in UT. (Gateway eliminated: Laramie, WY.)

MC 116073 (Sub-E45), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Rapid City, SD, to points in ID. (Gateway eliminated: Laramie and Cody, WY.)

MC 116073 (Sub-E46), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919—1825 Maine Ave., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Rapid City, SD, to points in OR and WA. (Gateway eliminated: Cody, WY and Idaho Falls, Boise, Moscow and Coeur d' Alene, ID.)

MC 116073 (Sub-E47), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Rapid City, SD, to points in AZ and NV. (Gateway eliminated: Price, Provo, Delta, and Roosevelt, UT, and Laramie, WY.)

MC 116073 (Sub-E48), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Rapid

City, SD, to points in CA. (Gateway eliminated: Laramie, WY, Provo and Delta, UT, and Winnemucca, Fallon and Las Vegas, NV.)

MC 116073 (Sub-E49), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue., Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Rapid City, SD, to points in NM. (Gateway eliminated: Laramie, WY, and Denver, Pueblo, Trinidad and Alamosa, CO.)

MC 116073 (Sub-E50), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Watertown and Rapid City, SD, to points in WI. (Gateway eliminated: Mankato, MN.)

MC 116073 (Sub-E51), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Aberdeen and Sioux Falls, SD, to points in WI. (Gateway eliminated: Mankato, MN.)

MC 116073 (Sub-E52), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, from Winner, SD, points in WA, OR, CA, ID, NV, AZ, and NM. (Gateway eliminated: Broadus, MT.)

MC 116073 (Sub-E53), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, from Watertown, SD, points in US on and west of the Mississippi River (except AK, HI, MN and ND). (Gateway eliminated: Points in MN and points in ND.)

MC 116073 (Sub-E54), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 919-1825 Maine Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Watertown, SD, to points in ID, WA, OR, NV and CA. (Gateway eliminated: Dickinson, ND, and points in Roosevelt County, MT.)

MC 121060 (Sub-E92), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials* (except commodities in bulk), from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in VA in and east of Rockingham, Albermarle, Nelson, Amherst, Campbell, Pittsylvania, and Henry Counties. (Gateway eliminated: Facilities of Celotex Corp. in Wayne County, NC, and in Birmingham, AL.)

MC 121060 (Sub-E93), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials* (except commodities in bulk), from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in PA in and east of Tioga, Lycoming, Union, Centre, Blair, and Bedford Counties. (Gateway eliminated: Facilities of Celotex Corp. in Wayne County, NC, and in Birmingham, AL.)

MC 121060 (Sub-E94), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials* (except commodities in bulk), from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in MD (except those in Barrett County) and DC. (Gateway eliminated: Facilities of Celotex Corp. in Wayne County, NC, and in Birmingham, AL.)

MC 121060 (Sub-E95), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials*, except commodities in bulk, from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in NJ and DE. (Gateway eliminated: Facilities of Celotex Corp. in Wayne County, NC, and in Birmingham, AL.)

MC 121060 (Sub-E101), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies* used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in ME. (Gateway eliminated: Facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp. at Scottsboro, AL.)

MC 121060 (Sub-E102), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies* used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in NH. (Gateway eliminated: Facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at Scottsboro, AL.)

MC 121060 (Sub-E103), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West 3d Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies* used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in VT. (Gateway eliminated: Facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at Scottsboro, AL.)

By the Commission.

NANCY WILSON,
Acting Secretary.

[FR Doc. 78-19934 Filed 7-18-78; 8:45 am]

[7035-01]

[Notice No. 121]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 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 is is predicted, 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

MC 8744 (Sub-13TA), filed June 2, 1978. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., P.O. Box 1160, 909 Grant Street, Bluefield, WV 2470. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. 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 all points in Floyd, Harlan, Letcher, Martin and Pike Counties, KY, and Boone County, WV, as off-route points in conjunction with carrier's regular route operations authorized in MC 8744 (Sub-12), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (20) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W, Va. 25301.

MC 48221 (Sub-16TA), filed June 1, 1978. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Bruce A. Bullock, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and advertising material and premiums*, from Golden, CO, to points in IA; and (2) *empty malt beverage containers, packaging material, pallets, and scrap malt beverage containers, and packing dunnage*, from points in IA, to Golden, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Adolph Coors Co., Golden, CO 80401. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 620 Union Pacific Plaza, 110 North 14th Street, Omaha, NE 68102.

MC 94350 (Sub-412TA), filed June 5, 1978. Applicant: TRANSIT HOMES, INC., Haywood Road, P.O. Box 1628, Greenville, SC 29602. Representative: Mithcell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Fair Haven, VT, to points in ME, NH, MA, and NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Skyline Corp., Route 22A, Fair Haven, VT 05743. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 106679 (Sub-15TA), filed June 1, 1978. Applicant: WHEELER FREIGHTWAYS, 3375 South Polaris Avenue, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (in bulk, in hopper-type vehicles), from (1) Victorville, San Bernardino County, CA; (2) *creal*, Kern County, CA; (3) Monolith, Kern County, CA; (4) Oro Grande, San Bernardino, County, CA; and (5) Cushenbury, San Bernardino, County, CA, to points in Clark County, NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arrow Ready Mix, P.O. Box 5701, Las Vegas, NV 89102. (2) Dot Ready Mix, 3450 South Procyon Avenue, Las Vegas, NV 89102. (3) Taggart Construction Co., d.b.a. WMK Transit Mix, P.O. Box 14697, Las Vegas, NV 89114. Send protests to: W. J. Huetig, District Supervisor, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

MC 111812 (Sub-572TA), filed June 2, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: David Peterson, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl, ring metals and chipboard*, from Winchester, VA, New Bedford, MA, Toledo, OH, Chicago, IL, and Burlington, NJ, to Edgerton, MN, for 180 days. Supporting shipper(s): FEY Industries, 200 Fourth Avenue, West, Edgerton, MN. 56128 (Rose Van Mieuwenhuyzen, Purchasing Agent). Send protests to : J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

MC 113388 (Sub-124TA), filed May 12, 1978. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: Chester A Zyblut, 1030 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine and table sauces*, in vehicles equipped with temperature control, from the facilities of by J. H. Filbert, Inc., in Baltimore, MD and Anne Arundel, Baltimore, Howard and Prince Georges Counties, MD., to points in CO, DE, ME, MA, NH, NJ, NY, PA, and RI and VT., for 10 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Michael R. Hall, Traffic Supervisor, J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, MD 21229. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, MD 21201.

MC 114632 Sub-166TA), filed June 5, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, 212 Southwest Second Street, Madison, SD 47042. Representative: Michael L. Carter, 212 Southwest Second Street, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, between Chicago, IL, New Hampton, IA, and Syracuse, NY, for 180 days. Supporting shipper(s): Kitchens of Sara Lee, 500 South Waukegan Road, Deerfield, IL 60015 (Richard Szynal, Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455 Federal Building, Pierre, SD 57501.

MC 116710 (Sub-35TA), filed June 1, 1978. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, 2001 East Texas Street, Bossier City, LA 71010. Representative:

Joe T. Lanham, 1102-Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Neopentyl glycol and trimethyl, pentandiol*, in straight or mixed shipments or in mixed shipments with octyl and/or butyl, alcohol, in bulk, from the plantsite and storage facilities of Texas Eastman Co., at or near Longview, TX, to Elizabeth and Newark, NJ; Hicksville, NY; Circleville and Columbus, OH; and Philadelphia, PA, under a continuing contract, or contracts, with Texas Eastman Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Texas Eastman Co., P.O. Box 7444, Longview, TX 75602. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

MC 117765 (Sub-240TA), filed June 2, 1978. Applicant: HAHN TRUCK LINE, INC., 1100 South MacArthur, P.O. Box 75218, Oklahoma City, OK 73107. Representative: R. E. Hagan, 1100 South MacArthur, P.O. Box 75218, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Peoria, IL, to Marysville, KS, for 180 days. Supporting shipper(s): Pepsi Cola Bottling Co., 602 Center Street, Marysville, KA 66508. Send protests to: Connie Stanley Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-252TA), filed June 5, 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 sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, printing and wrapping paper, and paper products*, from Franklin, VA, to CN, RI, MA, NH, VT and ME, for 180 days. Supporting shipper(s): Union Camp Corp., 1600 Valley Road, Wayne, NJ 07470. Send protests to: Connie Stanley Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

MC 119631 (Sub-25TA), filed June 5, 1978. Applicant: DEIOMA TRUCKING CO., Mount Union Station, P.O. 915, Alliance, OH 44601. Representative: Lawrence E. Lindeman, Pennsylvania Building, Suite 1032, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products*, from White Cloud, MN, to points in AL, IL, IN, KY, and MO, for 180 days. Supporting shipper(s): North American Refractories Co., East 14th and Euclid Streets, Cleveland, OH 44115. Send protests to: Frank J. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 124511 (Sub-50TA), filed June 5, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Hwy 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Steel articles*, from the facilities of Litho-Strip Corp. at Chicago and Bridgeview, IL, to Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Litho-Strip Corp., 4800 South Kilbourn, Chicago, IL 60632. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 127303 (Sub-41TA), filed June 2, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and containers accessories*, from Plainfield, IL, to St. Louis, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kerr Glass Manufacturing Corp., Larry W. Wilson, Assistant General Traffic Manager, Box 97, Sand Springs, OK 74063. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128279 (Sub-31TA), filed June 1, 1978. Applicant: ARROW FREIGHTWAYS, INC., 150 Woodward Road SE., P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and wood products*, between all points and places in the States of AZ, CO, NM, and El Paso County, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Champion Building Products, Box 14028, Phoenix, AZ 85063. (2) Kaibab Industries, Inc., Box 20506, Phoenix, AZ 85036. (3) Specialty Forest Products, Inc., 4433 North 19th Avenue, Suite 102, Phoenix, AZ 85015. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 135078 (Sub-28TA), filed June 5, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 Ten Main Center, Kansas City, MO 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials;* and (2) *empty containers and materials for recycling*, (1) from Jefferson County, CO, to points in IA and MO; and (2) from points in IA and MO, to Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lou Bonner, Director of Transportation, Adolph Coors Co., Golden, CO 80401. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135779 (Sub-7TA), filed May 23, 1978. Applicant: BALDWIN TRUCKING, INC., 192 98th Avenue, Oakland, CA 94603. Representative: M. C. Leiden, P.O. Box 8594, Emeryville, CA 94662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palletized empty tin cans*, in specialized can vans, equipped with attached rollers for gravity loading and unloading of unitized loads of cans and return shipments of empty pallets, fibre and separators used in preparing cans for shipment, from plant of Del Monte Corp. located at Oakland, CA, to Salem, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Del Monte Corp., P.O. Box 3575, San Francisco, CA 94119. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 136407 (Sub-20TA), filed June 2, 1978. Applicant: COORS TRANSPORTATION CO., 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, Suite 1600, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles* dealt in by wholesale or retail drug, grocery and department stores, from the facili-

ties of Warner-Lambert Co., located at Anaheim, CA, to Portland and Medford, OR; and Spokane, Seattle, and Tacoma, WA, restricted to transportation, under a continuing contract, or contracts, with Warner-Lambert Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warner-Lambert Co., Morris Plains, NJ 07950. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 140497 (Sub-2TA), filed May 30, 1978. Applicant: FIRST CHOICE CONTAINER HAULAGE CORP., East Broadway, P.O. Box 472, Monticello, NY 12701. Representative: Zerin & Cooper, 950 Third Avenue, New York, NY 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers and metal parts* used in the control and maintenance of said containers, truck bodies, parts for truck bodies, truck trailers, parts for trailers, between Newburgh, NY, on the one hand, and, on the other, Manhattan, Brooklyn, Staten Island, NY; Port Newark, Jersey City, Vernon Valley, NJ; Wilmington, DE; Baltimore, MD; Norfolk, Martinsville, VA; Waycross, GA; Huntington, WV; Knoxville, PA Philadelphia, Harrisburgh, Eagle, Pittsburg, Leesport, Quarryville, and Montgomery, PA; Boston, MA; Cleveland, Cincinnati, OH; Chicago, IL; Detroit, MI; and Milwaukee, and Kenosha, WI, under a continuing contract, or contracts, with Goldmark Industries, Fountain Welding Corp., and Quickway Metal Fabricators, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Goldmark Industries, Box 41, Swan Lake, NY (2) Fountain Welding Corp., Box 572, Monticello, NY and (3) Quickway Metal Fabricators, Inc., Monticello, NY. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, NY 12201.

MC 141138 (Sub-11TA), filed June 2, 1978. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honesuckle Lane, Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, dry, (in bulk, in dump vehicles), from the facilities of Ralston Purina Co. in Memphis, TN, to Circleville, OH, for 180 days. Supporting shipper: Roy H. Shipley, Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL 62701.

MC 143901 (Sub-1TA), filed June 1, 1978. Applicant: THOROUGHBRED TRUCKING, INC., 402 308th Street NE., Stanwood, WA 98292. Representative: Ronald P. Erickson, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise and peanut butter*, from points in CA on the one hand, to points in OR and WA, on the other hand, under a continuing contract, or contracts, with shedd's Food Products, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shedd's Food Products, 1484 Kifer Road, P.O. Box 1127, Sunnyvale, CA 94086. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal building, Seattle, WA 98174.

MC 144245 (Sub-2TA), filed May 19, 1978. Applicant: FRED SEEBINGER, LEW SEEBINGER, LARRY SEEBINGER, AND VIRGINIA SEEBINGER, d.b.a. SEEBINGER ENTERPRISES, 1235 Aspen NW., Albuquerque, NM 87104. Representative: Edwin E. Piper, Jr., 1115 Sandia Savings Bldg., Albuquerque, NM 87102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products*, from Albuquerque, NM, To Ft. Bliss Military Reservation, at or near Lubbock, TX; Biggs Air Force Base, at or near El Paso, TX; and Reese Air Force Base, at or near Lubbock, TX, and; (2) *Frozen meat*, from El Paso, TX, to Albuquerque, NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Sales, 1235 Aspen NW., Albuquerque, NM 87104. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, SW., Albuquerque, NM 87101.

MC 144630 (Sub-2TA), filed June 2, 1978. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46012. Representative: Donald W. Smith, Suite 945-9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, jewelry and such other merchandise sold*, used or distributed by Avon Products, Inc., from facilities of Avon Products, Inc., at Springdale, OH, to Monrovia and Passadena, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Avon Products, Inc., 175 Progress Place, Cincinnati, OH 45246. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 144764TA, filed May 17, 1978. Applicant: R. CENNO & SONS, INC., 224 South Newman Street, Hackensack, NJ 07601. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Battings, and materials and supplies* used in the manufacture thereof on return (except in bulk), from Hackensack, NJ, New York, NY, and Providence, RI, to points in AL, GA, NC, SC, RI, TN, and Plains, PA, under a continuing contract, or contracts, with Chemfi Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemfi Corp., 224 South Newman Street, Hackensack, NJ 07601. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 144770 (Sub-1TA), filed May 15, 1978. Applicant: ROBERT A. POST, d.b.a. ROLLIN' WHEELS, 1759 East Grand Avenue, Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, pick up trucks and vans in truckaway service, (1) between Des Moines, IA, on the one hand, and, on the other, Denver, CO; Chicago, IL, and the Chicago, IL, Commercial Zone; Rockford, IL; Highland, IN; Covington, KY; Kansas City, KS; Detroit, MI; Minneapolis-St. Paul, and Bagley, MN; St. Louis and Kansas City, MO; Omaha, Grand Island, Lincoln, Fremont, and South Sioux City, NE; Bismarck, ND; Cincinnati, OH; Sioux Falls, Pierre and Winner, SD; Galesville and Milwaukee, WI; and Rawlings, WY; and (2) Between Chicago and the Chicago, IL, Commercial Zone; Denver, CO; and Omaha, NE; (3) Between Omaha, NE,, and Minneapolis-St. Paul, MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 144859TA, filed June 5, 1978. Applicant: SCOTT PALLETS, INC., Amelia, VA 23002. Representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in OH, PA, WV, and MD, to VA, and NC, under a continuing contract, or contracts, with GMC Hardwoods, Inc., and National Lumber Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) GMC Hardwoods, Inc., P.O. Box 218, Dover, MA 02030. (2) National Lumber Co., Inc., P.O. Box 3034, Richmond, VA 23235. Send protests to: Paul D. Collins, District Supervisor, 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. 78-19935 Filed 7-18-78; 8:45 am]

[7035-01]

[Notice No. 122]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 19, 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

MC 35980 (Sub-3TA), filed June 5, 1978. Applicant: M-B TRANSPORT, INC., 1941 Land Road, Jamison, PA 18929. Representative: John A. Meyer, Jr., 1875 Land Road, Jamison, PA 18929. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime* (in dump vehicles, in bulk), from Devault and Norristown, PA, to points in Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Burlington, Ocean, Atlantic, Gloucester, Salem, Morris, Warren, Camden, and Cumberland Counties, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peters Chemical Co., P.O. Box 193, Hawthorne, NJ 07507. Send protests to T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106

MC 60014 (Sub-85TA), filed June 5, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from plantsite of Dixie Wood Preserving Co., at Thomson, GA, to points in OH (Cincinnati, Lebanon, Cleveland, Bowling Green) and PA (Apollo, Geneva, Scranton, Erie) for 180 day. Applicant has also filed an underlying ETA seeding up to 90 days of operating authority. Supporting shipper: Dixie Wood Preserving Co., Division of Hoover Universal, Inc., Route 2, Tri Port Road, Georgetown, KY 40324. Send protests to John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 105566 (Sub-169TA), filed June 1, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed Matter*, from Kingsport and New Canton, TN, to all points in NV and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. supporting shipper(s): Kingsport Press, Press and Roller Streets, Kingsport, TN Send Protests to P. E. Binder, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 110525 (Sub-1243TA), filed June 5, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 East Lancaster Avenue, Downingown, PA 19335. Representaive: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystryene Pellets* (in bulk, in tank vehicles), from Windsor, NJ, to Columbus and Evansville, IN; Florence and Lousville, KY; Kalamazoo, MI, and Columbus, OH, for 180 days. Applican has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Eastern Sterling Plastics & Cosden Oil, P.O. Box 316, Windsor, NJ 08561. Send protests to T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 112801 (Sub-202TA), filed June 5, 1978. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: Gene Smith, 2 Salt Creek Lane, Hinsdale, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil* (in bulk, in tank vehicles), from the facilities of Cargill, Inc., at or near Sidney, OH, to points in IL, IN, KY, GA, MD, MA, NC, NY, NJ, PA, OH, VA, and TN, for 180 days. Supporting shipper: Harold E. Bernero, Traffic Manager, Cargill, Inc., 2400 Industrial Drive, Sidney, OH 45365. Send protests to Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 113908 (Sub-442TA), filed June 2, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 East Dale Street, Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, fruit juice, and fruit juice concentrate* (in bulk), from Hammondsport, NY, and the commercial zone thereof, to Silverton, OH, and the commercial zone thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Seal Vineyards, Inc., Hammondsport, NY 14840. Send protests to John V. Barry, District Supervisor, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 115654 (Sub-96TA), filed June 2, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 425 13th Street NW, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and packinghouse products*, from the facilities of Mid-South Refrigerated Warehouse, Memphis, TN, to points in WV, OH, IL, and IN, for 180 days. Supporting shipper: Mid-South Refrigerated Warehouse, 1100 East Parkway, Memphis, TN. Send protests to Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 117119 (Sub-693TA), filed June 5, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ, 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from Easton, PA, to Orem, UT, and Pocatello, ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ashland Chemical Co., Division of Ashland Oil, Inc., P.O. Box 2219, Columbus, OH 43216. Send protests to William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117940 (Sub-279TA), filed June 2, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN. 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Woodburn, OR, and Walla Walla, WA, to points in FL, GA, IL, IA, KS, MD, MA, NY, and TX, for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, NY. 10625. Send protests to Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

MC 119493 (Sub-211TA), filed June 2, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, MO 64801. Representative: Lawrence Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanut butter*, in glass jars, from Albany, GA, to Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holsum Foods, Kansas City, MO. Send protests to John V. Barry, District Supervisor, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 124344 (Sub-13TA), filed May 16, 1978. Applicant: HINER TRANSPORT, INC., P.O. Box 621, 1317 South Jefferson Street, Huntington, IN 46750. Representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix*, in bulk, in tank vehicles, from Fort Wayne, IN, to Kalamazoo and Detroit, MI; *Cream*, in bulk, in tank vehicles, from Mason and Ovid, MI, to Fort Wayne, IN; *Ice cream, ice cream mix, ice milk, sherbet, water ices, and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles, and *Ice cream novelties*, including water ice bars, fudge bars, ice cream bars, ice cream cupos, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles of a like nature, in containers, in mechanically refrigerated vehicles, from Fort Wayne, IN, to Edon, Delphos, Toledo, Cincinnati, Hamilton, and Columbus, OH, and points in that part of OH west of Interstate Hwy 75, Louisville and Lexington, KY; Chicago, Palatine, and Rockford, IL; Milwaukee, WI; Benton Harbor, Detroit, Kalamazoo, New Buffalo, and Pontiac, MI, and Memphis, and Nashville, TN; from Chicago, IL, and Milwaukee, WI, to Fort Wayne, IN; *Milk products, milk-byproducts, ice cream, ice cream mix, and frozen confections*, in containers, from Hamilton, OH, to Fort Wayne, IN; *ice cream, ice cream mix, ice milk, sherbet, water ices, vegetable fat frozen desserts, and ice cream novelties*, in containers, in mechanically refrigerated vehicles, from Green Bay, WI, to Fort Wayne, IN, and from Fort Wayne, IN, to Madison, WI; *ice cream, ice cream mix, ice milk, sherbet, water ices, milk products, vegetable fat frozen desserts, and ice cream novelties*, in containers, in mechanically refrigerated vehicles, from Fort Wayne, IN, to points in FL, MO, PA, WV, and KY (except Louisville, Lexington, Hazard, and points in their commercial zones), IL (except Chicago, Palatine, Rockford, and points in their commercial zones), MI (except Benton Harbor, Detroit, Kalamazoo, New Buffalo Pontiac, and points in their commercial zones) and OH (except Toledo, Cincinnati, Columbus, and points in their commercial zones and those in OH west of Interstate Hwy 75); and from Peoria, IL, Detroit, MI, and Louisville, KY, to Fort Wayne, IN; *fruit and fruit segments*, in containers, from Cincinnati, OH to Fort Wayne IN, for 180 days. Restriction; The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contract, with Kraft, Inc., Dairy Group, of Philadelphia PA. Supporting shipper: Kraft, Inc., Dairy Group, 435 West State Street, Huntington, IN 46750. Send protests to: J. H. Gray, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 343 West Wayne Street, Fort Wayne, IN 46802.

MC 125777 (Sub-221TA), filed May 19, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Duane O'Donnell, 4600 East 15th Avenue, Gary, IN 46403. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Pig iron*, in dump vehicles, from States of AR, MN, MO, TN, and TX, to points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, ND, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Philipp Brothers, Walter L. Jaffe, Manager, Distribution and Transportation, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: Lois M. Stahl, Interstate Commerce Commission, 219 South Dearborn Street, room 1386, Chicago, IL 60604.

MC 127762 (Sub-5TA), filed June 1, 1978. Applicant: CONTRACT CARRIERS, INC., 1006 East 11th, Ellensburg, WA 98926. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of Flavorland Industries, Inc., at Toppenish, WA, to points in OR and ID, under a continuing contract, or contracts, with Flavorland Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., P.O. Box 552, Toppenish, WA 98948. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 133591 (Sub-43TA), filed June 2, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main Street, Winchester, KY 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Malt beverages and related advertising materials,* from points in Jefferson County, CO, to points in MO; and (2) *empty containers and materials for recycling,* from points in MO, to points in Jefferson County, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Adolph Coors Co., Golden, CO 80401. Send protests to: John V. Barry, District Supervisor, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 135082 (Sub-67TA), filed May 15, 1978. Applicant: BURSCH TRUCKING, INC., d.b.a. ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Alburquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated insulated panels,* from Phoenix, AZ, to CA, NV, UT, CO, NM, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Baker Thomas Wholesale, Inc., 300 South 12th Street, Phoenix, AZ 85002. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Alburquerque, NM 87101.

MC 136407 (Sub-19TA), filed June 2, 1978. Applicant: COORS TRANSPORTATION CO., 5101 York Street, Denver, CO 80216. Representative: Leslie M. Kehl, Suite 1600, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Articles* dealt in by wholesale or retail drug, grocery and department stores, from the facilities of Warner-Lambert Co. at Rockford, IL, to facilities of Warner-Lambert Co. at Anaheim, CA, restricted to transportation, under a continuing contract, or contracts, with Warner-Lambert Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warner-Lambert Co., Morris Plains, NJ 07950. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 138510 (Sub-9TA), filed June 5, 1978. Applicant: RICCI TRANSPORTATION CO., INC., Aloe and Odessa Streets, Pomona, NJ 08240. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Eden, NC, to Wildwood and Atlantic City, NJ, under a continuing contract, or contracts, with South Jersey Distributing, Inc., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: South Jersey Distributing, Inc., 430 N. Pennsylvania Avenue, Atlantic City, NJ 08404. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 140619 (Sub-3TA), filed June 1, 1978. Applicant: AMAC TRUCKING INC., 5050 1st Avenue South, Seattle, WA 98134. Representative: C. Michael McCanta, 5050 1st Avenue South, Seattle, WA 98134. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and retail stores, and equipment, materials, and supplies used in the conduct of such business, between Seattle, WA, and Missoula, MT, and Moscow, ID, and between Spokane, WA, and Missoula, MT, and Moscow, ID, under a continuing contract, or contracts, with Sears, Roebuck & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sears, Roebuck & Co. 2645 Utah Avenue South, Seattle, WA 98184. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 143053 (Sub-3TA), filed May 15, 1978. Applicant: B & B TRANSPORT, INC., 20433 Northeast, 133d, Woodinville, WA 98072. Representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel shelving, steel cabinets, steel bookcases, steel lockers, steel shop equipment, folding tables, stacking chairs and wire baskets,* From Los Angeles and Monrovia, CA; LaPorte, IN; Aurora and Chicago, IL; Battle Creek and Detroit, MI; Canton and Marietta, OH; Allentown, Pa; and Dickson, TN, to points in ID, MT, OR and WA, and to Santa Clara and Sacramento, CA, under a continuing contract, or contracts, with Cascade Commercial Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Commercial Co., 3825 1st Avenue South, Seattle, WA 98134. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 144215 (Sub-1TA), filed May 16, 1978. Applicant: NORTON TRUCKING, INC., 126 Sun Street, Salinas, CA 93901. Representative: Albert G. Parolini, 126 Sun Street, Salinas, CA 93901. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs group: Cocoa beans, cocoa powder, cocoa butter, cocoa cake,* in vans equipped with mechanical refrigeration in truckload quantities, and chocolate liquor in bulk, in tank vehicles), from the commercial zones of Philadelphia, PA, Camden, NJ; and Brooklyn, NY; to Burlingame, CA; and from Burlingame, CA, to Chicago, IL, and Pennsauke, NJ, in truckload quantities. From Burlingame, CA, to Dallas, TX, and Salt Lake City, UT, in bulk, in tank vehicles, under a continuing contract, or contracts, with Guittard Chocolate Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Guittard Chocolate Co., 10 Guittard Road, Burlingame, CA 94010. Send protests to: Michael M. Butler, District supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 144592 (Sub-2TA), filed June 5, 1978. Applicant: WAYDENS HEAVY HAULERS, INC., 251 5th Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Material handling systems and storage silos,* from Washington, IA, to IL, MN, ND, and WI, under a continuing contract, or contracts, with Nott Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nott Co., 1720 New Brighton Boulevard, Minneapolis, MN 55413. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 144756TA, filed May 10, 1978. Applicant: DEDICATED TRUCKING CORP., 183 Highway 508, Chehalis, WA 98532. Representative: Henry C. Winters, 235 Evergreen Building., Renton, WA 98055. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (A) *Petroleum and petroleum products, emulsified petroleum sizing, and gasoline additives,* in containers, in mixed loads with such commodities as are dealt in by wholesale or retail suppliers, marketers, or distributors of petroleum products; and (B) *such commodities* as are dealt in by wholesale or retail suppliers, marketers, or distributors of petroleum products, in mixed loads with petroleum and petroleum products, emulsified petroleum sizing, and gasoline ad-

ditives, in containers, from, to, or between the following points: (1) From Seattle, WA, to points in OR, ID, MT, WY, and CA, and (2) from Wilmington, CA, to points in AZ, UT, CO, NM, and NV, and to Seattle, WA, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Texaco, Inc., of Houston, TX, and (II) *Charcoal, vermiculite, and hickory chips, in bags, and charcoal lighter fluid* (naptha distillate), from Springfield, OR, to points in ID, UT, CO, NV, WA, AZ, WY, and CA; and (B) *Materials and supplies* used in the manufacture of charcoal, vermiculite, and hickory chips and charcoal lighter fluid (naptha distillate), except commodities in bulk, in tank vehicles, from points in ID, UT, CO, NV, WA, AZ, WY, and CA, to Springfield, OR, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Kingsford Co. of Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: The Kingsford Co., 3315 Marcola Road, Springfield, OR 97477. (2) Texaco, Inc., 1111 Rusk, Houston, TX 77052. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 144765TA, filed May 15, 1978. Applicant: WATERVILLE CASCADE TRUCKING, INC., P.O. Box 1686, Wenatchee, WA 98801. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Internal combustion engines*, from Chesapeake, VA, to Arlington, WA; (B) *Windshields*, from Tulsa, OK, and Gloversville, NY, to Arlington, WA; and (C) *Carpeting*, from Chattanooga, TN, to Arlington, WA, under a continuing contract, or contracts, with Bayliner Marine Corp., for 180 days. Supporting shipper: Bayliner Marine Corp., P.O. Box 24467, Seattle, WA 98134. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 144791 (Sub-1TA), filed June 1, 1978. Applicant: DONALD EDWARD McKENZIE, d.b.a. C & D CONTRACTING, 13491 112th Avenue, Surrey, BC, Canada. Representative: Donald McKenzie, 13491 112th Avenue, Surrey, BC, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bins*, from Tacoma, WA, to the ports of entry on the U.S.-Canada border at or near Blaine, Lynden, or Sumas, WA, under a continuing contract, or contracts, with Agri-Tainer Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agri-Tainer Corp., 777 S. Van Well, East Wenatchee, WA. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 144890TA, filed June 2, 1978. Applicant: DAROSKA TRANSPORTATION, INC., R.F.D. 8, Concord, NH 03301. Representative: Brian L. Jaworski, R.F.D. 8, Concord, NH 03301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, full and split*, between concord, NH, on the one hand, and, on the other, Johnstown, NY, for 180 days. Supporting shipper: Allied Leather Corp., 36 East Street, Penacook, NH 03301. (Attn: Joseph Oilshver, hide buyer.) Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Louden Road, Concord, NH 03301.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19936 Filed 7-18-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

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[M-150, July 14, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.—July 21, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW, Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Dockets 32273, 32274, 32275, Trans World Airlines, Inc.—Applications for Certificate of Public Convenience and Necessity (Memo 8044, BIA, OGC).
3. Dockets 32523, 32581 and 32673, Applications for exemption by World, National, and Capitol, respectively, to provide scheduled passenger service in selected U.S./Netherlands/Belgium markets pending the outcome of the U.S. Benelux case (Docket 30790) (BIA).
4. Dockets 32225, 31297, 32018, 32634, 32690, 32730, 30511, 30510, 30512, 32411, 32415, 32410, and 32413; Applications of various carriers for transpacific route authority (BIA, OGC, BALJ, BPDA).
5. Option paper on "boiler-plate" language in standard route cases (BPDA, OGC, BALJ, BIA).
6. Dockets 32129, 32286, 32303, and 32309, motion of Pacific Southwest for expedited hearing of it nonstop California-Arizona low-fare application and motions to consolidate of Hughes Airwest, Western, and Trans World (BPDA, OGC, ALJ).
7. Docket 32786, *Philadelphia-Bermuda Nonstop Proceeding:* Delta's petition for reconsideration of order 78-6-22 (Memo 7541-C, BPDA, OGC, BALJ).
8. Docket 31923, Southern Airways—Certificate amendment to overfly Charlotte after providing one daily round trip (Memo 7861-A, BPDA).
9. Docket 31597, Trans World's request for certificate amendment to include Boston-Philadelphia fill-up authority on flights in overseas or international air transportation (Memo 8041, BPDA).
10. Dockets 31436 and 31437, National's applications to suspend and delete service at Tallahassee (Memo 7815-B, BPDA).
11. Docket 29857, Continental Air Lines route realinement (Memo 8057, BPDA).
12. Docket 31071, application of Delta Air lines for an amendment of its certificate of public convenience and necessity for Route 114 to include fill-up authority between San Francisco and Los Angeles on overseas flights (Memo 6980-K, BPDA).
13. Docket 32617, application of Pan American for Detroit-Washington fill-up authority on flights to London, and petition for show-cause order; Docket 32618, application of Pan American for an exemption under section 416(b) to operate the fill-up authority pending final Board action on its petition to show cause (Memo 8046, BPDA).
14. Docket 32697, Frontier's exemption request to serve Redding, Calif. on a subsidy ineligibler basis (Memo 8050, BPDA).
15. Docket 30393, Knight's exemption to use large aircraft in two florida markets and to Haiti (Memo 7133-A, BPDA, BIA, OGC).
16. Proposed amendment of Part 298 (Memo 8058, BPDA, OGC).
17. Docket 32832, application of William F. Peel and Caribbean Air Services, Inc., for approval or exemption for Mr. Peel's acquisition of Caribbean Air Services under section 408 of the act (Memo 8062, BPDA).
18. Docket 31233, Air New England's request for a blanket exemption to operate Part 298 service in any market in the New England/New York area in which it is not certificated (Memo 8061, BPDA, OGC, BAS).
19. Dockets 31762 and 31812, applications of Air Midwest and Metro Airlines for subsidy eligible certificate authority to various small communities in Oklahoma and Texas (Memo 8060, BPDA, OGC, OEA).
20. Docket 32327, former large irregular air carrier service investigation (BPDA).
21. Docket 32070, petition for Board approval of joint air carrier discussions on a uniform method of payment for international shipments moving on U.S. Government bills-of-lading (Memo 8048, BPDA, OGC).
22. Dockets 20051, 31448, 31596, and 32014, airline scheduling committee agreements (agreements CAB 20560, 20561, and 20562); applications of Frontier Airlines, Trans World Airlines, and the Association of Retail Travel Agents for discussion authority (Memo 8054, BPDA, OGC).
23. Dockets 31726, 30595, and 24420, application of Carla A. Hills and American Airlines, Inc., for disclaimer of jurisdiction or approval of interlocking relationships; application of Hobart J. Taylor, Jr. and Eastern Air Lines, Inc., for approval of interlocking relationships; interlocking relationships involving Forrest N. Shumway, Transamerica Corp., et al. (Memo 7197-B, BPDA, OGC).
24. Docket 30873, joint application of Frank Powell Sanders and The Flying Tiger Line, Inc., for disclaimer of jurisdiction or, in the alternative, for approval of interlocking relationships (Memo 8056, BPDA, OGC).
25. Docket 21866-4, Frontier requests a modification of the DPFI phase 4 joint fares decision to limit certain applications of the point-beyond fare construction rule (Memo 8059, BPDA).
26. Dockets 32084, 32285, 32301, Air Traffic Conference of America agreements establishing 8 percent travel agents' commission on new discount fares (Memo 8043, BPDA).
27. Docket 3077, agreements CAB 27250 and CAB 27252, IATA agreements relating to North Atlantic-Africa passenger fares. The agreements would establish fares between the United States and Africa, including new APEX fares to West Africa. (Memo 7919-A, BPDA, BIA).
28. Docket 30777, agreement CAB 27281, IATA agreement establishing Europe-Israel passenger fares. The agreement includes a number of "hidden" promotional fares which are subject to restrictions on advertising and sales. (Memo 8042, BPDA, BIA, BOE).
29. Increased first-class fares by Pan American World Airways, Inc. (BPDA, BIA).
30. IATA agreements proposing varying increases in North/Central Pacific Cargo rates through September 30, 1979. Flying Tiger and PAA allege that the increases are necessary to improve depressed ROI (BPDA, BIA).
31. Docket 27701, Pacific Group Fares, petitions for review of initial decision finding all but one of the proposed fares lawful (Memo 8055, OGC).
32. Docket 19923, liability and claims rules and practices investigation. This case involves the question of whether the Board's earlier findings on the unlawfulness of various liability and claims tariff rules can be enforced in view of the subsequent enactment of Pub. L. 95-163, the cargo deregulation bill (Memo 7755-A, OGC).
33. Docket 29445, *Las Vegas-Dallas/Fort Worth Nonstop Service Investigation*—Opinion and order (Memo 7791-B, OGC).
34. Docket 32164, rulemaking petition of TWA to eliminate exemption from filing requirement for prorate agreements for section 418 carriers, or to exempt section 401 carriers' prorate agreements from having to be filed (OGC, BPDA, BCP).
35. Docket 31117, Club Med, Inc., foreign indirect air carrier permit of persons (Memo 8053, OGC, BIA).
36. Docket 32160, Definitions of "handicapped" and "retired" for space available reduced rates authorized by Pub. L. 95-163 (Memo 7772-A, OGC).
37. The Internal Revenue Service has requested access to Bureau of Consumer Protection investigatory files some of which contain materials secured

through section 407(e) of the Federal Aviation Act inspection authority (Memo 8063, BCP).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-1478-78 Filed 7-17-78; 3:34 pm]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, July 12, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, item No., and subject

Hearing—1—Broadcast Bureau request for certain Department of Justice records pertaining to Martin Segal for use in the comparative hearing for a VHF television station in Orlando, Fla.

General—1—Oak Knoll Broadcasting Corp.'s (KLRA, Pasadena, Calif.) objection to the proposed change in call letters of KPOL-FM, Los Angeles to KZLA.

General—2—Reconsideration of order denying extension of marketing cutoff for 23-channel CB radios.

General—3—Amendment of Sec. 81-179 of the rules to clarify that Alaska public fixed stations may charge for service.

General—4—Use of speakerphones to take testimony of witnesses in hearing cases.

General—5—Review of ruling denying Freedom of Information Act request filed by United Community Antenna Systems, Inc., Community Telecable of Seattle, and Tele-vue Systems. (FOIA Control No. 8-62.)

General—6—Amendment of Parts 81 and 83—To provide single sideband emission in the maritime mobile services.

General—7—Review of ruling denying Freedom of Information Act request filed by the Citizens' Committee for expansion of Commercial Television to the State of Delaware (petitioner). (FOIA Control No. 8-35.)

Safety and special radio services—1—Amendment of the rules to permit aircraft to use maritime mobile VHF frequencies.

Common carrier—1—Reconsideration of *Western Union International, Inc.* 65 FCC 2d 263 (1977), Transmittal No. 1117 alternate voice/data channels between Hawaii and Midway Island.

Common carrier—2—Formal complaint of ITT World Communications Inc., against Western Union International, Inc., File No. TS 12-77.

Common carrier—3—Western Union International, Inc., transmittal No. 1253—Revisions to Tariff FCC No. 4.

Cable television—1—Television Enterprises Inc.'s (a cable television relay service station) request for waiver (CAR-12337-05) of secs. 74.602 and 78.18 of the rules to use a Television Auxiliary Broadcast Service frequency.

Cable television—2—Turner Communications, Corp.'s (WRET-TV, Charlotte, N.C.) request for reconsideration of grants (CSR-1284T, CSR-1291T through CSR-1294T).

Cable television—3—Applications for construction permits (CAR-12330-01 and CAR-12331-05) and request for waiver of sections 74.602 and 78.18 of the rules to use TV Auxiliary Broadcast Service frequencies by Cable Television Relay Service (CARS) stations, filed by TelePrompter Corp.

Cable television—4—Amendment of Part 76 of the Commission's Rules and Regulations concerning the Network Non-Duplication Rules.

Assignment and transfer—1—Assignments of KMPX-FM, KEAR-FM, and KCBC-FM, all San Francisco, Calif.

Assignment and transfer—2—Assignment of KBPI(FM), Denver, Colo. from Progressive Broadcasters, Inc. to RKO General, Inc. (BALH-2613).

Assignment and transfer—3—Assignment of WFGL, WFMP(FM), Fitchburg, Mass., from WFGL, Inc., and Music Service Corp., respectively to Golden East Broadcasters.

Renewal—1—Reconsideration of Commission decisions in Newhouse Broadcasting Corp., 61 FCC 2d 528 (1976), KSD/KSD-TV, Inc., 61 FCC 2d 504 (1976) and Newhouse Broadcasting Corp., et al., 61 FCC 2d 718 (1976) requested by St. Louis Broadcast Coalition.

Renewal—2—By direction letters requiring certain California broadcast stations to submit periodic EEO progress reports.

Aural—1—Applications for deleted facilities of Station KISN, Vancouver, Wash.

Aural—2—Application by KVEN Broadcasting Corp., Ventura, Calif., for authority to charge from directional to nondirectional daytime operation (BP-20,939)

Aural—3—Reconsideration of Commission action in 1975 dismissing application for CP for new FM station in Lebanon, Mo., because of new broadcast-newspaper cross-ownership combination.

Aural—4—I. Joseph Bahr's application for an AM station in Frederiksted, St. Croix, V.I., and RFC partner's application to change KXEWs city of license to South Tucson, Ariz.

Aural—5—Application (BP-19945) for WGTR, Natick, Mass., filed by Home Service Broadcasting Corp.

Broadcast—1—Transmission of a source identification signal in the television vertical blanking interval.

Broadcast—2—Restructuring of Part 73, Volume III (Radio Broadcast Services) of the rules and regulations.

Broadcast—3—Petitions to add categories to the Community Leader Checklist of the Primer on Ascertainment of Community Problems by broadcast renewal applicants.

Broadcast—4—Delegation of authority to Chief, Broadcast Bureau.

Complaints and compliance—1—Amendments of Parts 73 and 76 of the rules relating to broadcasts and cablecasts by legally qualified candidates for public office (Docket No. BC 78-102).

Complaints and compliance—2—Report and Order in the matter of the Commission's policy in enforcing section 312(a)(7) of the Communications Act (BC Docket No. 78-103).

Complaints and compliance—3—Primer: "The Law of Broadcasting and Cablecasting".

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

If additional information is required concerning this meeting it may be obtained from Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: July 14, 1978.

[S-1472-78 Filed 7-17-78; 2:52 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, July 12, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, item No., and subject

Hearing—1—Continued participation of Alabama Citizens for Responsive Public Television in the Birmingham and Demopolis, Ala., educational TV proceeding (Docket Nos. 20675-76).

Hearing—2—Exceptions to initial decision filed by Belo Broadcasting/Maxwell Broadcasting in the WFAA(AM) and KZEW(FM), Dallas, Tex., renewal proceeding (Docket Nos. 20945-8).

Hearing—3—Renewal proceeding of Golden Broadcasting Systems, KOAD, Lemoore, Calif. (Docket No. 19922).

General—1—Applications for review of denials of FOIA requests of Mid-Continent, Mid-America, and Gilmore (FOIA control Nos. 8-46, 8-42, 8-51) (Docket Nos. 78-81, 82, 83).

Complaints and compliance—1—Renewal applications of WKYO (BR-4146) and WIDL-FM (BRH-2982), both Tuscola Broadcasting Co. of Caro, Mich.; and applications for new AM (BP-20,663) and FM (BPH-10,245) stations in Caro filed by Cass River Broadcasting Co.

Complaints and compliance—2—Reponse of CBS, Inc. to the Commission's letter concerning CBS-TV's "Heavyweight Championship of Tennis" matches.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: July 14, 1978.

[S. 1473-78 Filed 7-17-78; 2:52 pm]

[6712-01]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m. and 2 p.m., Wednesday July 19, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTER TO BE CONSIDERED:

Subject

Panel presentation on treatment of A.T. & T.'s advertising and charitable expenses (Docket 19129).

CONTACT PERSON FOR MORE INFORMATION:

Consumer Assistance Office, FCC, telephone 202-632-7000.

Issued: July 14, 1978.

[S-1474-78 Filed 7-17-78; 2:52 pm]

[6712-01]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 20, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Agenda, item No., and subject

Renewal—1—Application for renewal of license for station WGBH-TV, Boston, Mass., filed by WGBH Educational Foundation, and petition to deny that application filed by Morality in Media of Massachusetts, Inc.
Complaints and compliance—1—New Primer on political broadcasting and cablecasting.
General—1—Budget estimates for fiscal year 1980—Submission to OMB.

Portion closed to the public:

Agenda, item No., and subject

General—1—Litigation instructions in Execunet II case (the interconnection decision): Whether to file petition for certiorari in Supreme Court.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC, Public Information Office, telephone 202-632-7260.

Issued: July 14, 1978.

[S-1475-78 Filed 7-17-78; 2:52 pm]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published July 17, 1978, 43 FR 30644.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 19, 1978, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP-6—CP78-289, Natural Gas Pipeline Co. of America, Panhandle Eastern Pipe Line Co. and Consolidated Gas Supply Corp.
CP-6—CP78-340, Trunkline Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-1468-78 Filed 7-17-78; 2:52 pm]

[7030-01]

7

INDIAN CLAIMS COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 30027, July 12, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10:15 a.m., July 19, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

CHANGE IN THE MEETING: The following item has been added:

Fourth quarter, fiscal year 1978 financial plan.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. telephone 202-653-6184.

[S-1469-78 Filed 7-17-78; 11:01 am]

[7030-01]

8

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., July 26, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Docket 13-E, *James Strong, et al.*
Docket 15-C, *Pottawatomie*
Docket 74, *Sioux*
Docket 295-A, *Mojave*
Docket 332-C, *Yankton Sioux*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1470-78 Filed 7-17-78; 11:01 am]

[7020-02]

9

[USITC SE-78-35]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, July 25, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Clothespins from the People's Republic of China, the Polish People's Republic, and the Socialist Republic of Romania (Inv. TA-406-2, -3, and -4)—remedy (if necessary).
6. Rayon staple fiber from Japan (Inv. AA1921-181)—Briefing and vote.
7. Copper (Inv. TA-201-32)—Briefing.
8. Any items left over from previous agenda.

Portions closed to the public:

9. *Sprague Electric Corp.* v. *United States* (Customs Court No. 77-9-03056)—Discovery matters.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-147778 Filed 7-17-78; 3:25 pm]

10

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on July 26, 1978.

A. The meeting will be held on Wednesday, July 26, 1978, in the Concord-Lexington Room of the Hyatt Regency Hotel, 400 New Jersey Avenue NW., Washington, D.C., beginning at 10:15 a.m.

B. The meeting will be open to the public at 12 noon beginning with agenda item no. 4, as described below.

C. The agenda items to be discussed at the meeting follow:

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION—MEETING OF THE BOARD OF DIRECTORS—JULY 26, 1978

(10:15)—CLOSED SESSION

1. Consultant reports
2. Internal personnel matters
3. Litigation matters

(12:00)—OPEN SESSION

4. Approval of minutes of regular meeting of June 28, 1978.
5. Annual election of Board and corporate officers.
6. Commitment approval requests:
   - 76-T-25-S2—Baltimore-Washington International Airport Intermodal Rail Passenger Station.
   - 78-33-S2—Modernization of Beech Grove—Phase III-B.
   - 78-115—Retirement and sale of one rail diesel car.
   - 78-117—Retirement and sale of two passenger cars—"A" list.

7. Adoption of Fare Policy.
8. Passenger Station Concepts and Design.
9. Board Committee Reports:
   A. Equipment.
   B. Northeast Corridor improvement project.
   C. Organization and compensation.
   D. Planning and finance.
10. President's report.
11. New business.
12. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to appendix A of the Corporation's bylaws should be directed to the Assistant Secretary at 202-383-3971.

Dated: July 14, 1978.

ELYSE G. WANDER,
Corporate Secretary.

[S-1471-78 Filed 7-17-78; 11:41 am]

[4910-58]

11

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 30391, July 14, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, July 20, 1978, 9 a.m. [NM-78-29].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: The first five items will be open to the public; the sixth item will be closed under Exemption 10 of the Government in the Sunshine Act.4

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—National Jet Services, Inc., Douglas DC-3, N51071, Evansville Dress International Airport, Ind. December 13, 1977.
2. *Railroad Accident Report*—Louisville & Nashville RR. Co. freight train derailment and puncture of anhydrous ammonia tank cars at Pensacola, Fla., November 9, 1977.
3. *Discussion* of simultaneous takeoffs and landings on runways, adjacent turf areas, and intersecting runways.
4. *Letter* to Lake Carriers Association regarding reconsideration of probable cause, SS *Edmund Fitzgerald.*
5. *Discussion* of Board policy with respect to holding public hearings and taking depositions concerning—
   (a) Near collision between a Cessna 500 Citation and a North Central Airlines DC-9 at LaGuardia Airport, N.Y., on June 21, 1978.
   (b) Railroad accident at Seabrook, Md., on June 9, 1978.
   (c) Midair collision between a Falcon Fanjet and a Cessna 150, Memphis (Tenn.) International Airport, May 18, 1978.
   (d) National Airlines, B-727, accident, Pensacola, Fla., May 8, 1978.
6. *Opinion and Order*—Petition of Warlick, Docket SM-1988; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1476-78 Filed 7-17-78; 3:04 pm]

federal register

WEDNESDAY, JULY 19, 1978
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

GUARANTEED STUDENT LOAN PROGRAM

Supplemental Proposed Rulemaking

[4710-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 177]

GUARANTEED STUDENT LOAN PROGRAM

Supplemental Proposed Rulemaking

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This regulation is proposed to amend the Notice of Proposed Rulemaking for the guaranteed student loan program (GSLP) that was previously published in the FEDERAL REGISTER on April 5, 1978. The amendment would add to the proposed regulation the refund policy requirements of the currently effective regulations for the GSLP. This amendment is necessary to insure that there is no lapse in the effectiveness of the requirement that an educational institution participating in the GSLP must have a refund policy. The GSLP is authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended.

DATE: Comments must be received on or before September 5, 1978.

ADDRESS: Comments must be addressed to Miss Patricia Hopson, Guaranteed Student Loan Branch, DPPD, Bureau of Student Financial Assistance, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Comments will be available for public inspection at the GSA Building, 7th and D Streets SW., Room 4642, between 9 a.m. and 3:30 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. David C. Bayer, 202-472-2765.

SUPPLEMENTARY INFORMATION: On Apr. 5, 1978, the Office of Education published proposed regulations for the guaranteed student loan program (GSLP) in the FEDERAL REGISTER (43 FR 14376 et seq.). The notice of proposed rulemaking stated that a section of the currently effective regulations for the GSLP relating to standards for refunds to students (45 CFR 177.63) was not included in the proposed regulation package because the provision was being incorporated into regulations which were to apply to all student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended. This decision was made because the Education Amendents of 1976 (Pub. L. 94-482) directed the Office of Education to issue a comprehensive revision of the regulations for the GSLP which were authorized by former section 438 of the Higher Education Act (now incorporated into section 497A in a slightly different format) to make them applicable to all Title IV programs. The existing refund regulation is based, in part, on the authority contained in that section.

The Office of Education is still in the process of considering to what extent the refund regulation for the GSLP should be modified to make it applicable to all the student financial assistance programs in Title IV. The Office of Education will submit its proposed modifications for public comment in accordance with required rulemaking procedures. It is probable that this procedure will not be completed prior to the publication of a final regulation for the guaranteed student loan program. Since the proposed regulation for the GSLP did not contain a section on refund policy, educational institutions participating in the GSLP would not be required to have a refund policy if the current proposed GSLP regulation were published in final prior to the publication of a refund regulation applicable to all Title IV programs.

The proposed regulation requires educational institutions to have a refund policy and to allocate a portion of the refund to the student's guaranteed student loan. In essence, these requirements will result in a payment to the lender of a portion of the student's refund. In cases in which the student subsequently defaults on the loan (and students who drop out of school and are owed a refund are more likely to default on a loan than students who complete their period of enrollment), the amount of the insurance payment to the lender will be less. The amount of interest benefits and special allowances paid by the Office of Education will also be reduced because the outstanding principal balance on the loan, on which these amounts are calculated, is reduced by the refund payment to the lender. The Office of Education also believes that an educational institution's refund policy is an important indicator of the school's financial responsibility and also of its capability to participate in the GSLP.

The Office of Education finds it unacceptable to have a lapse in the effectiveness of a requirement that an educational institution participating in the GSLP must have a fair and equitable refund policy. Therefore, the Office of Education is amending the notice of proposed rulemaking for the GSLP to include the refund requirement which is currently in effect for the GSLP. Only minor technical changes have been made to conform this regulation to the style found in the recently published notice of proposed rulemaking.

The publication of this amendment will allow time for the Office of Education to conduct an in-depth review of the question of how the GSLP regulation should be modified to make it applicable to all Title IV programs. We note that the current GSLP regulation does not contain exact refund policy criteria. The regulation simply states that an educational institution must have a fair and equitable refund policy and then lists several general factors which will be taken into consideration in determining whether an educational institution's refund policy is fair and equitable.

The notice of proposed rulemaking published on Apr. 5, 1978, contained a § 177.17 refunds, that dealt solely with the treatment by an educational institution and by a lender of that portion of a refund to a student that is determined to be allocable to the guaranteed student loan. the policy contained in proposed § 177.17 differed from the policy in the currently effective regulations for the GSLP (found in the last two sentences of § 177.63(e) of the current regulations). This amendment to the notice of proposed rulemaking incorporates the policy proposed in the April 5 publication on the treatment of refunds by schools and lenders.

Interested persons are encouraged to review the proposed amendment and to communicate their comments and suggestions. Persons who have already submitted their comments on the treatment of refunds (as proposed in § 177.17 of the April 5 proposed regulations) need not resubmit their views on § 177.17 (f) and (g) of this amendment. Any person may submit new comments on that topic, as well as on any other portion of this amendment.

(Catalog of Federal Domestic Assistance No. 13.460, Guaranteed Student Loan Program.)

Dated: June 20, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: July 10, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Accordingly, 45 CFR Part 177 is proposed to be amended in two sections.

1. Section 177.17 is proposed to be revised to read as follows:

§ 177.17 Refunds.

(a) Each participating school must establish a fair and equitable refund policy, under which it will make a refund of unearned tuition, required fees, and, if paid to the institution, room and board charges to a student who receives a loan under this Part and who does not matriculate or who otherwise does not complete the period of study for which the loan was

advanced. The school must make its policy (including the procedure for obtaining a refund) known in writing to the student prior to his or her initial acceptance for enrollment at the school and prior to each academic year in which he or she enrolls thereafter.

(b) In determining whether a refund policy is fair and equitable, the Commissioner will consider the following factors:

(1) Whether the refund policy takes into consideration the period for which tuition and other required fees and room and board charges were paid;

(2) Whether the refund policy takes into consideration the length of time the student was enrolled at the school;

(3) Whether the refund policy takes into consideration the kind and amount of instruction, equipment, and other services provided over the periods described in paragraphs (b) (1) and (2) of this section;

(4) Whether the refund policy produces refunds in reasonable and equitable amounts when the considerations described in paragraphs (b) (2) and (3) of this section are compared with that described in paragraph (b)(1) of this section. However, a school may retain reasonable fees, not to exceed $100, for the period for which tuition and other fees were required, in order to cover application, enrollment, registration, and other similar charges;

(5) Whether the refund policy of the school is mandated by State law; and

(6) Whether, in the case of an accredited school, the Commissioner has approved the refund policy requirements of the pertinent accrediting body.

(c) For purposes of this section, the date on which a student's period of enrollment will be considered to have ended will be:

(1) In the case of an institution of higher education, the date on which the student notifies the institution of his or her withdrawal or the date on which the institution determines that the student has withdrawn, whichever is earlier;

(2) In the case of a vocational school (other than a program of study by correspondence), the date on which the student notifies the school of his or her withdrawal or the date of the expiration of a thirty day period during which the student does not attend any classes or submit any assignments, whichever occurs first. A school in this category may, however, upon a student's written request, grant a leave of absence not to exceed 60 days. In that case, if the student does not return to his or her classes or scheduled assignments at the expiration of the leave of absence, the date of withdrawal will be considered to be the first day of the approved leave of absence. However, in determining the amount of a refund due that student, the school may consider the costs of any services actually provided to the student during the leave of absence. Except as approved by the Commissioner, only one leave of absence may be granted to a student;

(3) In the case of a program of study by correspondence, sixty days after the due date of a required lesson which the student has failed to submit, unless the student, within the sixty day period, notifies the school in writing that he or she is not withdrawing. For purposes of this section and 177.58(a), each school having a course of study by correspondence must establish a schedule of the number of lessons in the course, the intervals at which lessons are to be submitted, the date by which the course is to be completed for purposes of this Part, and the period of time within which any resident training must be completed. The schedule must conform to the requirements set forth in paragraph (2) of the definition of "vocational school" in § 177.11, and it must be furnished to the student prior to his or her enrollment.

(d) Each participating school must make each refund which is due under this part within 40 days after the date on which the student's period of enrollment has ended. However, in the case of a student whose enrollment is considered to have ended on the first day of a leave of absence, the refund must be made within 40 days of the last day of that leave of absence.

(e) In determining what portion of a refund which is due under this Part must be payable to the student, the school must make provision for the refund requirements of other forms of financial assistance which the student has received. In order to assure that an equitable portion of the refund is allocated to the loan made under this Part, the amount of the refund attributable to that loan must not be less than an amount which bears the same ration to the total amount of the refund as the amount of that loan bears to the amount determined by the school to be the cost of education for that student at that school for the period of enrollment for which the loan was made.

(f) *Treatment by schools.* A participating school must pay that portion of a refund that is allocable to a loan under this Part directly to the original lender (or to a subsequent holder of the loan note, if the school has knowledge of its identity). The school must also provide contemporaneous written notice to the borrower that it is doing so. By applying for a loan under this Part a student will be considered to have authorized the participating school to pay that amount to the lender or subsequent holder.

(g) *Treatment by lenders.* (1) A holder of a loan made under this Part must treat a payment received from a participating school under this section (representing that portion of a refund from the school to a borrower which is allocable to the loan) as a downward adjustment in the amount of the principal amount of the loan.

(2) If a lender receives a payment from a participating school which represents the portion of a refund from the school to a borrower which is allocable to a loan made or previously held by the lender, but no longer held by that lender, the lender must transmit the amount of that payment to the party to whom it transferred or assigned the loan, together with an explanation as to its source. The lender must provide contemporaneous written notice to the borrower of the transmission of this amount.

(h) In the event of the closure, termination, suspension or change of ownership of a participating school, the school or its successors must make provision for compliance with the requirements of this section with regard to refunds which are due or may become due for students who obtained loans under this Part for periods of attendance at the school prior to its change in status.

(20 U.S.C. 1082; 1088f-1(a)(2).)

§ 177.58 [Amended]

2. In the third sentence of § 177.58(a), strike the phrases "by Part 168" and "under Part 168" where they appear, and substitute the phrase "by § 177.17(c)(3)".

[FR Doc. 78-19759 Filed 7-18-78; 8:45 am]

federal register

WEDNESDAY, JULY 19, 1978
PART III

DEPARTMENT OF ENERGY

■

FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

Proposed Rulemaking and Public Hearing

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Part 1022]

COMPLIANCE WITH FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS

Proposed Rulemaking; Public Hearing

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy (DOE) hereby gives notice of a proposal to establish Part 1022 of Chapter X of Title 10 of the Code of Federal Regulations, providing for compliance with Executive Order (E.O.) 11988—Floodplain Management, and E.O. 11990—Protection of Wetlands. Written comments will be received and a public hearing will be held with respect to this proposal.

The proposed regulations are designed to be coordinated with the environmental review requirements established at 10 CFR Part 1021[1] with respect to DOE's compliance with the National Environmental Policy Act (NEPA). The regulations will be applicable to all organizational units of DOE, except the Federal Energy Regulatory Commission (FERC).

DATES: Comments must be received on or before August 28, 1978; request to speak by August 7, 1978; hearing testimony by August 17, 1978; hearing date: August 18, 1978.

ADDRESSES: Comments and requests to speak to Box TP, Department of Energy, Public Hearing Management, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Hearing location: Room 2105, 2000 M Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stern or Carol Borgstrom, Office of the Assistant Secretary for Environment, Room 7119, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760

SUPPLEMENTARY INFORMATION:

I. Background.
II. The proposed regulations.
III. Comment procedure.

I. Background

A. Executive Order 11988—Floodplain Management

E.O. 11988—Floodplain Management, issued May 24, 1977, requires each Federal agency to take action to reduce the risk of flood loss; to minimize the impact of floods on human safety, health and welfare; and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. The Order establishes a Federal policy to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. Agencies are required to issue or amend existing regulations and procedures to comply with the Order.

B. Executive Order 11990—Protection of Wetlands

E.O. 11990—Protection of Wetlands, issued May 24, 1977, requires each Federal agency to take action to minimize the destruction, loss, or degradation of wetlands; and to preserve and enhance the natural and beneficial values of wetlands in carrying out its responsibilities. The Order establishes a Federal policy to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct and indirect support of new construction in wetlands wherever there is a practicable alternative.

C. Coordination and Consultation

To the extent possible, agencies are required to utilize existing processes, such as those for compliance with NEPA, to fulfill the requirements of these Orders. Therefore, the regulations proposed herein have been designed to be implemented in conjunction with the environmental review requirements established at 10 CFR Part 1021, the proposed DOE regulations for compliance with NEPA.

E.O. 11988 also requires agencies to consult with the Water Resources Council (WRC), the Federal Insurance Administration, and the Council on Environmental Quality (CEQ) in the preparation of their floodplain regulations. DOE has circulated a draft of these regulations to the above agencies and, at the request of CEQ, has also circulated a draft to the Environmental Protection Agency and the Corps of Engineers. In addition, DOE has utilized the guidance provided by the WRC in its Floodplain Management Guidelines, published in the Federal Register on February 10, 1978.

II. The Proposed Regulations

In establishing policies and procedures for DOE compliance with Executive Orders 11988 and 11990, the regulations attempt to assure that floodplain and wetlands factors are considered by DOE in its planning and decisionmaking. To the extent possible, these environmental review requirements shall be carried out through the DOE NEPA process.

A. Applicability

The regulations shall apply to all organizational units of DOE except FERC. They shall apply to all proposed DOE actions, except as provided in § 1022.5. In cases where wetlands are located in a floodplain, the floodplain management procedures shall be followed. With respect to wetlands not located in a floodplain, the regulations do not apply to the issuance by DOE of permits, licenses, or allocations to private parties for activities involving wetlands which are located on non-Federal property, as provided in section 1 of E.O. 11990.

In accordance with section 8 of Executive Order 11990, the regulations do not apply to actions in wetlands with respect to projects under construction prior to October 1, 1977; projects for which all of the funds have been appropriated through fiscal year 1977; or projects and programs for which a draft or final EIS was filed prior to October 1, 1977. With respect to ongoing projects and programs in floodplains for which the environmental review has been completed prior to the effective date of these regulations, the alternatives considered in that review shall be assessed for potential impacts on floodplains. If DOE determines to take action in a floodplain, the selected alternative shall be designed or modified to minimize adverse floodplain impacts and to restore and preserve floodplain values.

Actions related to floodproofing and maintenance of existing DOE structures and facilities are considered exempt from the requirements of this Part, except in unusual circumstances, because they will have little or no effect on floodplains and wetlands.

B. Procedures for Floodplain/Wetlands Review

Subpart B of Part 1022 establishes DOE procedures for determining whether a proposed action will be located in a floodplain/wetlands, preparing floodplain/wetlands assessments, providing for early public review of proposed DOE actions in floodplains and/or wetlands, and issuing a statement of findings in cases where there is no practicable alternative to taking an action in a floodplain.

1. *Floodplain/Wetlands Determination.*—DOE shall determine whether a proposed action is located in a floodplain/wetlands concurrent with its environmental impact review pursuant to 10 CFR Part 1021. DOE will utilize maps prepared by the Federal Insurance Administration, Fish and Wildlife Service, and other appropriate agencies to determine if a proposed action is located in a floodplain/wetlands.

2. *Floodplain/Wetlands Assessment.*—For proposed floodplain/wet-

[1] DOE proposed regulations for compliance with NEPA, which appeared in the Federal Register at 43 FR 7232 (February 21, 1978).

lands actions, a floodplain/wetlands assessment shall be prepared, in accordance with the requirements of § 1022.12. In those cases where an environmental assessment (EA) or environmental impact statement (EIS) is also required, in accordance with 10 CFR Part 1021, the EA or EIS shall include the floodplain/wetlands assessment. If an EA or EIS is not required, the floodplains/wetlands assessment shall be issued as a separate document.

3. *Public Review.*—For proposed floodplain/wetlands actions for which an EA or EIS is required, the opportunity for early public review will be provided through existing DOE NEPA procedures. For proposed floodplain/wetlands actions for which no EA or EIS is required, DOE shall provide for public review through publication of a notice in the FEDERAL REGISTER, and circulation of that notice to appropriate agencies and interested persons.

4. *Statement of Findings.*—If no practicable alternative to locating in the floodplain/wetlands is available, DOE shall design or modify its action so as to minimize potential harm to or within the floodplain/wetlands. In addition, DOE shall publish a brief statement of findings for actions taken in a floodplain which explains why the action is proposed to be located in the floodplain, lists the alternatives considered, indicates whether the action conforms to applicable State or local floodplain protection standards, and describes measures to be taken to minimize harm to or within the floodplain. DOE shall endeavor to provide a brief comment period after publication of the statement of findings, prior to implementing the proposed action.

5. *Other Responsibilities.*—For floodplain/wetlands actions, DOE shall verify that the implementation of the selected alternative, particularly with regard to any mitigating measures included in the action, is proceeding as described in the floodplain/wetlands assessment and the statement of findings.

III. COMMENT PROCEDURE

A. WRITTEN COMMENTS

Interested persons are invited to submit written comments with respect to the proposed regulations to Box TP, Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Compliance with Floodplain/Wetlands Environmental Review Requirements." Fifteen (15) copies should be submitted. All comments and related information should be received by DOE by August 28, 1978, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine to confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARING

1. *Participation Procedure.*—A public hearing on the proposed regulations will be held at 9:30 a.m., on August 18, 1978, in Room 2105, 2000 M Street NW., Washington, D.C., to received oral presentations from interested persons.

Any person who has an interest in the proposed regulations or who is a representative of a group of class of persons which has an interest in them may make a written request for an opportunity to make oral presentation. Such a request should be directed to the Public Hearing Management, Box TP, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., August 7, 1978. The person making the request should describe his or her interest in the proceeding and provide a concise summary of the proposed oral presentative and a phone number where he or she may be reached. Each person who in DOE's judgment proposed to present relevant and material information shall be selected to be heard, shall be notified by DOE of his participation before 4:30 p.m., August 10, 1978, and shall submit 15 copies of his or her proposed statement to the Public Hearing Management, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, on or before August 17, 1978.

2. *Conduct of Hearings.*—DOE reserves the right to arrange the schedule of presentations to be heard, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated as presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

NOTE.—DOE has determined that that because this document does not constitute a significant regulation within the meaning of Executive Order 12044, preparation of a regulatory analysis is not required.

Issued in Washington, D.C., July 13, 1978.

WILLIAM P. DAVIS,
Deputy Director of Adminstration.

In consideration of the foregoing, it is proposed that Chapter X of Title 10 of the Code of Federal Regulations be amended as provided below:

PART 1022—COMPLIANCE WITH FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS

Subpart A—General

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1022.1 Background.
1022.2 Purpose and scope.
1022.3 Policy.
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1022.14 Notification of decision.
1022.15 Follow-up.
1022.16 Timing of floodplain actions.
1022.17 Selection of lead agency and consultation among participating agencies.

AUTHORITY: National Environmental Policy Act of 1969, Pub. L. 91-190, as amended; the National Flood Insurance Act of 1968, Pub. L. 90-448, as amended; the Flood Disaster Protection Act of 1975, Pub. L. 93-234; E.O. 11988 (May 24, 1977); and E.O. 11990 (May 24, 1977).

Subpart A—General

§ 1022.1 Background.

Executive Order (E.O.) 11988—Floodplain Management (May 24, 1977), requires each Federal agency to issue or amend existing regulations and procedures to ensure that the potential effects of any action it may take in a floodplain are evaluated, and that its planning programs and budget requests reflect consideration of flood hazards and floodplain management. Guidance for implementation of the order is provided in the Floodplain Management Guidelines of the U.S. Water Resources Council, dated Feb-

ruary 10, 1978 (40 FR 6030). Executive Order 11990—Protection of Wetlands (May 24, 1977), requires all Federal agencies to issue or amend existing procedures to insure consideration of wetlands protection in decisionmaking. It is the intent of both executive orders that Federal agencies implement the floodplain/wetlands requirements through existing procedures, such as those established to implement the National Environmental Policy Act (NEPA) of 1969. In those instances where the impacts of actions in floodplains and/or wetlands are not significant enough to require the preparation of an environmental impact statement (EIS) under section 102(2)(C) of NEPA, alternative floodplain/wetlands evaluation procedures are to be established.

§ 1022.2 Purpose and scope.

(a) This part establishes policy and procedures for discharging the Department of Energy's (DOE's) responsibilities with respect to compliance with E.O. 11988 and E.O. 11990, including:

(1) DOE policy regarding the consideration of floodplain/wetlands factors in DOE planning and decisionmaking; and

(2) DOE procedures for identifying proposed actions located in floodplain/wetlands, providing opportunity for early public review of such proposed actions, preparing floodplain/wetlands assessments, and issuing statements of findings for actions in a floodplain.

(b) To the extent possible, DOE will accommodate the requirements of E.O. 11988 and E.O. 11990 through existing DOE NEPA procedures.

§ 1022.3 Policy.

DOE shall:

(a) Avoid to the extent possible the long- and short-term adverse impacts associated with the destruction of wetlands and the occupancy and modification of floodplains and wetlands, and avoid direct and indirect support of floodplain and wetlands development wherever there is a practicable alternative;

(b) Incorporate floodplain management goals and wetlands protection considerations into its planning, regulatory, and decisionmaking processes, and shall to the extent practicable:

(1) Reduce the hazard and risk of flood loss,

(2) Minimize the impact of floods on human safety, health, and welfare,

(3) Restore and preserve natural and beneficial values served by floodplains,

(4) Require the construction of DOE structures and facilities to be in accordance with the standards and criteria, and consistent with the intent, of the regulations promulgated pursuant to the National Flood Insurance Program,

(5) Minimize the destruction, loss, or degradation of wetlands,

(6) Preserve and enhance the natural and beneficial values of wetlands;

(c) Undertake a careful evaluation of the potential effects of any DOE action taken in a floodplain and any new construction undertaken by DOE in wetlands not located in a floodplain;

(d) Identify, evaluate, and implement, as appropriate, alternative actions which may avoid or mitigate adverse floodplain/wetlands impacts; and

(e) Provide opportunity for public review of actions proposed in floodplains and wetlands.

§ 1022.4 Definitions.

For purposes of this Part:

(a) "Action" means any DOE activity.

(b) "Base Flood" means that flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood).

(c) "Critical Action" means any activity for which even a slight chance of flooding would be too great. Such actions may include the storage of highly volatile, toxic, or water reactive materials.

(d) "Environmental Assessment" (EA) means a document prepared by DOE, pursuant to 10 CFR Part 1021, which assesses whether a proposed DOE action would be "major" and would "significantly affect" the quality of the human environment, and which serves as the basis for a determination as to whether an environmental impact statement is required.

(e) "Environmental Impact Statement" (EIS) means a document prepared in accordance with the requirements of section 102(2)(C) of NEPA.

(f) "Facility" means any man-made or man-placed item other than a structure.

(g) "Flood or Flooding" means a temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters.

(h) "Floodplain" means lowlands adjoining inland and coastal waters including, at a minimum, that area inundated by a 1 percent or greater chance flood in any given year. The base floodplain is defined as the 100-year (1.0 percent) floodplain. The critical action floodplain is defined as the 500-year (0.2 percent) floodplain.

(i) "Floodplain Action" means any DOE action which takes place in a floodplain.

(j) "Floodplain/Wetlands Assessment" means an evaluation consisting of a description of a proposed action, a discussion of its effect on the floodplain/wetlands, and consideration of alternatives.

(k) "Floodproofing" means the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out, or to reduce the effects of water entry.

(l) "High Hazard Area" means those portions of riverine and coastal floodplains nearest the source of flooding which are frequently flooded and where the likelihood of flood losses and adverse impacts on the natural and beneficial values served by floodplains is greatest.

(m) "Minimize" means to reduce to the smallest degree practicable.

(n) "Negative Determination" (ND) means a document prepared pursuant to 10 CFR Part 1021 to certify a decision that an EIS will not be prepared for a proposed DOE action.

(o) "New Construction" for the purpose of compliance with E.O. 11990 includes draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after October 1, 1977.

(p) "Practicable" means capable of being accomplished within existing constraints. The test of what is practicable depends on the situation and includes consideration of many factors, such as environment, cost, technology, and implementation time.

(q) "Public Notification" (PN) means a brief notice published in the FEDERAL REGISTER which describes a proposed floodplain/wetlands action and affords the opportunity for public review.

(r) "Preserve" means to prevent modification to the natural floodplain/wetlands environment or to maintain it as closely as possible to its natural state.

(s) "Restore" means to reestablish a setting or environment in which the natural functions of the floodplain can again operate.

(t) "Statement of Findings" means a statement issued pursuant to E.O. 11988 which explains why a DOE action is proposed in a floodplain, lists alternatives considered, indicates whether the action conforms to State and local floodplain standards, and describes steps to be taken to minimize harm to or within the floodplain.

(u) "Structure" means a walled or roofed building, including mobile homes and gas or liquid storage tanks.

(v) "Wetlands" means those areas that are inundated by surface or groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

(w) "Wetlands Action" means an action undertaken by DOE in a wet-

lands not located in a floodplain, subject to the exclusions specificed at § 1022.5(d).

§ 1022.5 Applicability.

(a) This Part shall apply to all organizational units of DOE, except that it shall not apply to the Federal Energy Regulatory Commission.

(b) This Part shall apply to all proposed floodplain/wetlands actions, including those sponsored jointly with other agencies, where practicable modifications of or alternatives to the proposed action are still available. With respect to programs and projects for which the appropriate environmental review has been completed or a final EIS filed prior to the effective date of these regulations, DOE shall, in lieu of the procedures set forth in this Part, review the alternatives identified in the environmental review or in the final EIS for potential impacts on floodplains. If project or program implementation has progressed to the point where review of alternatives is no longer practicable, or if DOE determines after a review of alternatives to take action in a floodplain, DOE shall design or modify the selected alternative in order to minimize potential harm to or within the floodplain and to restore and preserve floodplain values. DOE shall publish in the FEDERAL REGISTER a brief description of measures to be employed and shall endeavor to notify appropriate Federal, State, and local agencies and persons or groups known to be interested in the action.

(c) This Part shall not apply to wetlands projects under construction prior to October 1, 1977; wetlands projects for which all of the funds have been appropiated through fiscal year 1977; or wetlands projects and programs for which a draft or final EIS was filed prior to October 1, 1977. With respect to proposed actions located in wetlands (not located in a floodplain), this Part shall not apply to the issuance by DOE of permits, licenses, or allocations to private parties for activities involving wetlands which are located on non-Federal property.

(d) This Part is specifically applicable to activities in furtherance of DOE responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to, water and related land resources planning, regulating, and licensing activities.

(e) This Part ordinarily shall not apply to the following actions which generally have minimal or no adverse effect on floodplains/wetlands:

(1) Floodproofing or flood protection of existing DOE structures or facilities within the floodplain;

(2) Maintenance of existing facilities and structures on DOE property within a floodplain.

However, where unusual circumstances exist, DOE shall consider the need for a floodplain/wetlands assessment for these types of actions.

(f) The policies and procedures of this Part which are applicable to floodplain actions shall apply to all proposed actions which occur in a wetlands located in a floodplain.

SUBPART B—PROCEDURES FOR FLOODPLAIN/WETLANDS REVIEW

§ 1022.11 Floodplain/wetlands determination.

(a) Concurrent with its review of a proposed action to determine the applicability of the procedural requirements of 10 CFR Part 1021, DOE shall determine the applicability of the floodplain management and wetlands protection requirements of this Part.

(b) In making the floodplain determination, DOE shall utilize the Flood Insurance Rate Maps (FIRM's) or the Flood Hazard Boundary Maps (FHBM's) prepared by the Federal Insurance Administration of the Department of Housing and Urban Development to determine if a proposed action is located in the base or critical action floodplain, as appropriate. For a proposed action in an area of predominantly Federal or State land holdings where FIRM or FHBM maps are not available, information shall be sought from the land administering agency (e.g., Bureau of Land Management, Soil Conservation Service, etc.) or from agencies with floodplain analysis expertise.

(c) In making the wetlands determination, DOE shall utilize U.S. Fish and Wildlife Service National Wetlands Inventory maps, where available.

§ 1022.12 Floodplain/wetlands assessment.

(a) If DOE determines, pursuant to § 1022.5 and § 1022.11, that this Part is applicable to the proposed action, DOE shall prepare a floodplain/wetlands assessment, which shall contain the following information:

(1) Project Description—This section shall describe the nature and purpose of the proposed action, and shall include a map showing its location with respect to the floodplain and/or wetlands. For actions located in a floodplain, the high hazard areas shall be delineated and their relationship to the proposed action shall be discussed.

(2) Floodplain/Wetlands Effects.—This section shall discuss the positive and negative and long- and short-term effects of the proposed action on the floodplain and/or wetlands. The effects of a proposed floodplain action on lives and property, and on natural and beneficial floodplain values shall be evaluated. For actions taken in wetlands, the effects on the survival, quality, and natural and beneficial values of wetlands shall be evaluated.

(3) Alternatives.—Alternatives to the proposed action shall be considered including alternate sites and no action. Measures that mitigate the adverse effects of actions in a floodplain or wetlands, including, but not limited to, requirements for minimum grading, runoff controls, design and construction constraints, and protection of ecology-sensitive areas shall be included.

(b) For proposed floodplain or wetlands actions for which an EA or EIS is required, the floodplain/wetlands assessment shall be prepared concurrent with the NEPA analysis specified in 10 CFR Part 1021 and included in the EA or EIS.

(c) For floodplain/wetlands actions for which an EA or EIS is not prepared, an independent document shall be issued as the floodplain/wetlands assessment.

§ 1022.13 Public review.

(a) For proposed floodplain/wetlands actions for which an EA or EIS is required, the opportunity for early public review will be provided through the existing NEPA procedures specified in 10 CFR Part 1021. In these cases, either the Notice of Intent to prepare an EIS (10 CFR 1021.25), or the Negative Determination (10 CFR 1021.14), shall be used to satisfy the requirements for early public notification.

(b) For proposed floodplain/wetlands actions for which no EA or EIS is required, DOE shall provide the opportunity for early public review through preparation of a Public Notification (PN), which shall be published in the FEDERAL REGISTER. In addition, DOE shall endeavor to send the PN to appropriate Federal, State, and local agencies and to persons or groups known to be interested in the floodplain/wetlands implications of the proposed action. The PN shall include a description of the proposed action with a location map.

(c) Following publication of the PN, DOE shall wait 15 days prior to making its decision on the proposed action, except as specified in § 1022.16. After this period, DOE shall reevaluate the practicability of alternatives to the proposed floodplain/wetlands action and mitigating measures, taking into account all substantive comments received.

§ 1022.14 Notification of decision.

(a) If no practicable alternative to locating in the floodplain/wetlands is available, DOE shall design or modify its action in order to minimize potential harm to or within the floodplain/wetlands.

(b) For actions which will be located in a floodplain, DOE shall publish a

brief (not to exceed three pages) statement of findings which shall contain:

(1) An explanation indicating why the action is proposed to be located in the floodplain,

(2) A list of alternatives considered,

(3) A statement indicating whether the action conforms to applicable State or local floodplain protection standards, and

(4) A brief description of steps to be taken to minimize potential harm to or within the floodplain.

For floodplain actions which require an EIS, the statement of findings may be incorporated into the final EIS or issued as a separate notice in the FEDERAL REGISTER. Where no EIS is required, DOE shall publish the statement of findings in the FEDERAL REGISTER and distribute copies to Federal, State, and local agencies and others who submitted comments as a result of the PN or ND. For floodplain actions subject to the Office of Management and Budget (OMB) Circular A-95, DOE shall send the statement of findings to the State and areawide A-95 clearinghouses for the geographic area affected.

(c) DOE shall indicate in any requests for new authorizations or appropriations transmitted to OMB whether the proposed action is in accord with the requirements of E.O. 11990 and E.O. 11988.

§ 1022.15 Follow-up.

For those DOE actions taken in floodplain/wetlands, DOE shall verify that the implementation of the selected alternative, particularly with regard to any mitigating measures, is proceeding as described in the floodplain/wetlands assessment and statement of findings.

1022.16 Timimg of floodplain/wetlands actions.

(a) Prior to implementing a proposed floodplain action, DOE shall endeavor to allow at least 15 days of public review after publication of the statement of findings.

(b) With respect to wetlands actions (not located in a floodplain), DOE shall take no action prior to 15 days after publication of the PN in the FEDERAL REGISTER.

(c) Where emergency circumstances, statutory deadlines, or overriding considerations of expense or effectiveness exist, the minimum time periods may be waived.

§ 1022.17 Selection of a lead agency and consultation among participating agencies.

When DOE and one or more other Federal agencies are directly involved in a floodplain/wetlands action, DOE shall consult with such other agencies to determine if a floodplain/wetlands assessment is required, to identify the appropriate lead or joint agency responsibilities, and to establish procedures for interagency coordination during the environmental review process.

[FR Doc. 78-19908 Filed 7-18-78; 8:45 am]

federal register

WEDNESDAY, JULY 19, 1978
PART IV

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

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OCCUPATIONAL INFORMATION

Fiscal Year 1979 Policies and Grants

[4510-30]

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

OCCUPATIONAL INFORMATION

Fiscal Year 1979 Policies and Grants

ACTION. Notice.

SUMMARY: Published below are the fiscal year 1979 policy and grant announcements of the National Occupational Coordinating Committee (NOICC). The policies will apply to the NOICC and the development of the occupational information system for which the Committee is responsible. The occupational information system is to be implemented through State occupational information coordinating committees (SOICCs). The NOICC is required to assist SOICCs in that implementation and grant announcements included in this notice apply only to SOICCs. The NOICC has been established with the general purpose of improving coordination, communication, and cooperation in the development of an occupational information system designed to meet the common occupational information and data needs of the vocational education programs and training programs at National, State, and local levels. In addition, the NOICC is mandated to give special attention to the problems of unemployed youths and to assist and encourage the use of occupation information especially by promoting its use in career decisionmaking.

Dated: July 14, 1978.

RUSSELL B. FLANDERS,
Acting Director, National Occupational Information Coordinating Committee.

SUPPLEMENTARY INFORMATION: The Educational Amendments of 1976 (Pub. L. 94-482), section 202(a), amends the Vocational Education Act of 1963 and establishes a National Occupational Information Coordinating Committee. An interagency agreement of the National Occupational Information Coordinating Committee specifying the purpose and designed to activate working arrangements was signed by the statutory members of the Committee and published in the FEDERAL REGISTER February 7, 1978. Section 103(a)(1)(A) of the Vocational Education Act of 1963, as amended, requires the Commissioner of Education to transfer annually an amount of from $3 to $5 million to the NOICC. Section 4(f) of the Comprehensive Employment and Training Act of 1973, as amended, requires the Secretary of Labor to transfer annually an amount of from $3 to $5 million to the NOICC. The NOICC will make grants to the SOICCs from those funds.

INITIAL POLICIES OF NOICC

Occupational information that must comprise a national occupational information system (OIS) is accumulated by many different groups to serve various needs. The individual collection efforts are often so large as to be called systems themselves. Since the NOICC will seek to avoid duplication, such systems will be integrated into, and become component parts of the OIS. Accordingly, it is vital that these efforts be comparable and compatible. As necessary, existing systems will be modified to the standards of the OIS. This means that terminology and methods of data collection must be uniform; that results of data analysis must be shared to avoid duplication of work; and that dissemination of information must be efficient, timely, and applicable to user needs. Recognizing this, the Congress directed that the OIS be based on uniform definitions, standard occupational classifications, and standard estimating procedures.

The development of a completely integrated OIS will require the willing efforts of many organizations at all governmental levels. The development of the OIS will have to move forward in stages as policy decisions are rendered and existing subsystem components are standardized, and as new subsystem components are created. Several basic NOICC policy determinations have been made to initiate movement toward delineating the OIS and implementing the NOICC/SOICC network. Those policies are:

A. NOICC will not be a primary data collection agency but shall principally coordinate such efforts among its member agencies.

B. NOICC adopts the standard occupational classification system of the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, as a standard overall classification system.

C. NOICC adopts the occupational employment statistics program of the Department of Labor as the standard principal source of current and projected occupational employment data at the local, State, and National level.

D. NOICC, in development of the occupational supply model of the OIS, will utilize as principal input data available from the following data and information sources:

1. Vocational education data system (VEDS).
2. Higher education general information survey (HEGIS).
3. State and National apprenticeship system (SNAPS).
4. Comprehensive Employment and Training Act (CITA).
5. U.S. Employment Service (USES).
6. Unemployment Insurance Services (UIS).

E. NOICC adopts the career information system program of the Department of Labor as the standard concept in encouraging the development and use of occupational information for career choice and job search purposes.

F. NOICC adopts the labor market area concept, as defined by the Department of Labor, as the basic geographic subdivision for development and use of occupational information.

Other policy determinations will be necessary as NOICC defines more clearly major areas of effort and resultant implications. NOICC policies will be published in the FEDERAL REGISTER at least annually.

GRANTS TO SOICCS

The NOICC will provide funds to SOICCs during the fiscal year 1979 through the following grant mechanisms:

A. SOICC assistance grants will be provided to SOICCs for staff leadership (Part A) and implementation and training (Part B).

B. SOICC special purpose grants will be provided to SOICCs on a competitive basis to support work related to the broad purposes of the NOICC/SOICC network. Areas of priority of funding include development and implementation of an occupational information system, improvement of communication and coordination, and special attention to unemployed youth and delivery of career information.

The NOICC is currently preparing formal directions and grant application procedures that will be provided to SOICCs through NOICC administrative memorandums.

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