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THE NATIONAL ARCHIVES OF THE UNITED STATES
LETTERS SCRIPTS MARKET
1934

highlights

SUNSHINE ACT MEETINGS 35619

FIRE PREVENTION WEEK
Presidential proclamation 35461

GENERAL PULASKI'S MEMORIAL DAY
Presidential proclamation 35463

NATIONAL AVIATION YEAR AND WRIGHT BROTHERS DAY
Presidential proclamation 35467

WHITE CANE SAFETY DAY
Presidential proclamation 35465

COMMUNITY DEVELOPMENT PROGRAMS
CSA proposes criteria and procedures for financial assistance to community development corporation small business programs; comments by 9-11-78 35511

NATIVE AMERICAN PROGRAMS
HEW/OHD announces availability of grant funds for research projects; applications due 9-5-78 35550

AID TO FAMILIES WITH DEPENDENT CHILDREN
HEW/SSA announces decision to develop regulations relating to absence of a parent 35511

STUDENT ASSISTANCE PROGRAMS
HEW/OE proposes new and amended general provisions; comments by 9-25-78 (Part II of this issue) 35624

NATIONAL FIRE CODES
GSA/OFR requests comments by 11-16-78 on proposed revisions of National Fire Protection Association standards and also requests proposals for amendments to existing NFPA standards 35548

TRANSPORTATION OF LIQUIDS BY PIPELINE
DOT/MTB proposes requirements for operation, maintenance, and emergency procedures; comments by 10-6-78 35513

AUTOMOTIVE FUEL ECONOMY REPORTS
DOT/NHTSA announces schedule for response to petition for reconsideration 35517

ACETOHEXAMIDE AND TOLAZAMIDE
HEW/NIH announces availability of reports on bioassay for possible carcinogenicity 35552

RAILROAD-HIGHWAY PROJECTS
DOT/FHA announces consideration of development of uniform nationwide criteria for selection of traffic control systems at grade crossings; comments by 10-16-78 35491

CONTINUED INSIDE

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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Photo copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419 523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5266 523–5282
Slip Laws	523–5266 523–5282
U.S. Statutes at Large	523–5266 523–5282
Index	523–5266 523–5282
U.S. Government Manual	523–5230
Automation	523–3408
Special Projects	523–4534

HIGHLIGHTS—Continued

REMOTE CONTROL UNITS

FCC proposes power output reduction requirement for units used in conjunction with marine VHF radiotelephones; comments by 9–13–78; reply comments by 9–25–78 ..... **35512**

HIGHWAY EMPLOYEE EDUCATION AND TRAINING

DOT/FHA amends and consolidates rules on projects using Federal-aid highway funds; effective 8–10–78 ..... **35477**

FLOOR COVERINGS

CITA announces additional exemptions from Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with India **35523**

ENDANGERED AND THREATENED SPECIES

Interior/FWS proposes protection of 10 North American beetles and their habitats; comments by 10–8–78 (Part III of this issue) **35636**

1978 CROP PEANUTS

USDA/CCC adopts warehouse storage loan provisions; effective 8–10–78 ..... **35469**

PRIVACY ACT OF 1974

Interior and Treasury propose changes in systems of records (2 documents) **35557, 35571**

MEETINGS—

Commerce/NOAA: Gulf of Mexico Fishery Management Council, 8–18, 8–28 through 8–31, and 9–1–78 (3 documents) **35521**
Western Pacific Regional Fishery Management Council, 8–29 and 8–30–78 ..... **35522**
HEW/ADAMHA: Advisory committees, 9–11 through 9–13, 9–21, and 9–22–78 ..... **35549**
Minimum Wage Study Commission, 8–22–78 ..... **35561**
NRC: Advisory Committee on Reactor Safeguards Subcommittee on Reliability and Probabilistic Assessment, 8–25–78 ..... **35561**
SBA: Region IV Advisory Council Executive Board Meeting, 9–6–78 ..... **35568**
State: Shipping Coordinating Committee Subcommittee on Safety of Life at Sea, 8–30–78 ..... **35569**

CHANGED MEETING—

Commerce/NOAA: North Pacific Fishery Management Council, 8–25–78 ..... **35522**

CANCELED MEETING—

New England Fishery Management Council, 8–16 and 8–17–78 ..... **35521**

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/OE **35624**
Part III, Interior/FWS **35636**

contents

THE PRESIDENT

Proclamations

Fire Prevention Week 35461
General Pulaski's Memorial Day 35463
National Aviation Year and Wright Brothers Day 35467
White Cane Safety Day 35465

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Oranges (Valencia) grown in Ariz. and Calif. 35469

Proposed Rules

Milk marketing orders:
New England 35490

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Commodity Credit Corporation; Forest Service.

AIR FORCE DEPARTMENT

Rules

Public relations:
Non-Government groups, information activities 35477

Notices

Environmental statements; availability, etc.:
Missile-X system; hearing 35524

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Committees; establishment, renewals, terminations, etc.:
Rape Prevention and Control Advisory Committee 35550
Meetings:
Advisory committees; September 35549

ARMY DEPARTMENT

See Engineers Corps.

CANADA AND UNITED STATES—INTERNATIONAL JOINT COMMISSION

Notices

St. Marys River; redevelopment of hydroelectric generating facilities; hearings 35560

CIVIL AERONAUTICS BOARD

Proposed Rules

Policy statements:
Hearings, standards for determining priorities; terminated 35490

Notices

Charters:
U.S. and foreign air carriers; exemption and blanket waiver, U.S.-U.K 35519
Hearings, etc.:
Houston-Phoenix/Tucson case 35520

COAST GUARD

Rules

Anchorage regulations:
New York 35480

Notices

Documentation of vessels, qualification as citizen of U.S.; Schlumberger Technology Corp 35569

COMMERCE DEPARTMENT

See also Economic Development Administration; Maritime Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office.

Notices

Organization and functions:
Industry and Trade Administration 35522
Industry and Trade Assistant Secretary 35523
Public Affairs Office 35523

COMMODITY CREDIT CORPORATION

Rules

Loan and purchase programs:
Peanuts 35469

COMMUNITY SERVICES ADMINISTRATION

Proposed Rules

Economic development programs; small business programs funded by Community Development Corporations 35511

DEFENSE DEPARTMENT

See Air Force Department; Engineers Corps.

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
Argon Research Corp 35560

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
CIBCO International Corp. et al 35520

ECONOMIC REGULATORY ADMINISTRATION

Notices

Hearings, etc.:
Tenneco Atlantic Pipeline Co., et al.; extension of time 35524

EDUCATION OFFICE

Rules

Simplification of regulations 35484

Proposed Rules

Higher education, student assistance programs; audits, records, financial responsibility, etc.; standards 35624

ENERGY DEPARTMENT

See Economic Regulatory Administration; Federal Energy Regulatory Commission.

ENGINEERS CORPS

Rules

Engineering and design:
Land acquisition downstream from reservoir spillways 35480

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality implementation plans; enforcement by State and Federal governments after statutory deadlines:
Alabama (2 documents) 35502, 35505
Florida (2 documents) 35506, 35508
New Jersey 35503

Notices

Water pollution control; safe drinking water; public water systems designations:
Guam 35534
Pacific Islands Trust Territory 35534

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Beech 35472
Gates Learjet 35473
Piper 35471
Standard instrument approach procedures 35475
Transition areas; correction 35474

Proposed Rules

Domestic, flag, and supplemental air carriers and commercial operators of large aircraft, and travel clubs using large airplanes; extension of comment period 35518

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

Maritime services; land and shipboard stations:
VHF transmitters, remote control units; capability of reducing power to 1 watt or less 35512

Notices

Hearings, etc.:
Home Service Broadcasting Corp. et al 35535
Rose Broadcasting Corp. et al 35539

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
Alabama-Tennessee Natural Gas Co. et al 35525
Algonquin Gas Transmission Co 35525
American Petrofina Co. of Texas et al 35525
Amoco Production Co. et al 35526
ANR Storage Co 35526
Colorado Interstate Gas Co ... 35527
Columbia LNG Corp 35528
Louisiana-Nevada Transit Co 35528
Michigan Consolidated Gas Co 35529
Minnesota Power & Light Co 35530
Montana Power Co 35530
Natural Gas Pipeline Co. of America 35530
New York State Electric & Gas Corp 35531
Northern Indiana Public Service Co 35531
Northwest Pipeline Corp 35531
Public Service Co. of Oklahoma 35532
Sierra Pacific Power Co 35532
Southern Natural Gas Co. (2 documents) 35532
Tennessee Gas Pipeline Co. et al 35533

FEDERAL HIGHWAY ADMINISTRATION

Rules

National Highway Institute:
Education and training programs; State and local highway department employees. 35477

Proposed Rules

Engineering and traffic operations:
Railroad-highway grade crossings; traffic control systems; advance notice 35491

FEDERAL INSURANCE ADMINISTRATION

Proposed Rules

Flood elevation determinations:
California (2 documents)..... 35491, 35492
California; correction (3 documents)..... 35493, 35494
Colorado (2 documents)..... 35494, 35495
Connecticut (2 documents) 35495, 35496
Idaho 35497
Illinois (5 documents).. 35498–35500
Indiana 35500
Kansas 35501
Massachusetts; correction 35502

FEDERAL MARITIME COMMISSION

Notices

Complaints filed:
Seatrain Gitmo, Inc. et al. v. Puerto Rico Maritime Shipping Authority et al 35547

FEDERAL REGISTER OFFICE

Notices

National Fire Code; standards revision; inquiry 35548

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Republic of Texas Corp 35547

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Bowdoin National Wildlife Refuge, Mont 35487
Cape Romain National Wildlife Refuge, S.C 35488
Kirwin National Wildlife Refuge, Kans 35487
Quivira National Wildlife Refuge, Kans. (2 documents)..... 35486, 35487
Sherburne National Wildlife Refuge, Minn. (2 documents)..... 35486

Proposed Rules

Endangered and threatened species; fish, wildlife, and plants:
Beetles, North American 35636

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Lolo National forest, Mont 35519

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review, proposals, approvals, etc. (CPSC) 35547

GENERAL SERVICES ADMINISTRATION

See also Federal Register Office.

Rules

Property management; Federal:
Public buildings and space; definitions of work station, occupiable area, circulation factor, etc 35484

GEOLOGICAL SURVEY

Notices

Phosphate leasing areas:
Grays Range-Wooley Range, Idaho 35557

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Human Development Services Office; National Institutes of Health; Public Health Service; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

HUMAN DEVELOPMENT SERVICES OFFICE

Notices

Native American program research projects; grant funds for fiscal year 1978 availability 35550

INTERIOR DEPARTMENT

See also Fish and Wilflife Service; Geological Survey; Land Management Bureau; National Park Service.

Rules

Coal analysis for non-Federal applicants; transfer of function to energy Department 35477

Notices

Privacy Act; systems of records 35557

INTERSTATE COMMERCE COMMISSION

Rules

Rail carriers:
Reports, annual, class I and II companies 35485

Notices

Hearing assignments 35573
Motor carrier, broker, water carrier, and freight forwarder applications; correction 35586
Motor carriers:
Permanent authority applications 35608
Temporary authority applications (3 documents)..... 35575, 35579, 35582
Petitions, applications, finance matters, (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 35586
Petitions filing:
Clark Transfer, Inc., et al..... 35574
Waste product transportation for reuse or recycling (3 documents) 35574, 35575

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

LAND MANAGEMENT BUREAU

Notices

Alaska native selections; applications, etc.:
St. George Tanaq Corp 35552
Applications, etc.:
Colorado 35555
Montana 35555

New Mexico 35555
Wyoming (2 documents) 35556
Coral applications:
Florida 35556
Environmental statements; availability, etc.:
Phosphate leasing on Osceola National Forest, Fla 35556

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Alaska National Bank of the North 35521

MATERIALS TRANSPORTATION BUREAU

Rules

Packagings, use for specific hazardous materials; correction ... 35485

Proposed Rules

Pipeline transportation of liquids:
Operation, maintenance, and emergency procedures 35513

MINIMUM WAGE STUDY COMMISSION

Notices

Meetings 35561

NATIONAL ARCHIVES AND RECORDS SERVICE

See Federal Register Office.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rules

Automotive fuel economy reports; petitions for reconsideration:
General Motors Corp 35517

Notices

Fuel economy standards, average passenger cars, 1978–80 model years; exemption petitions:
Avanti Motor Corp 35569
Motor vehicle safety standards; exemption petitions, etc.:
Renault USA, Inc.; accelerator 35571

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay reports; availability:
Acetohexamide 35552
Tolazamide 35552

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Fishery conservation and management:
Haddock, cod, and yellowtail flounder, Atlantic; fisheries closure in Gulf of Maine 35488

Notices

Meetings:
Gulf of Mexico Fishery Management Council (3 documents) 35521
New England Fishery Management Council (2 documents) 35521
North Pacific Fishery Management Council 35522
Western Pacific Fishery Management Council 35522

NATIONAL PARK SERVICE

Rules

Food storage:
Grand Teton National Park ... 35482

Notices

Concession permits, etc.:
Lake Powell Ferry Service, Inc 35557

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc. (2 documents).. 35563

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
Reactor Safeguards Advisory Committee 35561
Applications, etc.:
Indiana & Michigan Electric Co. et al 35561
Virginia Electric & Power Co. (2 documents) 35561, 35562
Wisconsin Public Service Corp. et al 35563

PATENT AND TRADEMARK OFFICE

Rules

Trademark cases:
Opposition notices and affidavits/declarations, section 8; late filed fees 35482

PUBLIC HEALTH SERVICE

Notices

Health maintenance organizations, qualified 35552

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Public Utility Holding Company Act:
Mutual and subsidiary service companies, uniform system of accounts; extension of time 35490

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Capital Opportunities for Minority Enterprises, Inc 35568
Disaster areas:
Minnesota 35568
Meetings; advisory councils:
Region IV Excutive Board 35568

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Financial assistance programs:
Aid to families with dependent children; absence of parent; advance notice 35511

STATE DEPARTMENT

Notices

Meetings:
Shipping Coordinating Committee; Safety of Life at Sea Subcommittee 35569

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton, wool, and man-made textiles:
India 35523

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

Notices

Committees; establishment, terminations, renewals, etc.:
International Monetary System Advisory Committee 35571
Privacy Act; systems of records 35571

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:

4581 35461
4582 35463
4583 35465
4584 35467

7 CFR

908 35469
1446 35469

PROPOSED RULES:

1001 35490

14 CFR

39 (3 documents) 35471-35473
71 35474
97 35475

PROPOSED RULES:

121 35518
127 35518
399 35490

17 CFR

PROPOSED RULES:

250 35490
256 35490

23 CFR

260 35477

PROPOSED RULES:

646 35491

24 CFR

PROPOSED RULES:

1917 (18 documents) ... 35491-35502

30 CFR

610 35477

32 CFR

837 35477

33 CFR

110 35480
222 35480

36 CFR

7 35482

37 CFR

2 35482

40 CFR

PROPOSED RULES:

65 (5 documents) 35502-35508

41 CFR

101-17 35484

45 CFR

Ch. I 35484

PROPOSED RULES:

168 35624
233 35511
1076 35511

47 CFR

PROPOSED RULES:

83 35512

49 CFR

172 35485
173 35485
1241 35485

PROPOSED RULES:

195 35513
537 35517

50 CFR

32 (7 documents) 35486-35488
651 35488

PROPOSED RULES:

17 35636

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

USDA/AMS—Interest on unpaid assessments, handlers of cranberries grown in production area 29763; 7-11-78

Labor—Procurement regulations; use of State owned or controlled centralized data processing facilities by State and local governments 29781; 7-11-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: Aug. 8, 1978]

H.R. 11832 ..... Pub. L. 95-338
To authorize appropriations under the Arms Control and Disarmament Act for the fiscal year 1979, and for other purposes. (Aug. 8, 1978; 92 Stat. 458) Price: $.50.

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

1 CFR

Ch. 1 33675

3 CFR

PROCLAMATIONS:

4580 34753
4581 35461
4582 35463
4583 35465
4584 35467

5 CFR

213 ..... 33675, 34427, 34428, 35017
315 34428
316 34429
890 35017
891 35018

PROPOSED RULES:

713 33732
890 ..... 35046, 35047

7 CFR

15 34755
354 34429
661 34755
792 33676
908 ..... 34103, 35469
910 34430
919 34103
926 35259
930 34104
945 33676
967 35019
1036 33897
1421 34757
1427 ..... 34104, 34762
1446 35469
1806 34430

PROPOSED RULES:

722 35053
728 34483
913 34483
927 33732
989 33923
993 35053
1001 35490
1126 35047
1430 34488
1822 ..... 33923, 34489
1980 34490
2852 34490

8 CFR

204 33677
235 35259

9 CFR

51 33677
73 35020
77 34430
92 35458
318 33678

PROPOSED RULES:

92 ..... 33926, 34490

10 CFR

50 34764
73 34765
205 ..... 33687, 34433
211 33688
212 ..... 33689, 33694
470 35020

PROPOSED RULES:

70 35321
73 35321
210 34786
211 34786
212 34786
440 34493

12 CFR

220 33899
226 ..... 34111, 35025
261b 34481
265 34481
545 35260
546 35262
563 35262
584 35262
701 33899

PROPOSED RULES:

701 33929

14 CFR

39 ..... 34766, 34770, 35471-35473
71 ..... 34114, 34770, 34771, 35474
95 34772
97 35475
202 34115
205 34116
212 34116
213 34116
214 34117
216 34117
221 ..... 34117, 34442
312 34119
375 34119
384 34119
385 34120
399 35026
1204 34122
1245 34122

PROPOSED RULES:

Ch. II 34788
39 ..... 34786, 34787
71 34157
75 34158
121 35518
127 35518
221 34788
241 33733
242 33733
249 33733
291 33733
302 34788
399 35490

15 CFR

371 35027
373 35028

15 CFR—Continued

379 ..... 33699, 35029
399 33699
917 35029

16 CFR

13 ..... 33900, 34124, 35262
801 34443
802 34443
803 34443
1115 34988
1209 35240
1500 33701

PROPOSED RULES:

13 ..... 33931, 35054, 35338, 35339
259 34496
439 35341
453 34500
1118 35440

17 CFR

Ch. II 33904
229 34407
239 34412
240 ..... 33906, 34413
249 34413

PROPOSED RULES:

229 34415
240 ..... 33935, 34790
241 34790
249 34790
250 35490
256 35490

18 CFR

260 34454
803 34127

19 CFR

111 34454
153 35262

PROPOSED RULES:

200 34159
201 34159

20 CFR

404 ..... 33705, 34455, 34777
410 34778

PROPOSED RULES:

404 35344

21 CFR

436 34456
446 34456
558 34457
561 34457
573 ..... 33707, 33708
610 34457
640 34457

PROPOSED RULES:

10 35056
16 ..... 35056, 35186, 35210
54 35210

21 CFR—Continued

PROPOSED RULES—Continued

56 35186
71 ..... 35186, 35210
170 35210
171 ..... 35186, 35210
180 ..... 35186, 35210
182 34500
184 34500
310 ..... 35186, 35210
312 ..... 35186, 35210
314 ..... 35186, 35210
320 ..... 35056, 35186, 35210
330 ..... 35186, 35210
347 34628
361 ..... 35186, 35210
430 ..... 35186, 35210
431 ..... 35186, 35210
510 35210
511 35210
514 35210
558 35059
570 35210
571 35210
601 ..... 35186, 35210
630 ..... 35186, 35210
812 35056
1003 ..... 35186, 35210
1010 ..... 35186, 35210
1308 34503

23 CFR

260 35477
626 35030
630 34460
650 35031

PROPOSED RULES:

480 35008
646 35491

24 CFR

203 33906
204 33906
280 35265
570 34056
571 34751
600 34057
803 35162
880 33880
881 33880
883 33880
888 35162
1917 35267-35278

PROPOSED RULES:

570 34424
1917 ..... 35060-35069, 35491-35502

25 CFR

258 35278

PROPOSED RULES:

41 35346

26 CFR

1 ..... 34128, 35279

PROPOSED RULES:

1 ..... 33936, 33937
301 33937

28 CFR

PROPOSED RULES:

Ch. V 34062
16 35347

29 CFR

89 33708
98 34462
1910 ..... 35032, 35035
1928 35035
1952 34463
2520 35042

30 CFR

610 35477

PROPOSED RULES:

48 34504

31 CFR

PROPOSED RULES:

10 34161

32 CFR

553 35043
706 33709
811a 33907
837 35477
952 33908
953 33912
1466 35280

PROPOSED RULES:

552 33749
553 35069

33 CFR

110 35480
222 35480

PROPOSED RULES:

126 34362
209 34162

36 CFR

7 35482

PROPOSED RULES:

7 35070
21 35071

37 CFR

2 35482
201 35044

38 CFR

21 35280

PROPOSED RULES:

3 34505

40 CFR

22 34730
52 ..... 33912-33918, 34129-34131, 34463-34470
60 ..... 34340, 34784
162 34471
180 35309
209 34132
228 33711
761 33918

PROPOSED RULES:

22 34738
25 34794
35 34794
51 34892
52 ..... 34892, 35072, 35347
53 34892
58 34892
60 ..... 34349, 34892

40 CFR—Continued

PROPOSED RULES—Continued

62 33749
65 ..... 33750-33754, 34506, 35502-35508
105 34794
180 ..... 34163, 34804, 35348, 35349
249 34794
413 33940

41 CFR

1-16 35310
Ch. 3 33712
Ch. 101 ..... 33713, 33892
101-17 ..... 34139, 35484
101-36 34140

PROPOSED RULES:

3-1 ..... 33761, 33940
3-4 33940
3-7 33940

42 CFR

36 34650
37 33713
67 34471

PROPOSED RULES:

37 33762
51a 34717
52 34507
91 35073
122 33764
123 33764
405 33763
448 35077

43 CFR

4 34376
29 33721

45 CFR

Ch. I 35484
19 35310
74 34076
126 34324
144 34146
168 34334
175 34146
176 34146
177 34338
1061 35312

PROPOSED RULES:

168 35624
228 34719
232 34164
233 35511
301 34164
302 34164
303 34164
304 34164
405 34710
450 34710
455 34710
1076 35511
1609 33764
1705 34805

46 CFR

502 33721

47 CFR

2 33722
21 35314
97 33722

47 CFR—Continued

PROPOSED RULES:

1 34167
2 ..... 35350, 35352, 35353
61 34806
63 ..... 33942, 34823
64 34823
67 34823
73 ..... 33765, 33772, 34170, 34509, 35356, 35357
81 35352
83 ..... 35352, 35353, 35512
87 ..... 35350, 35352
89 ..... 35352, 35360
91 ..... 35352, 35360
93 ..... 35352, 35360
95 35360
97 35352

48 CFR

PROPOSED RULES:

..... 34824

49 CFR

Ch. I 35485
25 33725
172 35485
173 35485
531 34785
1033 ..... 34147-34150, 34476, 35317
1056 33921
1241 35485

PROPOSED RULES:

Ch. X 33774
27 34171
195 35513
537 35517
1033 35083
1040 33945
1047 34172
1082 34172
1121 33775

49 CFR—Continued

PROPOSED RULES—Continued

1124 35082
1201 34172

50 CFR

17 34476
21 34150
26 34151
32 ..... 33921, 33922, 34151-34156, 34480, 35320, 35486-35488
651 35488

PROPOSED RULES:

17 35636
32 34825
251 33946
611 ..... 33776, 34510, 34825
672 34825
810 35014

FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*	*Pages*	*Date*
33675-33897	Aug. 1	34753-35016	7
33899-34102	2	35017-35258	8
34103-34426	3	35259-35459	9
34427-34751	4	35461-35643	10

presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4581

Fire Prevention Week, 1978

By the President of the United States of America

A Proclamation

Fire causes more loss of life and property in the United States than all other natural disasters combined. In the home, fire is the second most frequent cause of accidental death. Volunteer and professional firefighters bear a disproportionate burden of the human costs of fire; firefighting is still America's most hazardous profession.

Every year in this decade 7,500 U.S. citizens have died, 310,000 have been injured and more than $4 billion worth of personal property has been destroyed. America's fire incidents, casualties, and dollar loss per capita are among the very highest in the industrialized world.

As evidence of my strong personal concern about our fire problem, I have proposed a reorganization plan that would put the federal government's principal fire programs in a new Federal Emergency Management Agency. This agency would coordinate America's disaster preparedness, mitigation and response efforts. But the federal government cannot reduce America's fire losses by itself. The public and private sector—all individuals, organizations and governmental entities—must help. Together we can eliminate this unnecessary life-threatening destruction.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate October 8–14, 1978, as Fire Prevention Week.

Because fire deaths most often occur in homes, I call upon American families and other property owners to install smoke detectors, to practice exit drills, and to be especially vigilant in guarding against fires caused by cooking and fires caused by smoking materials, which cause the greatest number of fires and greatest proportion of losses in homes.

I support and encourage the cooperative efforts of private enterprise and government in developing low cost residential sprinkler systems and I urge commercial and government property owners to install sprinklers in both new and older buildings, especially those buildings in which large numbers of people gather.

I urge all agencies of Federal, state and local government involved in the planning and implementation of programs directed to finding solutions to such national concerns as energy conservation, environmental protection, and economic well-being to fully consider the effects of their programs on the fire safety of the environment in which Americans live and work.

I encourage the fire service, police, prosecutors, the insurance industry, and government to work together to remove incentives for arson, and to improve arson detection and prosecution so that we can begin to eliminate this costly, often life-threatening crime.

I urge officials in private industry and in government who are responsible for using or regulating hazardous materials to seek and implement measures to significantly reduce the possibility of life loss in the event of manufacturing, transportation, or storage accidents and to assist the fire services in preparing for such disasters should they occur.

Finally, I call upon the members of the Joint Council of National Fire Service Organizations, the National Fire Protection Association, all other organizations concerned with fire safety, and the National Fire Prevention and Control Administration to provide the leadership, planning, and innovation necessary for an effective national fire prevention and control effort.

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

Jimmy Carter

[FR Doc. 78-22517 Filed 8-9-78; 10:52 am]

[3195-01]

PROCLAMATION 4582

General Pulaski's Memorial Day, 1978

By the President of the United States of America

A Proclamation

One hundred and ninety-nine years ago, the Polish patriot Casimir Pulaski gave his life fighting for freedom in the American Revolution.

General Pulaski, an exile from his native Poland, arrived in 1777 to join the Revolutionary Army. He fought courageously at Brandywine and in other battles, and he formed and commanded the famous cavalry unit, the Pulaski Legion, which fought nobly in the cause of American independence.

General Pulaski died on October 11, 1779 of wounds received in the Battle of Savannah two days earlier. Nearly two hundred years later we continue to pay tribute to him and to the millions of Americans of Polish descent who have played such an important part in founding our country, making it grow, and preserving its ideals.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Wednesday, October 11, 1978, as General Pulaski's Memorial Day and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies in suitable places throughout our Nation.

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

Jimmy Carter

[FR Doc. 78-22518 Filed 8-9-78; 10:53 am]

[3195-01]

PROCLAMATION 4583

White Cane Safety Day, 1978

By the President of the United States of America

A Proclamation

For the more than six million Americans who suffer severe visual impairment, merely crossing the street may be a harrowing experience. This is especially true for the one-half million of our citizens who are legally blind and whose skill and resolve are tested daily in the traffic of our busy cities.

For such people, the white cane is an invaluable tool with which they can move about confidently and, most important, independently. Because the white cane is deceptively simple, many of us do not realize that special training and skill are required to use it effectively and safely. The cane is not a crutch but serves much as an extension of its user, providing assurance that the path ahead is clear and safe.

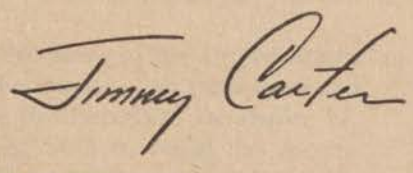
For the sighted, the white cane should serve as a reminder of the special needs of the visually handicapped person and of the importance of exercising simple courtesies which may otherwise be overlooked in haste. Observing the pedestrian's right-of-way in a crosswalk is a basic rule of traffic safety which has extra importance to the visually handicapped person who cannot see a vehicle's approach. For the sighted pedestrian, even a gesture as simple as offering to accompany a visually handicapped person across a busy intersection can make the difference between a safe crossing and a hazardous one.

To heighten public awareness of the importance of the white cane to the independence and safety of thousands of blind and visually handicapped Americans, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003; 36 U.S.C. 169d), has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim October 15, 1978, as White Cane Safety Day.

On this occasion, let us all recognize the achievements of those who have overcome visual disability and blindness to lead independent, productive, and fulfilling lives. At the same time, let us all resolve to increase our awareness of the needs of visually handicapped people and observe those courtesies which enable them to move about safely and without needless constraint.

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



[FR Doc. 78-22520 Filed 8-9-78; 10:54 am]

[3195-01]

PROCLAMATION 4584

National Aviation Year and Wright Brothers Day, 1978

By the President of the United States of America

A Proclamation

This year, 1978, is the diamond jubilee anniversary of aviation. Seventy-five years ago on December 17, at Kitty Hawk, North Carolina, the Wright Brothers launched man into the age of powered flight. The magnitude of the heritage of Orville and Wilbur Wright is heroic. The significance of their achievement to men and women everywhere is profound.

At 10:30 in the morning on that cold and windy day Orville, aboard his fragile "Wright Flyer," was driven aloft by a four cylinder 12 horsepower engine also ingeniously fashioned by the two brothers. This first successful flight in a heavier-than-air powered aircraft lasted but 12 seconds and covered a distance of only 120 feet.

In the seventy-five years since that historic flight, the science of aeronautics and the prowess of American industry have combined to make aviation a giant among the Nation's transportation and communications systems. Air transportation has become the prime public carrier between American cities and to international points. And the movement of cargo, especially perishable goods, life saving pharmaceuticals and other high-priority items important to the public welfare and commerce, has become largely dependent upon the speed, efficiency and safety of air transport.

Aviation today is one of America's greatest enterprises and among its largest employers; a major contributor in the social and cultural enhancement of the American public and, in the international arena, an instrument of signal importance in the deterrence of aggression and as a mighty defender of peace.

THEREFORE, in this 75th anniversary year of powered flight, I, JIMMY CARTER, President of the United States of America, do hereby designate the year 1978, diamond jubilee anniversary of powered flight, as National Aviation Year. And further,

To commemorate the historic achievements of the Wright Brothers, the Congress, by joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1978, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright Brothers and to provide a stimulus to aviation in this country and throughout the world.

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

Jimmy Carter

[FR Doc. 78-22521 Filed 8-9-78; 10:55 am]

rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Valencia Orange Reg. 601]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation established the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 11-17, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on August 8, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be reasonably strong.

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

908.901 Valencia Orange Regulation 601.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 11, 1978, through August 17, 1978, are established as follows:

(1) District 1: 234,000 cartons; (2) District 2: 416,000 cartons; (3) District 3: Unlimited.

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

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

Dated: August 9, 1978.

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

[FR Doc. 78-22545 Filed 8-9-78; 11:54 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1978-Crop Peanut Warehouse Storage Loan Supplement—Amdt. 2]

PART 1446—PEANUTS

Subpart—1978-Crop Peanut Warehouse Storage Loans

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to make determinations and to set forth loan and purchase rates, premiums and discounts for differences in type, quality, location, and other factors applicable to 1978-crop quota and additional peanuts. This final rule is needed to make price support available to producers on 1978-crop peanuts.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Von Garlem (ASCS), 202-447-7954.

ADDRESS: Acting Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The 1978-crop peanut loan and purchase program is authorized by the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"), including amendments contained in the Food and Agriculture Act of 1977, and the Commodity Credit Corporation Charter Act, as amended. The program is intended to stabilize market prices and to protect producers, handlers, processors, and consumers. A 1978-Crop Peanut Warehouse Storage Loan Supplement, published by CCC in the FEDERAL REGISTER on May 18, 1978 (43 FR 21425), established the national average support values for the 1978 crop at $420 per ton for quota peanuts and $250 per ton for additional peanuts. Section 403

of the Act provides that appropriate adjustments may be made in type, quality, location and other factors. The average of any such adjustment shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year.

On June 21, 1978, a notice of proposed rulemaking entitled "Proposed Amendment to the 1978-Crop Peanut Warehouse Storage Loan Supplement" was published in the FEDERAL REGISTER (43 FR 26587). This notice announced that the Commodity Credit Corporation ("CCC") was preparing to make determinations and issue regulations for 1978-crop peanuts adjusting loan and purchase rates for quota and additional peanuts for differences in type, quality, location, and other factors, and invited the public to submit written comments.

Six comments were received in response to this notice. Two sheller associations and one State farm bureau recommended adoption of the differentials set forth in the proposed rule for 1978-crop peanuts. Three individuals recommended that the peanut price support program be abolished, but none of them offered comments on differentials.

After considering the comments received, it was determined that the rates, premiums and discounts proposed in the FEDERAL REGISTER on June 21, 1978, should be adopted for 1978-crop quota and additional peanuts. The sound mature (SMK) value of Virginia-type peanuts shall be 2 percent above and Spanish one-half percent above the SMK value of runner-type peanuts, the same as 1977-crop peanuts. The adjustments for quality, location and other factors shall remain the same as for the 1977 crop with the exception of a discount for segregation 3 peanuts.

The historical objective of price support differentials has been to offer to eligible producers price support levels by type, quality, and location that are representative of the differences in market values between these types and qualities of peanut. In addition, the law requires that if adjustments are made in the support level for any commodity for type, quality, or location, such adjustments shall be made in such manner that the average support for the commodity, will on the basis of the anticipated incidence of such factors, be equal to the national average support level. The type, quality, and location differentials which have been established are in accordance with this requirement.

FINAL RULE

Accordingly, 7 CFR part 1446 is amended by adding §§ 1446.38 through 1446.40 to read as provided below. The similar material previously appearing in §§ 1446.8 through 1446.13 under the subpart "1977-Crop Peanut Warehouse Storage Loan Supplement" shall remain in full force and effect as to the 1977 crop.

Sec.
1446.38 Average support values by type for quota peanuts.
1446.39 Calculation of support values for quota peanuts.
1446.40 Calculation of support values for additional peanuts.

AUTHORITY: Secs. 4 and 5.62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c, 1421).

§ 1446.38 Average support values by type for quota peanuts.

The support values by type per average grade ton of 1978-crop quota peanuts are:

Type	Per average grade ton
Virginia	$420.74
Runner	422.88
Spanish	405.25
Valencia:	
Southwest area—suitable for cleaning and roasting	420.74
Southwest area—not suitable for cleaning and roasting	405.25
Areas other than Southwest	405.25

§ 1446.39 Calculation of support values for quota peanuts.

The support price per ton for 1978-crop quota peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums and discounts (with no value assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

(a) *Kernel value per ton excluding loose shelled kernels.* (1) The price per ton for each percent of sound mature and sound split kernels shall be:

Type	Per percent
Virginia	$6.031
Runner	5.913
Spanish	5.943
Valencia:	
Southwest area—suitable for cleaning and roasting	6.342
Southwest area—not suitable for cleaning and roasting	5.943
Areas other than Southwest	5.943

(2) The price per ton for each percent of other kernels shall be:

All types	$1.40

(3) The premium per ton for each percent of extra large kernels in Virginia type peanuts shall be:

Type	Per percent
Virginia extra large kernels	$0.45

However, no premium for extra large kernels shall be applicable to any lot of such peanuts containing more than 4 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.* The price for each pound of loose shelled kernels shall be:

	Per pound
All types	$0.07

(c) *Foreign material discount.* For all types of peanuts, the discount for each full 1-percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(d) *Sound split kernel discount.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount
1 through 4 pct	None
5 pct	$1.00
6 pct	1.60
Each percent of sound split kernels in excess of 6 pct	.80

(e) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 pct	None
2 pct	$3.40
3 pct	7.00
4 pct	11.00
5 pct	25.00
6 pct	40.00
7 pct	60.00
8 to 9 pct	80.00
10 pct and over	100.00

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price per ton for Virginia-type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.10 per percent sound mature and sound split kernels.

(g) *Mixed type discount.* Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the associations for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

	Per ton
(1) Arizona	$25
(2) Arkansas	10
(3) California	33
(4) Louisiana	7
(5) Mississippi	10
(6) Missouri	10
(7) Tennessee	25

(i) *Virginia-type peanuts.* Virginia-type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $^{33}/_{64}$-inch space. Virginia-type peanuts so determined to

contain less than 40-percent "fancy" size peanuts will be supported (but not classed) as though they were runner type.

(j) *Discount for Aspergillus flavus mold (segregation 3 peanuts).* There will be no discount applied to segregation 3 peanuts for *A. flavus* mold when such peanuts are placed under loan at the additional loan rate. Should such peanuts later be placed under quota loan under § 1446.16 of these regulations, they will be discounted at the rate of $50 per net ton from the quota price support value.

§ 1446.40 Calculation of support values for additional peanuts.

The support price per ton for 1978-crop additional peanuts of a particular type and quality shall be calculated on the basis of 59.5 percent of the same rates, premiums and discounts as are applicable to quota peanuts. This percentage was computed by dividing the national average support rate per ton for quota peanuts into the national average support rate per ton for additional peanuts.

A final impact analysis is available from Thomas A. VonGarlem, Acting Director, Price Support and Loan Division.

Signed at Washington, D.C., August 7, 1978.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 78-22314 Filed 8-9-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-SO-32; Amdt. 39-3223]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-32 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) applicable to Piper Aircraft Corp. model PA-32R-300 series airplanes. This amendment increases the number of PA-32R-300 airplanes and adds certain model PA-32RT-300 airplanes to the applicability. This amendment modifies the inspection checks and requires the replacement of the existing oil cooler with an improved oil cooler. The changes are necessary based on service experience and qualification testing.

DATES: Effective date: August 11, 1978. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Piper Aircraft Corp., 820 East Bald Eagle Street, Lockhaven, Pa. 17745. A copy of service bulletin 586B is contained in the rules docket, Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Gil Carter, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, 3400 Whipple Street, East Point, Ga. 30344, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: This amendment supersedes amendment 39-3106, 43 FR 4, AD 78-01-03, which currently requires certain checks for engine oil coolers installed on Piper model PA-32R-300 airplanes. After issuing amendment 39-3106, the FAA has determined, based on service experience and qualification testing, that additional airplanes are affected and that it is necessary to replace the affected oil coolers with improved oil coolers. When this is accomplished, the repetitive checks required by the AD are no longer necessary. The daily checks have been modified to provide a more convenient procedure. Therefore, the FAA is superseding amendment 39-3106 by adding additional airplanes, by modifying the check, and by requiring oil cooler replacement.

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

DRAFTING INFORMATION

The principal authors of this document are Gil Carter, Flight Standards Division, and Keith May, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

PIPER AIRCRAFT CORP.—Applies to model PA-32R-300 serial numbers 32R-7680001 through 32R-7880068 inclusive; model PA-32RT-300 serial numbers 32RT-7885001 through 32RT-7885207 inclusive, airplanes, certificated in all categories.

Compliance is required as indicated.

To prevent engine failure due to engine oil loss, accomplish the following:

(a) On or before June 30, 1979, unless already accomplished, accomplish the following:

(1) Remove both right and left engine oil coolers, Piper part No. 16599-00, if installed.

(2) Install Piper oil cooler replacement kit 763-859V.

(b) Prior to the first flight of each day and immediately after the last flight of each day, unless (a) has been accomplished:

(1) Check below the nose gear wheel well for signs of fresh engine oil deposits.

(2) Check the following areas of the airplane for engine oil deposits.

(i) Inside surface on nose gear doors.

(ii) Inside lower edge of lower cowl.

(iii) Lower forward face of firewall.

(iv) Aft face of nose gear strut, linkage, and tire.

(v) Forward belly of fuselage.

(3) If no oil leakage is evident, make appropriate maintenance record entry.

(4) If oil leakage is evident and an oil cooler is determined to be leaking or contains a crack, have it replaced with a serviceable oil cooler. Refer to the appropriate Piper service manual for replacement instructions. Special caution is necessary during installation of the oil hoses to prevent damage to the replacement oil cooler.

(c) Within the next 10 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 10 hours time in service from the last check, unless (a) has been accomplished:

(1) Insure that the engine oil is at normal operating temperature by conducting this check immediately after a flight or a ground run.

(2) Gain access to the engine by removing the top engine cowl.

(3) Check both the right and left engine oil coolers in the area of the oil hose assembly end fittings and in the area of the fluted portion at the oil cooler end tanks for cracks and oil leakage.

(i) If no oil leakage or cracks are found, make appropriate maintenance record entry.

(ii) If an oil cooler is determined to be leaking or contains a crack, have it replaced with a serviceable oil cooler. Refer to the appropriate Piper service manual for replacement instructions. Special caution is necessary during installation of the oil hoses to prevent damage to the replacement oil cooler.

(d) An alternate method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

The checks in this AD may be accomplished by the pilot and appropriate maintenance record entries made in accordance with FAR 91.173. Inspections and component replacements must be accomplished by a person authorized by FAR 43.3.

Piper service bulletin 586B, dated July 24, 1978, pertains to this same subject.

This supersedes amendment 39-3106, 43 FR 4, AD 78-01-03.

This amendment becomes effective August 11, 1978.

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

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

Issued in East Point, Ga., July 28, 1978.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc. 78-21952 Filed 8-9-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-7-AD; Amendment 39-3277]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 50, 65, and 70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revision of final rule.

SUMMARY: This amendment revises airworthiness directive (AD), AD 78-11-01, amendment 39-3220, applicable to all Beech 50, 65, and 70 series airplanes, which was a three-step action to reduce the probability of fatal accidents resulting from engine nacelle fires in these airplanes. The actions prescribed in AD 78-11-01 increase the probability that fuel leaks in the engine nacelle will be detected, improve the ability of the powerplant installation to contain a fire and incorporate a reliable fire detector system to give the pilot early notification of a powerplant fire. The revision deletes unsupercharged airplanes to which AD 78-11-01 was previously applicable, extends the applicability of the AD to airplanes modified per STC SA76SW, conditionally extends the compliance time for the fire resistant hose installation required therein and makes minor changes to clarify the AD to make it consistent with the manufacturer's service instructions pertaining to this subject.

EFFECTIVE DATE: August 17, 1978.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: Beechcraft service instructions No. 0999 noted in this AD may be obtained from local Beechcraft aviation centers (dealers) or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kans. 67201. Copies of the above service instructions are contained in rules docket, Room 916, 800 Independence Avenue SW., Washington, D.C., and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106; telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: Amendment 39-3220, AD 78-11-01, applicable to all Beech 50, 65, and 70 series airplanes, was published in the FEDERAL REGISTER on May 30, 1978 (43 FR 22932, 22933). Based on accident findings and service records of the applicable airplanes, AD 78-11-01 prescribed actions which increase the probability that fuel leaks in the engine nacelle will be detected, improve the ability of the powerplant installation to contain a fire and incorporate a reliable fire detector system to give the pilot early notification of a powerplant fire. Except as set forth below, the FAA considers these actions still appropriate for the reasons previously cited.

Subsequent to the issuance of AD-78-11-01, the FAA has reexamined the basis for the inclusion of those Beech unsupercharged model airplanes in the AD. The reexamination disclosed that a military U8D airplane involved in an accident which was included in the basis for the actions prescribed in AD 78-11-01 was equipped with supercharged engines. This data refutes information obtained earlier which indicated that this airplane was equipped with unsupercharged engines. Accordingly, this changes the FAA's previous finding that powerplant fire-related accidents have occurred on airplanes having unsupercharged engines. Based on the foregoing and comparison of the powerplant fire-related accident rate on the supercharged and unsupercharged airplanes, the FAA concludes that the probability of occurrence of such accidents on the unsupercharged airplanes is acceptably low and would not be significantly improved by the actions prescribed in AD 78-11-01. Therefore, the unsupercharged airplanes are being deleted from the AD's applicability.

Field comments from owners/operators and mechanics and discussions with hose suppliers have indicated that an insufficient number of hose assemblies may be available to accomplish modification of all applicable airplanes within the compliance time presently specified in AD 78-11-01. This situation could result in inadvertent grounding of airplanes. After consideration of the factors involved, the FAA concludes that the reduction in safety resulting from extension of compliance time for the fire resistant hose installation would be compensated for by more frequent inspection of the powerplant installation forward of the firewall. Accordingly, extension of the compliance time to two hundred (200) hours time-in-service is being authorized for the fire resistant hose installation, conditional on compliance with inspection of the components forward of the firewall as prescribed by AD 77-25-01.

Subsequent to the release of AD 78-11-01, the manufacturer has issued Beechcraft service instructions No. 0999 covering the subject matter of this AD. Field comments have also been received which indicate the need for clarification and correction of certain requirements in the AD. Accordingly, AD 78-11-01 is being revised to include the service instructions and clarify and correct the AD as appropriate.

Information received from the region having cognizance over Supplemental Type Certificate SA76SW establishes that airplanes modified per this STC are subject to the unsafe conditions addressed by AD 78-11-01. Therefore, these airplanes have been removed from those excepted in the applicability statement.

Since the conditions described in AD 78-11-01 still exist, this AD is being revised and reissued in its entirety to continue, clarify, or correct the original requirements. The revisions called for herein are either relieving or relaxatory in nature or require immediate adoption in the interest of safety. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: Donald L. Page, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising amendment 39-3220, AD 78-11-01, so that it now reads as follows:

BEECH: Applies to those C50, D50, D50A, D50B, D50C, and D50E model airplanes modified in accordance with STC SA76SW and E50, F50, G50, H50, J50, 65, A65, A65-8200, 65-80, 65-A80 65-A80-8800, 65-B80, 65-88, and 70 model airplanes certified in all categories except those modified in accordance with STC's SA444SW or SA587SW.

Compliance: Required as indicated unless already accomplished.

To reduce the possibility of powerplant fire occurrence and improve powerplant fire

containment and detection capabilities, accomplish the following:

(A) Within 25 hours time-in-service after the effective date of this amendment on airplanes modified per STC SA76SW, or within the next 25 hours time-in-service after June 1, 1978, on all other applicable airplanes install in the existing airplane flight manual, the temporary airplane flight manual supplement included in this AD as figure 1, or, Beech Aircraft Co. airplane flight manual supplement P/N 50-590211-31 dated May 29, 1978, or subsequent revision.

(B) Within 100 hours time-in-service after the effective date of this amendment on airplanes modified per STC SA76SW, or within the next 100 hours time-in-service after June 1, 1978, on all other applicable airplanes, except that this compliance time may be extended to 200 hours time-in-service if the inspection of components forward of the firewall required by AD 77-25-01 is accomplished at intervals no greater than 50 hours time-in-service during this compliance time extension.

(1) Replace existing flexible fuel, oil, hydraulic, and fuel or oil vapor carrying hose assemblies except engine breather and drain lines in the engine compartment with equivalent length and diameter hoses having strength and fire resistance qualities meeting FAA Technical Standard Order C53A, Type C or D or as specified below. Hose assemblies fabricated of Stratoflex Type 111 or 130 hose covered by fire-resistant sleeve, Stratoflex Type 2650 or 2607 or Aeroquip hose Type 303 covered with fire-resistant sleeve Type AE102 or 624 or hose specified in Beechcraft Service Instructions No. 0999 or later approved revisions, or an FAA-approved equivalent are acceptable except as noted below. (Pressure test the hose assemblies in accordance with industry practice.)

On airplanes having serial numbers LC-157 through LC-335, LB-1 through LB-35, and LD-135 through LD-512, replace the main oil supply hose running from the firewall to the engine with a Stratoflex Part No. 156F001-16D0200 hose assembly or Aeroquip 620100-16-0200 hose assembly or an FAA-approved equivalent.

On the Model 88 series airplanes, fabricate the hose from the engine hydraulic pump "oil out" to the firewall using high pressure type hose. Stratoflex Type 112 or Aeroquip Type 309 or FAA-approved equivalent is acceptable. Subject only these hoses to a proof pressure test of 7000 PSI and install applicable hose manufacturer's fire sleeves of types noted above.

Stratoflex Type 111 or 130 hose or Aeroquip Type 303 hose with appropriate manufacturer's fire sleeve as noted above or hose specified in Beechcraft Service Instructions No. 0999 or later approved revisions, or an FAA-approved equivalent are acceptable for all other pressurization system hoses. Engine induction system hoses and vacuum system hoses are not included in the requirements of this AD.

Use old hoses as a pattern when fabricating new hoses. Caution should be exercised to assure end fittings on new hoses are equivalent to old hose end fittings. Install hoses observing manufacturer's torque limits. The torque chart contained in Beechcraft Service Instruction No. 0999 or later approved revisions lists acceptable limits. Apply paint or torque putty to fittings after tightening.

(2) On airplanes having engines with Bendix fuel injection system, after changing all engine and installation fuel system, hoses but prior to connecting the hose at the fuel injector nozzle located at the top of the induction housing, cap this hose at nozzle end, select main tanks, turn main boost pumps ON, place mixture controls in rich position, and check all fuel carrying lines and fittings for leakage. Correct any leaks detected and recheck prior to installing hose on nozzle fittings.

(3) On airplanes other than those specified in Paragraph B(2) above, after changing all installation fuel system hoses, with mixture control in "cut off", select main tanks, turn main boost pumps ON, and check all fuel carrying lines and fittings for leakage. Correct any leaks detected and recheck.

(4) After determining that no fuel is trapped in the induction system, conduct the runup specified in Figure 1 and inspect all hoses and fittings for signs of fuel or oil leakage.

(C) On or before January 31, 1979, install continuous type fire detector systems in the engine compartment and wheel wells in accordance with Beech Service Kit 80-9010.

NOTE:—The compliance date for this paragraph was established on the basis of the most accelerated schedule the vendors of the detector components can meet and the estimated number of active airplanes of the affected models. The FAA recommends that every owner place an order for the necessary modification kit as early as possible.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instructions No. 0999 or later approved revisions referenced herein covers the subject matter of this AD.

FIGURE 1

TEMPORARY AIRPLANE FLIGHT MANUAL SUPPLEMENT FOR BEECH MODEL 50 SERIES, 65 SERIES, A65 SERIES AND 70 AIRPLANES WITH RECIPROCATING ENGINES

(AD 78-11-01 requires this supplement to remain in the below designated airplane flight manual until replaced by Beech Aircraft Company Flight Manual Supplement P/N 50-590211-31 dated May 29, 1978, or later approved revisions.)

Model —— N —— S/N —— In addition to the presently specified preflight procedures, prior to the first flight of each day accomplish the following:

1. Start both engines and operate at 1500 RPM. After the oil pressures stabilize, shut down the engines using the mixture control.

2. Open the cowl doors on both sides of the engines and check all engine compartment fluid hoses and fittings for indications of fluid (fuel or oil) leakage. Check the wheel wells for these same conditions using a flashlight or supplemental light as necessary to provide adequate illumination of the area.

3. Correct any leak detected and secure cowl doors.

This amendment becomes effective on August 17, 1978.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1352(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR sec. 11.89).)

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

Issued in Kansas City, Mo. on July 31, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-22286 Filed 8-9-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-14-AD; Amdt. 39-3278]

PART 39—AIRWORTHINESS DIRECTIVES

Gates Learjet 23, 24, 25, 35, and 36 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to Gates Learjet 23, 24, 25, 35, and 36 series airplanes. It requires, prior to further flight, inspection of these airplanes to determine whether part No. (P/N) 6608059-3 refrigeration condenser fan is installed. If so, the addition of a placard is required which prohibits operation of the refrigeration system until such time as the above referenced fan is replaced with an airworthy part. This action will preclude failure of these fans and resulting damage to the airplane or hazard to ground personnel.

EFFECTIVE DATE: August 17, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated July 21, 1978. Compliance: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Service Bulletins SB23/24/25-284, dated July 13, 1978 and SB35/36-21-3, dated July 12, 1978, noted in this AD, may be obtained from Gates Learjet Corp., Mid-Continent Airport, P.O. Box 7707, Wichita, Kans. 67201; telephone 316-722-5640. Copies of these service bulletins are contained in the rules docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106 and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3146.

SUPPLEMENTARY INFORMATION: There have been failures of a new type refrigeration condenser fan, P/N 6608059-3, which may be installed in certain Gates Learjet 23, 24, 25, 35, and 36 series airplanes. In one instance, a failed fan blade segment escaped the fan bell mouth ring shroud, penetrated the tailcone and was expelled with sufficient energy to injure ground personnel that may have been in the path of its trajectory. In addition, separated high energy fan blades or segments may damage nearby fuel and hydraulic lines, flight controls and/or electrical components. Such damage could adversely affect the integrity of these required systems and continued safe operation of the airplane. Approximately 91 of these P/N 6608059-3 refrigeration condenser fans have been installed on new airplanes or shipped to the field as replacement parts. It is not possible to identify the airplanes on which these fans were installed. Accordingly, AD action is necessary to identify these airplanes equipped with the suspect fans and prohibit operation of the refrigeration system until the fans are replaced with airworthy parts.

The FAA has determined that the problem described herein is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. Since the agency also determined that an emergency situation existed and that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owners/operators of the affected airplanes were notified of the AD by air mail letter from the FAA dated July 21, 1978. The AD became effective as to those individuals upon receipt of the notification letter. Since the unsafe condition described herein may still exist on other Gates Learjet 23, 24, 25, 35, and 36 series airplanes, the AD is being published in the FEDERAL REGISTER as an amendment to part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the letter of notification. The FEDERAL REGISTER version differs only slightly in form from the letter notification and sets forth additional aircraft serial number cutoffs.

DRAFTING INFORMATION

The principal authors of this document are: E. L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

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

LEARJET.—Applies to Learjet model 23 (serial Nos. 23-003 and up); model 24 and 24A (serial Nos. 24-100 through 24-180); model 24B and 24B-A (serial Nos. 24-181 through 24-229); model 24C, 24D and 24D-A (serial Nos. 24-218, and 24-230 through 24-328); model 24E, 24F and 24F-A (serial Nos. 24-329 through 24-356); model 25 and 25A (serial Nos. 25-002 through 25-066); model 25B and 25C (serial Nos. 25-061, 25-067 through 25-201, 25-204 and 25-205); model 25D and 25F (serial Nos. 25-206 through 25-253); model 35 (serial Nos. 35-001 through 35-066); model 35A (serial Nos. 35-067 through 35-194); model 36 (serial Nos. 36-001 through 36-017); and model 36A (serial No 36-018 through 36-040) airplanes.

Compliance: Required as indicated unless already accomplished.

To preclude a failure of the refrigeration condenser fan:

(A) Before the next flight, remove or lower the tailcone access door, disconnect the aircraft batteries, and inspect the refrigeration condenser fan part number that is rubber stamped on the blade. If the refrigeration condenser fan installed has a part number other than 6608059-3, no further action is required. (The blades on P/N 6608059-3 fans are not tapered in thickness from the hub to the tip.)

(B) If part No 6608059-3 refrigeration condenser fan is installed, before the next flight fabricate a placard which reads "Do Not Operate Refrigeration System Under Any Circumstances On The Ground Or In The Air". Install this placard as near as possible to the refrigeration system control switch and operate the airplane in accordance with this restriction.

(C) When the part No. 6608059-3 fan is replaced with eigher a P/N 6608059-1, 6608059-2, or a P/N 6608059-4 fan, the above required placard may be removed and the airplane returned to normal service. (The blades on the -1, -2, and -4 fans are tapered in thickness from the hub to the tip.)

(D) Any equvalent method of compliance with this AD must be approved by the chief, engineering and manufacturing branch, FAA, central region.

NOTE.—Gates Learjet Service Bulletins SB23/24/25-284, dated 7/13/78, and SB35/36-21-3, dated 7/12/78, or later approved revisions, provide inspection and fan replacement procedures, physical characteristics of the fans, and replacement part credit information.

This amendment becomes effective August 17, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated July 21, 1978.

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

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

Issued in Kansas City, Mo., on July 31, 1978.

C. R. MELUGIN, Jr,
Director, Central Region.

[FR Doc. 78-22287 Filed 8-9-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-25]

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

Designation of Transition Area—Superior, Nebr.; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects a rule issued on July 13, 1978, and appearing in FR Doc. 78-20370 on page 31884 in the issue of Monday, July 24, 1978. The effective date of this rule must be changed in order to meet the schedule for charting dates.

EFFECTIVE DATE: November 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: The FAA issued a final rule with an effective date of September 7, 1978. In order to meet the schedule of the charting dates, this effective date must be changed to read November 2, 1978. Action is taken herein to make this correction. Since the change is editorial in nature, notice and public procedure thereon are not considered necessary.

DRAFTING INFORMATION

The principal authors of this document are Gary W. Tucker, Air Traffic Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

In FR Doc. 78-20370, appearing at page 31884 in the FEDERAL REGISTER of July 24, 1978, the effective date set forth therein which reads "September 7, 1978" should be corrected to read "November 2, 1978."

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

Issued in Kansas City, Mo., on August 1, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-22284 Filed 8-9-78; 8:45 am]

[4910-13]

[Docket No. 18218; Amdt. No. 1117]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes, standard instrument approach procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the national airspace system, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

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

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

FOR EXAMINATION

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

FOR PURCHASE

Individual SIAP copies may be obtained from:

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

BY SUBSCRIPTION

Copies of all SIAP's, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking standard instrument approach procedures, effective on the dates specified, as follows:

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

* * * Effective November 2, 1978:

Danville, Ill.—Vermilion County, VOR RWY 21, Amdt. 7.
Danville, Ill.—Vermilion County, VOR/DME RWY 3, Amdt. 5.
Freeport, Ill.—The Albertus, VOR RWY 24, Amdt. 2.
Indianapolis, Ind.—Mount Comfort, VOR-A, Original.
Saginaw, Mich.—Harry W. Browne, VOR/DME-A, Original.
Kenton, Ohio—Hardin County, VOR-A, Original.

* * * Effective October 5, 1978:

Vivian, La.—Vivian, VOR/DME-A, Amdt. 2.
Piqua, Ohio—Piqua, VOR-A, Amdt. 8.
Piqua, Ohio—Piqua, VOR/DME RWY 26, Amdt. 1.

* * * Effective September 21, 1978:

Tuskegee, Ala.—Moton Field, VOR-A, Amdt. 1.
Miami, Fla.—Miami International, VOR RWY 12, Amdt. 23.
Canton, Ill.—Ingersoll, VOR-A, Amdt. 2.
Jacksonville, Ill.—Jacksonville Municipal, VOR RWY 13, Amdt. 5.
Cedar Rapids, Iowa—Cedar Rapids Municipal, VOR RWY 9, Amdt. 13.
Cedar Rapids, Iowa—Cedar Rapids Municipal, VOR RWY 27, Amdt. 8.
Augusta, Maine—Augusta State, VOR RWY 35, Amdt. 2.
Presque Isle, Maine—Northern Maine Regional Arpt at Presque Isle, VOR/DME RWY 1, Amdt. 7.
Ocean City, Md.—Ocean City, VOR-A, Amdt. 5.
Pontiac, Mich.—Oakland-Pontiac, VOR RWY 27L, Amdt. 10.
Redwood Falls, Minn.—Redwood Falls Municipal, VOR-A, Amdt. 2.
St. Cloud, Minn—St. Cloud Municipal, VOR RWY 31, Amdt. 3.

Mexico, Mo.—Mexico Memorial, VOR/DME-A, Amdt. 3.
Pittstown, N.J.—Sky Manor, VOR RWY 6, Amdt. 1.
West Lafayette, Ohio—Tri-City, VOR-A, Original, Cancelled.
Darlington, S.C.—Darlington County, VOR/DME-A, Amdt. 5.
Pearsall, Tex.—McKinley Field, VOR/DME-A, Amdt. 1.
Sherman, Tex.—Sherman Muni, VOR/DME RWY 34, Amdt. 2.
Highgate, Vt.—Franklin County, VOR-A, Amdt. 1.
Hoquiam, Wash.—Bowerman, VOR RWY 6, Amdt. 12.
Hoquiam, Wash.—Bowerman, VOR/DME RWY 24, Amdt. 3.
Gillette, Wyo.—Gillette-Campbell County, VOR RWY 15, Amdt. 3.

* * * Effective September 7, 1978:

Fayetteville, Ark.—Drake Field, VOR/DME-B, Amdt. 1.
Martinsville, Va.—Blue Ridge, VOR-A, Amdt. 2.

* * * Effective August 1, 1978:

Pueblo, Colo.—Pueblo Memorial, VOR RWY 25R (TAC) Amdt. 20.

* * * Effective July 28, 1978:

Hickory, N.C.—Hickory Muni, VOR RWY 24, Amdt. 21.

* * * Effective July 27, 1978:

Thief River Falls, Minn.—Thief River Falls Regional, VOR/DME RWY 31, Amdt. 1.

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

* * * Effective November 2, 1978:

College Station, Tex.—Easterwood Field, LOC (BC) RWY 16, Amdt. 4.
Seattle, Wash.—Boeing Field/King County Intl, LOC BC RWY 31L, Amdt. 6.

* * * Effective September 21, 1978:

Tampa, Fla.—Tampa International, LOC (BC) RWY 36R, Amdt. 17.
Cedar Rapids, Iowa—Cedar Rapids Municipal, LOC BC RWY 27, Amdt. 4.
Pontiac, Mich.—Oakland-Pontiac, LOC BC RWY 27L, Amdt. 3.
Hoquiam, Wash.—Bowerman, LOC RWY 24, Amdt. 1.

* * * Effective August 1, 1978:

Pueblo, Colo.—Pueblo Memorial, LOC BC RWY 25R, Amdt. 12.

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

* * * Effective November 2, 1978:

Freeport, Ill.—The Albertus, NDB RWY 24, Amdt. 7.
Trenton, N.J.—Mercer County, NDB RWY 6, Amdt. 4.

* * * Effective October 5, 1978:

Vivian, La.—Vivian, NDB RWY 9, Original.

* * * Effective September 21, 1978:

Dalton, Ga.—Dalton Municipal, NDB RWY 14, Original.
Canton, Ill.—Ingersoll, NDB RWY 36, Amdt. 2.
Cedar Rapids, Iowa—Cedar Rapids Municipal, NDB RWY 9, Amdt. 6.
Lexington, Ky.—Blue Brass, NDB RWY 4, Amdt. 11.
Sedalia, Mo.—Sedalia Memorial, NDB RWY 36, Amdt. 3.
Philadelphia, Pa.—Philadelphia International, NDB RWY 27L, Amdt. 2.
Newberry, S.C.—Newberry Muni, NDB RWY 22, Orig.
Johnson City, Tex.—Johnson City, NDB-A, Amdt. 11, Cancelled.
Rawlins, Wyo.—Rawlins Municipal, NDB-A, Amdt. 5.

* * * Effective September 7, 1978:

Linden, N.J.—Linden, NDB-A, Amdt. 1.
Linden, N.J.—Linden, NDB-B, Amdt. 2.

* * * Effective August 1, 1978:

Pueblo, Colo.—Pueblo Memorial, NDB RWY 7L, Amdt. 12.
Pueblo, Colo.—Pueblo Memorial, NDB RWY 25R, Amdt. 9.

The FAA published an amendment in docket No. 18143, Amdt. No. 1116 to part 97 of the Federal Aviation Regulations (Vol 43 FR No. 145 page 32409; dated July 27, 1978) under § 97.27 effective September 7, 1978, which is hereby amended as follows:

Winston-Salem, N.C.—Smith Reynolds, NDB RWY 33, Amdt. 18 is rescinded.

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

* * * Effective November 2, 1978:

Trenton, N.J.—Mercer County, ILS RWY 6, Amdt. 4.

* * * Effective September 21, 1978:

Carlsbad, Calif.—Palomar, ILS RWY 24, Amdt. 2.
Miami, Fla.—Dade-Collier Training and Transition, ILS RWY 9, Amdt. 10.
Miami, Fla.—Miami International, ILS RWY 9L, Amdt. 23.
Miami, Fla.—Miami International, ILS RWY 27R, Amdt. 8.
Cedar Rapids, Iowa—Cedar Rapids Municipal, ILS RWY 9, Amdt. 10.
New Orleans, La.—New Orleans International (Moisant Field), ILS RWY 1, Amdt. 8.
Lansing, Mich.—Capital City, ILS RWY 9, Amdt. 1.
Philadelphia, Pa.—Philadelphia International, ILS RWY 27R, Amdt. 2.
Memphis, Tenn.—Memphis International, ILS RWY 17R, Amdt. 3.
Memphis, Tenn.—Memphis International, ILS RWY 35L, Amdt. 6.
Memphis, Tenn.—Memphis International, ILS RWY 35R, Amdt. 5.

* * * Effective September 7, 1978:

Mosinee, Wis.—Central Wisconsin, ILS RWY 8, Amdt. 5.

* * * Effective August 1, 1978:

Pueblo, Colo.—Pueblo Memorial, ILS RWY 7L, Amdt. 15.
Pueblo, Colo.—Pueblo Memorial, ILS RWY 25R, Amdt. 5.

The FAA published an Amendment in Docket No. 18143, Amdt. No. 1116 to part 97 of the Federal Aviation Regulations (vol. 43 FR No. 145 page 32410; dated July 27, 1978) under § 97.29 effective September 7, 1978, which is hereby amended as follows:

Winston-Salem, N.C.—Smith Reynolds, ILS RWY 33, Amdt. 17 is rescinded.

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

* * * Effective September 21, 1978:

Cedar Rapids, Iowa—Cedar Rapids Municipal, RADAR-1, Amdt. 3
Wichita, Kans.—Beech Factory, RADAR-2, Amdt. 2, Canceled.
Wichita, Kans.—Comotara Airpark, RADAR-3, Amdt. 2, Canceled.
Wichita, Kans.—Wichita Mid-Continent, RADAR-1, Amdt. 4, Canceled.
Lexington, Ky.—Blue Grass, RADAR-1, Amdt. 3.
Beaumont-Port Arthur, Tex.—Jefferson County, RADAR-1, Amdt. 2.
Pearland, Tex.—Pearland, RADAR-1, Amdt. 2, Canceled.

* * * Effective August 1, 1978:

Pueblo, Colo.—Pueblo Memorial, RADAR-1, Amdt. 2.

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

* * * Effective November 2, 1978:

Conroe, Tex.—Montgomery County, RNAV RWY 14, Original.
Conroe, Tex.—Montgomery County, RNAV RWY 32, Original.

* * * Effective October 5, 1978:

Piqua, Ohio—Piqua, RNAV RWY 26, Amdt. 2.

* * * Effective September 21, 1978:

East St. Louis, Ill.—Bi-State Parks, RNAV RWY 30, Amdt. 3.
Jacksonville, Ill.—Jacksonville Municipal, RNAV RWY 31, Amdt. 2.
Cedar Rapids, Iowa—Cedar Rapids Municipal, RNAV RWY 13, Amdt. 4.
Cedar Rapids, Iowa—Cedar Rapids Municipal, RNAV RWY 27, Amdt. 3.
Cedar Rapids, Iowa—Cedar Rapids Municipal, RNAV RWY 31, Amdt. 4.
New Orleans, La.—New Orleans International (Moisant Field), RNAV RWY 1, Amdt. 5.
Wapakoneta, Ohio—Neil Armstrong, RNAV RWY 26, Original.

* * * Effective September 7, 1978:

West Palm Beach, Fla.—Palm Beach International, RNAV RWY 13, Amdt. 4.

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

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

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

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc. 78-22285 Filed 8-9-78; 8:45 am]

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

State Education and Training Programs

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document consolidates the existing regulations on application and approval of education and training projects using Federal-aid highway funds. This document is issued in response to the recommendations of the Federal Highway Administration Regulations Reduction Task Force. The changes deal with the elimination of form FHWA 1422 and reduce the information required for project approval. The regulations were originally published on November 17, 1976, at 41 FR 50646 and Subpart D of part 260 of Title 23, Code of Federal Regulations.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Jack T. Coe, National Highway Institute, 202-426-9141; Lee J. Burstyn, Attorney, Office of the Chief Counsel, 202-426-0799; Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

In consideration of the foregoing, and under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48, chapter I of title 23 of the Code of Federal Regulations, part 260, subpart D, is amended to read as follows:

Subpart D—State Education and Training Programs

Sec.
260.401 Purpose.
260.403 Policy.
260.405 Application and approval procedures.
260.407 Implementation and reimbursement.

AUTHORITY: 23 U.S.C. 315, 321 (b) and (c); 49 CFR 1.48(b).

Subpart D—State Education and Training Programs

§ 260.401 Purpose.

To prescribe policy and implement procedures for the administration of Federal-aid funds for education and training of State and local highway department employees.

§ 260.403 Policy.

It is the policy of the Federal Highway Administration (FHWA) to provide continuing education of State and local highway agency employees engaged or to be engaged in Federal-aid highway work. To carry out this policy, States are encouraged to fully utilize the authority contained in 23 U.S.C. 321(b) and 321(c).

§ 260.405 Application and approval procedures.

The State may apply for education and training funds by submitting a signed agreement designating the desired Federal-aid funds, not to exceed the limits in 23 U.S.C. 321(b). The FHWA's approval of the agreement will constitute obligation of funds and authorization for work to proceed.

§ 260.407 Implementation and reimbursement.

(a) After execution of the fiscal agreement, the State may make grants and contracts with public and private agencies, institutions, and individuals to provide highway-related training and education. The principal recipients of this training shall be employees who are engaged, or likely to be engaged, in Federal-aid highway work.

(b) Claims for Federal-aid reimbursement of costs incurred may be submitted following established procedures to cover 70 percent of the cost of tuition and direct educational expenses (including incidental training, equipment, and program materials) exclusive of travel, subsistence, or salary of trainees.

Issued on July 27, 1978.

H. A. LINDBERG,
Acting Associate Administrator for Engineering and Traffic Operations.

[FR Doc. 78-22357 Filed 8-9-78; 8:45 am]

[4310-53]

Title 30—Mineral Resources

CHAPTER VI—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

PART 610—COAL ANALYSIS FOR NON-FEDERAL APPLICANTS

Deletion of Regulations

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: Delete regulations on coal analysis for non-Federal applicants. This function was transferred to the Department of Energy.

DATE: Effective August 10, 1978.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding the republication in the Department of Energy regulations should be directed to:

David T. Hulett (Energy Resource Analysis), Energy Information Administration, Department of Energy, Room 4426, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, telephone 202-566-9618.

SUPPLEMENTARY INFORMATION: The primary author of this document is Jennifer L. Williamson, Management Assistant, Organization and Management Staff, 2401 E Street NW., Washington, D.C. 20241, telephone 202-634-4730.

The authority for the issuance of part 610 has been transferred to the Secretary of the Department of Energy under the provisions of the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, Pub. L. 95-91).

Accordingly, 30 CFR Part 610 is deleted from the Code of Federal Regulations.

Dated: August 4, 1978.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc. 78-22283 Filed 8-9-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 837—SUPPORT OF NONGOVERNMENT GROUPS

Final Rule

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air France is revising its rule on support of non-Government groups. A review of this rule by the office responsible revealed a need for updating and clearer writing for better understanding by the public.

EFFECTIVE DATE: December 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Terry Hemeyer, Office of the Secretary of the Air Force, Office of Information, the Pentagon, Washington, D.C. 20330, 202-695-9657.

SUPPLEMENTARY INFORMATION: Part 837 of chapter VII, title 32 of the Code of Federal Regulations is revised to group policies and instructions in separate subparts; give instructions for requesters to submit requests and tell how Air Force people handle these requests. The revision gives requesters the specific information to include in their letters to SAF/OI; and adds both policy and procedures for reimbursing the Government for the use of Air Force equipment and supplies, and for paying Air Force people who support nongovernment audiovisual productions.

This revision is issued under authority of sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

The revised part will read as follows:

Subpart A—Basic Principles

Sec.
837.1 Purpose.
837.2 Terms explained.
837.3 Scope.
837.4 General policies.
837.5 General restrictions.
837.6 Additional restrictions on the support of commercial advertising, publicity, or promotion activity.

Subpart B—Detailed Instruction

837.7 Release of Air Force audiovisual material.
837.8 Help in the production of nongovernmental audiovisual material.
837.9 Participation in nongovernment information events.
837.10 Reimbursement.
837.11 Pay for Air Force personnel.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: Air Force Regulation 190-16, December 20, 1977.

Subpart A—Basic Principles

§ 837.1 Purpose.

(a) This part states the Air Force policy on supporting nongovernment groups engaged in information activities. It identifies the types of audiovisual material and support provided to these nongovernment groups.

(b) For guidance on Air Force information audiovisual policies and responsibilities, see part 822 of this chapter. This part implements DOD instruction 5410.15, November 3, 1966; and DOD instruction 5410.16, January 21, 1964. It applies to all people involved in requests for Air Force support of nongovernment groups.

§ 837.2 Terms explained.

(a) *Audiovisual material.* Still photography, films, live television shows, video tapes, sound tapes, radio shows, stock film, and associated materials.

(b) *Nongovernment groups.* Groups not part of the Federal Government. This part is concerned with all nongovernment groups who make audiovisual material for public or private sale or use, as well as those who use such material in their advertising and those who want Air Force help in organizing events. Note that all print and electronic media, advertising and industrial firms, and contractors are covered by these rules.

(c) *Local.* This term refers to the area where Air Force-related audiovisual material might be used. To be local it cannot be used beyond the community or area where it originates. The local commander can approve audiovisual projects that he or she feels will not have regional or national interest. This applies to both the CONUS and overseas.

(d) *Regional.* Audiovisual material made by the Air Force or requested by a nongovernment group that is of news significance in more than one geographical area. As determined by the local commander, regional material must be of news significance only in specific geographical areas and must not be of national or international interest. This applies to the CONUS and overseas.

(e) *National.* Audiovisual material made by the Air Force or requested by a nongovernment group which, as determined by the local commander, exceeds the scope of the "local" and "regional" definitions in either geographical locale or program impact; or which features national policy, programs, and projects. This applies to the CONUS and overseas.

§ 837.3 Scope.

This part applies to all requests for Air Force support of nongovernment groups engaged in information activities. These include, but are not limited to:

(a) Requests from theatrical, film, television, and radio producers; news media representatives, advertisers, and contractors.

(b) Requests for:

(1) Release of Air Force audiovisual material.

(2) Cooperation or assistance by the Air Force in the production of nongovernment audiovisual material.

(3) Participation by the Air Force in programs, projects, or events sponsored by a nongovernment group.

§ 837.4 General policies.

(a) Air Force public information programs are performed as much as possible with Air Force resources and under Air Force sponsorship.

(b) The Air Force supports nongovernment groups within the rules of this part to the extent the national interest is served. Before approval, all requests for such support must be screened to ensure that support is in the national interest.

(c) Except as otherwise authorized, the Director of Information, HQ USAF, has approval authority within the Air Force for all cases covered by this part. The Director decides whether the support requested complies with the guidelines in this part and other regulations.

(d) Prior SAF/OI coordination is not required to release Air Force audiovisual material that is otherwise releasable under this part and other regulations if the material deals with spot news events (that is, events that take place without prior planning or knowledge) or is of local interest only.

§ 837.5 General restrictions.

Air Force support of nongovernment groups engaged in information activities is subject to these general restrictions:

(a) Before final approval, production companies, and other nongovernment groups engaged in information activities may contact Air Force personnel or organizations for information, suggestions, access for technical research, or guidance in writing the required letter of request for assistance to SAF/OI and the accompanying list of specific requirements. The Air Force organization or member involved may provide these services only with the clear understanding that no commitment for final cooperation is being made or implied.

(b) No Air Force audiovisual material is produced exclusively for, or to meet the needs of, a particular nongovernment group engaged in information activities.

(c) Help is not afforded any production that:

(1) Involves the unauthorized disclosure of classified information or equipment.

(2) Discredits or misrepresents the Air Force, its uniform, or equipment.

(d) Each member of the Air Force who produces or handles Air Force audiovisual materials (including any photography done in the line of duty) is prohibited from personally using or

releasing such material to nongovernment users.

§ 837.6 Additional restrictions on the support of commercial advertising, publicity, or promotion activity.

(a) Support is withheld from any such project if the information presented:

(1) Is not true.

(2) States or implies that the Air Force approves or likes one product over another. Phrases such as "Government-approved" and "Air Force-certified" are not authorized.

(3) Compares the relative merits of current weapons or weapon systems.

(4) Refers to the economic impact of a proposed continuation or termination of a defense contract.

(5) Reproduces the Air Force seal or any of its parts, except as authorized by part 800 of this chapter.

(b) Each member of the Air Force is prohibited from using his or her military title or position to endorse commercial products, services, or activities; from assuming resonsibility for any advertising claims; and from using his or her position in the Air Force for personal gain (refer to part 920 of this chapter).

(c) The Air Force does not bear any of the cost of advertisements, except according to section XV, Armed Services Procurement Regulation (ASPR).

Subpart B—Detailed Instructions

§ 837.7 Release of Air Force audiovisual material.

All audiovisual material held by the Air Force and requested by or for a nongovernment group is subject to the restrictions in paragraphs (a) and (b) of this section regardless of the purpose for which the material was originally made.

(a) Release of Air Force audiovisual material to a nongovernment person or group requires SAF/OI approval if it is:

(1) Material of regional, national, or international interest.

(2) Material that requires HQ USAF approval for release under applicable contract provisions.

(3) Material subject to review under part 806 of this chapter; AFR 95-14, Programming and Producing Audiovisual Products and Services; AFR 190-12, Release of Unclassified Information to the Public; AFR 190-17, Review and Clearance of Department of the Air Force Information; or AFR 190-22, Release of Unclassified Public Information to Foreign Nationals.

(b) The request to SAF/OI must include:

(1) A copy of the request from the nongovernment group and a copy or description of the material requested.

(2) The intended purpose for which the material is requested.

(3) If it is a request for support of any commercial advertising, publicity, or promotion activity, a statement that the use of any audiovisual material provided does not in any manner imply either Department of Defense or Air Force sponsorship, approval, or endorsement.

§ 837.8 Help in the production of nongovernment audiovisual material.

(a) All requests for Air Force help in the production of nongovernment audiovisual material must be submitted to SAF/OI, except:

(1) Requests for help in the production of audiovisual material for local use.

(2) Requests for help from news media representatives when the subject matter is of local interest only, or deals with spot news events that take place without prior planning or knowledge, and is releasable under existing regulations.

(3) Requests for help from commercial advertisers, when the help consists solely of advice or guidance.

(4) Requests for help from Air Force contractors when the help requested is directly related to the performance of contract requirements. Specifically restricted without SAF/OI approval is Air Force help to any contractor-sponsored photography outside the scope of the contract, even if the photography does not interfere with an official mission and is performed at no cost to the Government. Special arrangements to support contractor photography are prohibited.

(b) Any Air Force unit or personnel contacted by a representative of a nongovernment group for help in producing information audiovisual materials that have potential impact outside the local area must refer that representative to SAF/OI.

(1) Advise the representative that his or her request to SAF/OI must include this information:

(i) A synopsis, treatment, or script of the proposed project.

(ii) Anticipated specific support requirements; for example, military manpower, equipment, stock footage, flying hours, etc.

(iii) A projected production schedule, including filming dates and location work at each proposed facility.

(iv) A statement that the requested equipment and personnel services cannot be obtained from commercial or private enterprises.

(v) A statement that the required "hold harmless" agreement and the certificate of insurance will be provided to the Air Force representative before location photography on an Air Force facility.

(vi) A statement that the requestor owns, or has the authority to submit, the material, to SAF/OI for production assistance.

(2) Advise the representative that SAF/OI considers these general conditions in its decision on approval;

(i) The potential benefit to the Air Force, the DOD, or the Nation offered by the proposed production.

(ii) Historical accuracy and authenticity of portrayal of Air Force operations, incidents, persons, and places.

(iii) Compliance with accepted standards of dignity and propriety.

(iv) The degree of interference with Air Force operations.

NOTE.—Operational readiness must not be impaired.

(v) Conformance to Air Force safety standards. This may require the production company to use military personnel as special equipment operators or in specialized duty stations.

(vi) Diversion of equipment, personnel, and material resources from normal Air Force locations and operations. This may be authorized only when the filming or recording cannot be done without it. Such diversions must be held to a minimum and must not interfere with military operations; and the production company must reimburse the Government for any expenses that result from the diversion. Special arrangements to support contractor photography are prohibited (see paragraph (a)(4) of this section).

§ 837.9 Participation in nongovernment information events.

(a) Submit to SAF/OI all requests for Air Force participation in programs, projects, or events of other than local interest sponsored by a nongovernment group. This includes, but is not limited to, contractor-sponsored events such as the public introduction of new items, rollouts, first flights, first Air Force acceptance, dedication of new facilities, anniversaries, and open houses.

(b) Specific restrictions: (1) Participation must not directly or indirectly help or appear to help any private individual, commercial venture, sect, or political or fraternal group. The participation must not be associated with the solicitation of votes in an election.

(2) Participation cannot help commercial advertising, publicity, or promotional activities, or events that help or favor a commercial venture.

(c) Exceptions to this section are authorized only to the extent and in the manner provided by part 824 of this chapter.

§ 837.10 Reimbursement.

(a) Nongovernment groups engaged in producing audiovisual projects for use as news, as differentiated from

documentary or other types of projects, do not have to pay for Air Force stock film or photographs or location photography on Air Force facilities.

(b) All other audiovisual producers must pay standard research fees and any other costs associated with providing Air Force stock film or photographs.

(c) Photography of static Air Force equipment for audiovisual productions determined by SAF/OI as complying with § 837.8(b)(2) are at no cost to the production company. Static photography for productions that do not meet those criteria, if approved, are at the nongovernment user's cost.

(d) Productions that comply with § 837.8(b)(2) are charged for consumables used in the production, including fuel costs per flying hour and replacement costs for such items as blank ammunition, flares, etc. Support of productions that do not meet those criteria, if approved, is at the full nongovernment user rate.

(e) The Air Force organization owning the resources expended or the equipment involved presents its bill(s) to the production company through the Air Force project officer, with a copy to SAF/OI.

§ 837.11 Pay for Air Force personnel.

All Air Force personnel appearing in nonnews audiovisual productions are in a volunteer status. Their on- or off-duty status requirements are based on the nature of their appearances.

(a) If the personnel are performing their normal duties, and would perform them regardless of whether the audiovisual production depicted them, the personnel are on duty and may not legally receive remuneration from the production.

(b) If the personnel are not performing their normal duties, they are in an off-duty status and remuneration for their services may be negotiated between them and the production company.

(c) The production company bears directly the costs of travel and per diem for Air Force personnel engaged in any nongovernment audiovisual production; or else their parent organization bills the production company at prevailing military or Government civilian rates (as applicable) through the Air Force project officer, with a copy to SAF/OI.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer.

[FR Doc. 78-22331 Filed 8-9-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-47]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Buffalo, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a special anchorage area at Buffalo, N.Y. This regulation is needed because of the large increase of pleasure craft utilizing this area. Establishing this special anchorage area will provide space for approximately 80 vessels, less than 65 feet in length, to safely anchor without having to display anchor lights.

EFFECTIVE DATE: This amendment is effective on September 9, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On December 5, 1977, the Coast Guard published a proposed rule (42 FR 61474), concerning this amendment. Interested persons were given until January 4, 1978, to submit comments. No comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Lt. Cmdr. H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Lt. G. S. Karavitis, Project Attorney, Office of Chief Counsel.

DISCUSSION

The proposed rule suggested that part 110 of title 33 of the Code of Federal Regulations be amended by adding § 110.57. In order to place this amendment in a more logical sequence of existing rules the final rule has been changed to amend part 110 of title 33 of the Code of Federal Regulations by adding § 110.84a. The proposed rule is further changed by establishing the point of origin using latitude and longitude in lieu of the Harbormaster's Tower because the tower is not shown on the chart of Buffalo Harbor (14833).

In consideration of the foregoing, part 110 of title 33 is amended by adding § 110.84a to read as follows:

§ 110.84a Buffalo, N.Y.

The area within the Port of Buffalo known as Port of Buffalo Small Boat Harbor commencing at a point on shore at latitude 42°51'05" N., longitude 78°51'55" W.; thence 240° to riprap dike thence following the dike to the shoreline; thence along the shoreline to the point of origin.

NOTE.—Permission must be obtained from the Niagara Frontier Transportation Authority, Marine Division, before any vessel is moored or anchored in this special anchorage area.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2).)

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

Dated: August 3, 1978.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 78-22336 Filed 8-9-78; 8:45 am]

[3710-92]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1110-2-1451]

PART 222—ENGINEERING AND DESIGN

Acquisition of Lands Downstream From Spillways For Hydrologic Safety Purposes

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This document provides guidance and sets forth the requirements for the acquisition of lands downstream from reservoir spillways where project construction would induce hazards to human life if and when the spillway becomes operational. In the past, upon completion of reservoir projects, private development has occurred in these areas, thereby creating unsafe conditions. Acquiring these lands will provide adequate protection to the public from hazards imposed by spillway discharges.

EFFECTIVE DATE: August 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Vernon K. Hagen, Chief, Hydrologic Engineering Section, Office, Chief of Engineers, Washington, D.C. 20314, 202-693-7330.

Accordingly, 33 CFR part 222 is amended by adding a new § 222.4 as follows.

§ 222.4 Acquisition of lands downstream from spillways for hydrologic safety purposes.

(a) *Purpose.* This regulation provides guidance on the acquisition of lands downstream from spillways for the purpose of protecting the public from hazards imposed by spillway discharges. Guidance contained herein is in addition to ER 405-2-150.

(b) *Applicability.* This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

(c) *Reference.* ER 405-2-150.

(d) *Discussion.* A policy of public safety awareness will be adhered to in all phases of design and operation of dam and lake projects to assure adequate security for the general public in areas downstream from spillways. A real estate interest will be required in those areas downstream of a spillway where spillway discharge could create or significantly increase a hazardous condition. The real estate interest will extend downstream to where the spillway discharge would not significantly increase hazards. A real estate interest is not required in areas where flood conditions would clearly be nonhazardous.

(e) *Hydrologic criteria.* The construction and operation of a dam and spillway may create or aggravate a potential hazard in the spillway discharge area. Therefore, an appropriate solution should be developed in a systematic manner. All pertinent facts need to be considered to assure that the risk to non-Federal interests does not exceed conditions that would prevail without the project. General hydrologic engineering considerations are as follows:

(1) *Probability of spillway use.* Pool elevation versus probability of filling relationships can change materially after initial construction. Spillway use may be more frequent than anticipated. The infrequent use of a spillway is not a basis for the lack of adequate downstream real estate interest.

(2) *Changes in project functions.* Water resource needs within river basins change and pool levels may be adjusted to provide more conservation storage, particularly when high-level limited-service spillways are provided. Such changes normally increase spillway use and are to be considered.

(3) *Volume and velocity of spillway flow.* The amount of flow and destructive force of the flow from a spillway during floods up to the spillway design flood can vary from insignificant to extremely hazardous magnitudes. The severity and area of hazard associated with spillway discharge will vary depending on specific project site conditions. Therefore, the hazard is to be analyzed on a project-by-project basis.

(4) *Development within floodway.* If development within the floodway downstream from a spillway is not present at the time of project construction, the existence of the reservoir may encourage development. Adverse terrain conditions do not preclude development. Sparse present development is not a basis for lack of real estate acquisition.

(5) *Debris movement within floodway.* The availability of erodible material in a spillway flow area intensifies the hazards of spillway flow. In fact, debris may be transported to downstream areas that otherwise would not be adversely affected. Extreme erosion may result from high velocities and turbulence. Both debris and erosion must be evaluated and considered.

(6) *Flood warning and response potential.* Small projects generally have short time periods available to warn downstream inhabitants and may be unattended prior to spillway use. The ability to convince individuals to leave most of their worldly possessions to the ravages of spillway flow may be severely limited. In some cases flood warning systems may be necessary; however, this subject is beyond the scope of this regulation. Warning systems are not an adequate substitute for a real estate interest in lands downstream of spillways.

(7) *Location of spillway.* Spillways should be located to minimize the hazards associated with their discharge and the total project cost (cost of spillway structure and downstream lands). Spillways, outlet works, stilling basins, and outlet channels should be designed to minimize hazards to downstream interest insofar as is engineeringly and economically reasonable.

(f) *Real estate.* The real estate interest required downstream of spillways will be adequate to assure carrying out project purposes and to protect non-Federal interest from hazards created by spillway flows. The interest may be either fee or permanent easement. A permanent easement must exclude all overnight and/or permanent habitation, structures subject to damage by spillway flows and activities that would increase the potential hazards. No real estate interest is required for:

(1) Areas where the imposed or aggravated flood condition is non-hazardous. Affected interest should be informed of the nature of the imposed non-hazardous flood condition.

(2) Areas where the construction and operation of a dam and spillway do not increase or create a hazardous condition.

(g) *Alternative land uses.* In some cases land downstream from spillways can be effectively used for purposes other than hydrologic safety. Therefore, the entire cost of these lands may not be an additional project cost. For example, the lands downstream of a spillway may be used for wildlife management essential to project purposes in lieu of other lands suitable for similar purposes at another location.

(h) *Procedural guidance.* Procedures regarding the application of the principles outlined in the above paragraphs are as follows:

(1) For various flood magnitudes up to the probable maximum flood determine the "with" and "without project" flood conditions downstream of a dam spillway for the following:

(i) Flooded area.

(ii) Flood depth.

(iii) Flood duration.

(iv) Velocities.

(v) Debris and erosion.

(2) Determine the combinations of flood magnitudes and the above flood conditions that could be the most hazardous and/or result in the greatest increase in hazard from "without" to "with project" flood conditions. Designate these combinations of flood magnitude and flood conditions as the critical conditions.

(3) For the critical conditions selected above outline the areas where the project could increase and/or create (impose) one or more of the critical conditions. Areas where spillway flows do not create or increase flood conditions are excluded from further analysis.

(4) Determine where the imposed critical conditions as outlined above would be hazardous and non-hazardous. Non-hazardous areas are defined as those areas where:

(i) Flood depths are maximum of 2 feet in urban and rural areas.

(ii) Flood depths are essentially nondamaging to urban property.

(iii) Flood durations are a maximum of 3 hours in urban areas and 24 hours in agricultural areas.

(iv) Velocities do not exceed 4 feet per second.

(v) Debris and erosion potentials are minimal.

(vi) Imposed flood conditions would be infrequent. That is, the exceedence frequency should be less than 1 percent. Hazardous areas are those where any of the above criteria are exceeded.

(5) Based upon the information developed above and the principles outlined in paragraphs (c) through (f) of this section, decide on the extent of area and estate required for hydrologic safety purposes.

(i) *Reporting.* Lands to be acquired downstream from spillways and intended purposes will be identified and the cost included in feasibility reports and real estate design memoranda. Additional specific information in support of land acquisition should be provided in Phase I or Phase II general

design memoranda (GDM) and dam modernization reports. This information should include topographic maps, area flooded maps, velocities, erosion and debris areas "with" and "without" the project. Real estate boundaries and discussions of items in paragraph (4) are also essential in the GDM's and dam modernization reports.

(Act of Congress approved March 1, 1917, (33 U.S.C. 701) and section 2 of the act of Congress approved June 28, 1938 as amended (33 U.S.C. 701c-1).)

Dated: August 7, 1978.

THORWALD R. PETERSON,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

[FR Doc. 78-22334 Filed 8-9-78; 8:45 am]

[4310-70]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Grand Teton National Park; Food Storage

AGENCY: National Park Service.

ACTION: Final rule.

SUMMARY: This regulation restricts food storage on federally owned lands within Grand Teton National Park. Controls are necessary to reduce the amount of property damage experienced by visitors, to insure visitor safety, and to eliminate the artificial food sources available to the native bear population. The extensive availability of human-supplied food has altered the behavior, distribution, and foraging habits of the bears and resulted in increased conflicts between man and bear.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert I. Kerr, Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, Wyo. 83012.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The purpose of this regulation is to restrict the manner in which food or similar organic materials may be stored. These restrictions will reduce the availability of artificial food sources to free-roaming black and grizzly bears. Experience has shown that black and grizzly bear behavior, distribution, and foraging habits are modified by large concentrations of easily available human food sources. Repeated successful access to human food establishes a food-reward association between man and bear. This association has resulted in personal injuries and thousands of dollars in property damage. Present and past artificial food associations have resulted in segments of the black bear population losing their fear of man and entering campsites and cars in search of food. While there have been no reported conflicts between park visitors and grizzly bears, this regulation is designed to reduce the possibility of human/grizzly bear conflicts developing as a result of food associations.

Regulations similar to this one have been promulgated by a number of parks which have experienced difficulties with bears or other wildlife attracted to campgrounds by food. These regulations, when proposed, did not result in a significant degree of public comment and have been generally well received by park visitors who are affected by the restrictions.

In view of the fact that the summer travel season has begun and there have already been several encounters between visitors and bears resulting in property damage. It is deemed unnecessary and impractical to provide a notice of proposed rulemaking on this action or to delay its effective date for 30 days after this publication. However, interested persons who wish to make comments or suggestions on these regulations may do so by writing to the park superintendent. All comments received will be reviewed to determine if revision of these regulations is necessary.

AUTHORITY

Section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); section 2 of the act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431); a proclamation (No. 658) of September 24, 1906 (34 Stat. 3236); 245 DM-1 (34 FR 13879), as amended; NPS order No. 77 (38 FR 7478).

DRAFTING INFORMATION

The primary author of this regulation is Michael Finley, Division of Ranger Activities and Protection, Washington, D.C.

IMPACT ANALYSIS

The National Park Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107; nor is it a major Federal action significantly affecting the quality of the human environment, which would require preparation of an environmental impact statement.

Dated: August 7, 1978.

ROBERT STANTON,
Acting Associate Director,
National Park Service.

In consideration of the foregoing, § 7.22 of Part 7 of Title 36, Code of Federal Regulations, is amended by the addition of a new paragraph (j) as follows:

§ 7.22 Grand Teton National Park.

* * * * * *

(j) *Food storage.* At all campsites, picnic grounds and parking areas, food or similar organic material must be either: (1) Sealed in a vehicle or camping unit that is constructed of solid, nonpliable material; or (2) suspended at least ten (10) feet above the ground and four (4) feet horizontally from any support, tree trunk, or branch and at least 150 feet from any campsite. This restriction does not apply to food that is in the process of being transported, being eaten or is being prepared for eating.

[FR Doc. 78-22307 Filed 8-9-78; 8:45 am]

[3510-16]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Late Filed fees for Section 8 Affidavits/Declarations and Notices of Opposition in Trademark Cases

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: This notice adopts rule changes which permit the acceptance of late fees in connection with notices of opposition and affidavits or declarations under § 8 of the act of July 5, 1946, as amended. These changes eliminate the need for petitioning the Commissioner for acceptance of such late fees. Under these changed rules, the Office will notify parties of the missing or deficient fees and provide for the acceptance of the appropriate fee within a designated time period upon payment of a service charge.

EFFECTIVE DATE: September 11, 1978.

FOR FURTHER INFORMATION CONTACT:

J. Paul Williamson, Patent and Trademark Office, 703-557-2521.

SUPPLEMENTARY INFORMATION: On February 2, 1978, the Patent and Trademark Office published for comments a proposal (43 FR 4441, FR Doc. 78-2922) to revise §§ 2.1, 2.6, 2.101 and 2.162 of title 37 of the Code of Federal Regulations. Ten written comments were received in connection with the proposed changes and these written comments, together with an analysis of the comments, are available for public inspection in room 11E10 of Crystal Plaza Building 3, 2021 Jefferson Davis Highway, Arlington, Va. All comments were given careful consideration in the preparation of these final rules.

The only comment received which opposed the proposed rulemaking expressed the opinion that timely payment of a fee for at least one class was mandated by the statute in connection with an affidavit or declaration under § 8 and with an opposition.

Section 31 of the statute sets the required fees for the majority of activities in the Trademark Operation. However, it was held in "In re Kleiner," 185 USPQ 362 (Comr. Pat. 1975) that this section of the statute does not preclude the payment of a fee beyond the time allowed for filing a § 8 affidavit or declaration. Section 31 is not construed to require the "timely" filing of any fee. That section only determines the amount of the fee which must be paid. When the necessary fee must be paid is determined from other sections of the statute, that is, the particular sections dealing with the activity for which a fee is required.

Section 8 of the statute makes no reference to a fee and therefore there is no statutory mandate regarding the timeliness of such fee. Likewise, § 13 of the Statute does not preclude the payment of the required fee beyond the time allowed for filing the opposition. See "Colgate-Palmolive Co. v. Brenner, Comr. of Pats.", 148 USPQ 535 (S.D.N.Y. 1965) and "Marzall, Comr. of Pats. v. Libby, McNeill and Libby," 89 USPQ 10 (D.C. Cir. 1951).

Finally, the comment opposing the rules changes expressed the concern that these changes may increase the administrative burden on the Patent Trademark Office and, in a sense, encourage inattention to compliance with the act and the rules by some parties. With respect to the administrative burden on this Office, it is believed that the new procedures can be handled more efficiently and with less burden on the Office than the petition process now requires. Furthermore, as indicated in the proposed rules notice, the handling of such fees is considered to be of a ministerial nature and it is not believed that substantive rights should be immediately denied due to a failure to comply with a requirement of that nature. However, where the proposed procedure is not complied with, relief by way of petition to the Commissioner will require that the stringent standards of § 2.148 be satisfied.

One of the comments favoring the proposed changes also recommended that § 2.85(e) be amended to delete reference to the § 8 and opposition fees and to incorporate the concept of that rule into §§ 2.101 and 2.162. The basis of this suggestion was that the concept of § 2.85(e) does not logically fit with the other elements of § 2.85 and since changes are being made with §§ 2.101 and 2.162, it would make better sense to add this concept to those rules. While there is merit to the suggestion that the concept of § 2.85(e) does not logically fit with the other elements of § 2.85, it is believed that attorneys and other parties regularly practicing before this Office are now well aware of § 2.85(e). In those cases where parties are not aware of § 2.85(e), the Office notification of a deficiency of fees for the number of classes involved sufficiently alerts parties such that no prejudice results from the "location" of the concept within the rules themselves. Therefore, rather than trying to embody the concept in five different rules covering fees for appeals, oppositions, cancellations, renewals and § 8 affidavits or declarations, it is considered more efficient to leave § 2.85(e) as is. However, the suggestion of this commenter that the revision to § 2.1 should include a reference to § 2.85(e) is valid and that change has been incorporated into the final rule.

Accordingly, pursuant to the authority contained in §§ 31(b) and 41 of the act of July 5, 1946, as amended, the proposed amendments to the rules of practice, with the change noted above, are adopted as set forth below.

1. By revising § 2.1 to read as follows:

§ 2.1 Sections of Part 1 applicable.

Sections 1.1. to 1.26 of this chapter are applicable to trademark cases except such parts thereof which specifically refer to patents and except § 1.22 to the extent that it is inconsistent with §§ 2.85(e), 2.101(c) or 2.162(d). Other sections of part 1 incorporated by reference or referred to in particular sections of this part are also applicable to trademark cases.

2. By the addition of new paragraph (g) to § 2.6 to read as follows:

§ 2.6 Trademark fees.

* * * * *

(g) For the special service of handling late filed fees in connection with an:

Affidavit or declaration under § 8	10.00
Opposition	25.00

* * * * *

3. By the addition of new paragraph (c) to § 2.101 to read as follows:

§ 2.101 Filing an opposition.

* * * * *

(c) If no fee, or a fee insufficient to cover at least one class, is filed within 30 days after publication of the mark to be opposed or within an extension of the time for filing an opposition, the opposition will not be refused if the required fee(s) and service charge (see § 2.6(g)) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office. In situations covered by this paragraph, § 2.85(e) may not be utilized.

4. By revising paragraph (d) of § 2.162 to read as follows:

§ 2.162 Requirements for affidavit or declaration during sixth year.

* * * * *

(d) Include the required fee for each class to which the affidavit or declaration pertains in the registration. If no fee, or a fee insufficient to cover at least one class, is filed before the expiration of the sixth year following the date of registration or of publication under § 12(c) of the act, the affidavit or declaration will not be refused if the required fee(s) and service charge (see § 2.6(g)) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office. In situations where a notice of deficiency is sent because no fee, or a fee insufficient to cover at least one class, is filed, § 2.85(e) may not be utilized. If insufficient fees are included to cover all classes in the registration, the particular class or classes to which the affidavit or declaration pertains should be specified;

* * * * *

Dated: July 28, 1978.

DONALD W. BANNER,
Commissioner of Patents and Trademarks.

Approved:

FRANCIS W. WOLEK,
Acting Assistant Secretary for Science and Technology.

[FR Doc. 78-22330 Filed 8-9-78; 8:45 am]

[6820-22]

Title 41—Public Contracts and Property Management

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-69]

PART 101-17—ASSIGNMENT AND UTILIZATION OF SPACE

Definition of Terms

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: GSA is revising the definition of two terms and providing new definitions for three terms concerning space in public buildings. These changes are necessary to ensure nationwide uniformity in the use of the terms and better understanding of their relationships to GSA-assigned space.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Whitlock, Director, Space Management Division, Office of Space Planning and Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1875.

The table of contents for part 101-17 is amended by the addition of the following new entries:

Sec.
101-17.003-30 Circulation factor.
101-17.003-31 Layout factor.
101-17.003-32 Space allocation standards.

1. Section 101-17.003-11 is revised as follows:

§ 101-17.003-11 Work station.

"Work station" means the furniture, equipment, and immediate area generally required by one worker. A multiple occupancy work station is considered a single work station. Two physically separate areas used by a single worker are considered two work stations. Support equipment and supply areas used by more than one worker are not considered work stations.

2. Section 101-17.003-27 is revised as follows:

§ 101-17.003-27 Occupiable area.

"Occupiable area" means that portion of the gross area which is available for use by an occupant's personnel or furnishings, including space which is available jointly to the various occupants of the building, such as auditoriums, health units, and snack bars. Occupiable area does not include that space in the building which is devoted to its operations and maintenance, including craft shops, gear rooms, and building supply storage and issue rooms. Nonpermanent ceiling-high corridors solely serving a single space assignment and permanent corridors restricted for the security purposes of a single space assignment are occupiable. Occupiable area is computed by measuring from the occupant's side of ceiling-high corridor partitions or partitions enclosing mechanical, toilet, and/or custodial space to the inside finish of permanent exterior building walls or to the face of the convector if the convector occupies at least 50 percent of the length of the exterior wall. When computing occupiable area separated by partitions, measurements are taken from the center line of such partitions.

3. Sections 101-17.003-30, 101-17.003-31, and 101-17.003-32 are added as follows:

§ 101-17.003-30 Circulation factor.

"Circulation factor" means an allowance to enable movement within occupiable space which may be added by GSA to space requests depending on agency functions and anticipated or actual physical variations in buildings. In practice, the actual circulation factors may vary depending on:

(a) Bay and floor size;

(b) Shape and symmetry of the space;

(c) Building core size and location;

(d) Column spacing, chases, and building projections; and

(e) Location of fixed corridors and fire aisles.

§ 101-17.003-31 Layout factor.

"Layout factor" means an allowance to enable efficient location of equipment and work station components within occupiable space which may be added by GSA to space requests depending on the use of existing and/or proposed furniture, various layout techniques, and anticipated or actual physical variations in buildings. In practice, actual layout factors may depend on:

(a) Furniture type, size, and interchangeability and the extent to which they can be logically and efficiently linked;

(b) The type of layout techniques to be employed by the planner/designer when it is finally drawn up; as well as

(c) The actual expertise of the planner/designer in performing the layout task and the time available to accomplish it.

§ 101-17.003-32 Space allocation standards.

"Space allocation standards" means agreements between GSA and an agency that are written in terms which permit nationwide application and are used:

(a) As a basis for establishing agency space requirements;

(b) To document variations from FPMR guidelines in determining agency space allocations; and

(c) To establish exceptions to general guidelines for GSA and agency responsibilities in initial space alteration funding.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: August 1, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 22329 Filed 8-9-78; 8:45 am]

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

UPDATING CODE OF FEDERAL REGULATIONS

Miscellaneous Amendments

AGENCY: Office of Education, HEW.

ACTION: Rule.

SUMMARY: This document amends the Code of Federal Regulations by deleting certain materials. The effect of the amendments will be to update the CFR for the Office of Education.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. A. Neal Shedd, Office of Education Regulations Officer, 202-245-7091.

SUPPLEMENTARY INFORMATION: The following materials in title 45 of the Code of Federal Regulations are deleted:

Part No. and Title

121j—Special programs for children with specific learning disabilities.
122—Grants to State or local programs for educational services for Indochinese refugee children.
122a—State administered programs—Grants to State educational agencies to provide educational services to Indochinese refugee children.
163 and 163a—Career education and career development programs.
166—Subpart G and H only—State adult education programs.
191—Subpart B only—Guidance and Counseling.

NOTE.—The U.S. Office of Education has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: July 6, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: August 4, 1978.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

[FR Doc. 78-22352 Filed 8-9-78; 8:45 am]

[1505-01]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-121; Amdt. Nos. 171-40, 172-44, 173-118, 174-31, 177-41, 178-48]

USE OF CERTAIN PACKAGINGS

Correction

In FR Doc. 78-20191, appearing at page 31138 in the issue of Thursday, July 20, 1978, the following changes should be made:

1. On page 31140, the last entry in the last column of the Hazardous Materials Table of § 172.101 should read, "Shade from radiant heat".

2. On page 31141, second column, the first word in the fourth line of the heading of § 173.247 should be separated into two words reading, "trifluoride acetic".

3. On page 31141, third column, the heading of § 173.245a should read, "§ 173.245a Corrosive liquids, n.o.s. shipped in bulk."

4. On page 31142, first column, the section designated "§ 173.302a" should be designated "§ 173.302".

5. On page 31142, the last line of the last entry in the third column of the table in § 173.304(a)(2) should read, "DOT-3E1800".

[2035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Docket No. 36725]

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

Revision To The Annual Report Forms For Class I and Class II Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Decision.

SUMMARY: The Interstate Commerce Commission has revised Railroad Annual Report Forms R-1 and R-2 beginning with the 1978 reporting year. New features of the revised annual reports include (1) introducing materiality reporting standards, (2) eliminating certain schedules, (3) requiring corporate disclosure information, and (4) aligning reporting requirements with generally accepted accounting principles (GAAP). The modifications are intended to reduce the carriers' reporting burden and to make the annual reports easier to use and complete.

EFFECTIVE DATES: The subject annual reports are effective for disclosing financial and operational results for the calendar year beginning January 1, 1978.

ADDRESS: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Mr. James B. Thomas, Jr., phone 202-275-7565.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking (notice) dated January 3, 1978 (43 FR 1376), the Commission announced that it had under consideration substantive revisions to Railroad Annual Report Forms R-1 (R-1) and R-2 (R-2). These report forms pertain to class I and class II railroads, respectively.

The major revisions to the report forms are detailed below:

1. *Materiality standards.* The reports will incorporate materiality standards in many schedules, which will permit certain data to be omitted. In the past, most schedules were required to be completed, regardless of the amount or significance of the financial disclosures. The materiality features will serve as instruments for eliminating disclosures of little importance or impact, thereby alleviating the carriers' reporting burden.

2. *Elimination of certain schedules.* Schedules determined to be of minor importance were either eliminated or consolidated with other schedules that were closely related. This will serve to reduce the railroads' reporting burden while also allowing us to receive more quality data.

3. *Corporate disclosures.* The reports contain seven schedules entitled "Annual Report on Corporate Ownership and Structure." This section requires that carriers disclose information on the corporate foundation, the affiliated groups of companies of which the railroads are members, debtholdings, and business transactions between related parties. These disclosures were mandated No. 36141, "Corporate Disclosure Regulations."

4. *Other modifications.* The reports contain several other new features which will improve the annual reporting for railroads. Foremost is that the reporting requirements for many items have been made comparable to those mandated by GAAP. Secondly, the schedules' instructions have been clarified and refined in many instances.

The Association of American Railroads, many railroads, and other interested parties responded to the notice. Their comments were considered and, in many cases, changes to the report forms were made as recommended.

Several significant modifications were effected in addition to the many editorial changes. Consolidated reporting requirements were dismissed at this time so that the complexities of such reporting can be studied further. The "Corporate Disclosure" schedules were revised to agree with the latest Commission findings in that proceeding (docket No. 36141). In addition, the "Corporate Disclosure" schedules were removed from the body of the annual report forms and structured into the Corporate Disclosure Supplement. However, the annual reports and Corporate Disclosure Supplement must both be filed by required railroads to satisfy Commission's annual reporting requirements. Lastly, the proposed schedules and references pertaining to financing and operating leases were revised to incorporate the provisions of FASB statement No. 13, "Accounting for Leases," which the Commission adopted in the decision in docket No. 36604, "Accounting for Leases," decided November 1, 1977 (42 FR 56610).

It is intended that the subject annual report forms become effective for disclosing class I and class II financial and operational results for the calendar year beginning January 1, 1978. Accordingly, part 1241, chapter X, title 49 of the Code of Federal Regulations is amended by revising, adding and eliminating certain schedules included in the annual report forms that are referenced in §§ 1241.11 and 1241.12.

Copies of the new report forms may be obtained by contacting: Interstate Commerce Commission, Bureau of Accounts, Room 6113, 12th and Constitution Avenue NW., Washington, D.C. 20423.

Decided July 18, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp (Commissioner Stafford not participating).

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

[FR Doc. 78-22385 Filed 8-9-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Opening of Sherburne National Wildlife Refuge, Minnesota to Public Hunting of Big Game

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

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

DATES: September 30, 1978 through December 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Route 2, Zimmerman, Minn. 55398, Phone 612-389-3323.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area, comprising 18,360 acres, is delineated on a map available at the refuge headquarters, route 2, Zimmerman, Minn. 55398, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

1. Boats, without motors, may be used on the St. Francis River only from designated river access sites.

2. Snowmobile operations are prohibited on the refuge except within the rights-of-way of county roads 4, 5, 9, 11, and 48.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

The public is invited to offer suggestions and comments at any time.

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

R.V. PAPIKE,
Refuge Manager.

JULY 31, 1978.

[FR Doc. 78-22279 Filed 8-9-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Sherburne National Wildlife Refuge, Minnesota to Public Hunting of Upland Game

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: September 16, 1978 through February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Route 2, Zimmerman, Minn. 55398, phone 612-389-3323.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ruffed grouse, pheasant, grey and fox squirrels, rabbits and hares on the Sherburne National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 18,360 acres, is delineated on a map available at refuge headquarters, Route 2, Zimmerman, Minn. 55398 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

1. All night hunting is prohibited.

2. Boats, without motors, may be used on the St. Francis River only from designated river access sites.

3. Snowmobile operations are prohibited on the refuge except within the rights-of-way of county roads 4, 5, 9, 11, and 48.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

The public is invited to offer suggestions and comments at any time.

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

R. V. PAPIKE,
Refuge Manager.

JULY 31, 1978

[FR Doc. 78-22280 Filed 8-9-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Quivira National Wildlife Refuge, Kansas, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: September 1, 1978, through January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Darling, Refuge Manager, Quivira National Wildlife Refuge, P.O. Box G. Stafford, Kansas 67578. A/C 316 486-2393

SUPPLEMENTARY INFORMATION: Hunting is permitted on the Quivira National Wildlife Refuge, Kansas, only on the areas designated by signs as being open to hunting. These areas comprising 7,990 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City Mi. 64116.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Hunting of ring-necked pheasants, bobwhite, squirrel and rabbits shall be in accordance with all applicable State regulations subject to the following conditions:

1. The use of rifles is prohibited for taking squirrel and rabbits.

2. The hunting of any species after sunset is prohibited.

3. The hunting of all upland game will close at the end of the ring-necked pheasant and/or bobwhite seasons.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

JULY 24, 1978.

[FR Doc. 78-22281 Filed 8-9-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Quivira National Wildlife Refuge, Kansas, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: September 1, 1978, through January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Darling, Refuge Manager, Quivira National Wildlife Refuge, P.O. Box G, Stafford, Kans. 67578. 316-486-2393.

SUPPLEMENTARY INFORMATION: Hunting is permitted on the Quivira National Wildlife Refuge, Kans., only on the areas designated by signs as being open to hunting. These areas comprising 7,990 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116.

§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Hunting of migratory waterfowl, mourning doves, snipe, rails, and woodcock shall be in accordance with all applicable State regulations subject to the following conditions:

1. Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

2. Dogs—not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JULY 24, 1978.

[FR Doc. 78-22282 Filed 8-9-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Bowdoin National Wildlife Refuge, Mont., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: Season dates will conform to State regulations which are still to be announced.

FOR FURTHER INFORMATION CONTACT:

Gene A. Sipe, Refuge Manager, Bowdoin National Wildlife Refuge, P.O. Box J, Malta, Mont. 59538, phone: 406-654-2863.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; hunting of migratory game birds; for individual wildlife refuge areas.

Hunting of migratory game birds is permitted on the Bowdoin National Wildlife Refuge, Mont., only on the areas designated by signs as being open to hunting. These areas comprising approximately 6,200 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colo. 80225. Hunting shall be in accordance with all applicable State regulations.

§ 32.22 Special regulations; hunting of upland game birds; for individual wildlife refuge areas.

Hunting of upland game birds is permitted on the Bowdoin National Wildlife Refuge, Mont., only on the areas designated by signs as being open to hunting. These areas comprising approximately 6,200 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colo. 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Hunting of all upland birds not permitted until opening of pheasant season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

GENE A. SIPE,
Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Mont.

AUGUST 2, 1978.

[FR Doc. 78-22333 Filed 8-9-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Kirwin National Wildlife Refuge, Kansas, to Dove Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: September 1, 1978, through October 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Keith S. Hansen, Kerwin, Kans. 67644, telephone: 913-646-2373.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Dove Hunting is permitted on the Kirwin National Wildlife Refuge, Kans., only on the areas designated by signs as being open to hunting. These areas comprising 3,700 acres are delineated on maps available at the refuge headquarters and from the office of the area manager, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116.

Dove hunting shall be in accordance with all applicable State regulations governing dove hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

Dated: May 19, 1978.

KEITH S. HANSEN,
Refuge Manager.

[FR Doc. 78-22335 Filed 8-9-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Cape Romain National Wildlife Refuge, South Carolina to Public Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

EFFECTIVE DATE: September 12 through October 28, 1978, except Sundays.

FOR FURTHER INFORMATION CONTACT:

George R. Garris, Refuge Manager, Cape Romain National Wildlife Refuge, Rt. 1, Box 191, Awendaw, S.C., telephone, 803-928-3368.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

Public hunting of rail on portions of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the area designated by signs as open to hunting. The open portion of the refuge consists of approximately 12,000 acres of marsh as delineated on a map which is available upon request from refuge headquarters and from the office of the area manager, U.S. Fish and Wildlife Service, Room 279, Federal Building, Asheville, N.C. 28801. Hunting will be in accordance with all applicable State and Federal regulations governing the hunting of rails and subject to the following special conditions on the refuge areas:

(1) Only the area designated by signs as open to hunting may be hunted. (Only rails may be hunted or taken).

(2) Only shotguns are allowed and they must be unloaded and either encased or broken down, except when in the designated hunting area. (Steel shot as required by Federal and State regulations in Charleston County, S.C., must be used.)

(3) Dogs are permitted only in the hunting area. (Dogs and weapons are not permitted on any of the islands outside the hunting area.)

(4) A special refuge permit is required and may be obtained from refuge headquarters, Monday through Friday (except holidays), from 9 a.m. to 4 p.m. Hunters may also obtain their permits through the mail by written request. (Be sure to include complete name and mailing address.)

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile, but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1978.

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

Dated: August 4, 1978.

WILLIAM C. HICKLING,
Area Manager.

[FR Doc. 78-22351 Filed 8-9-78; 8:45 am]

[3510-22]

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

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, AND YELLOWTAIL FLOUNDER)

Fisheries Closure

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of closure.

SUMMARY: This notice announces the closure of all commercial cod fishing in the Gulf of Maine for the remainder of 1978. This action is being taken because commercial vessels have exceeded the annual quota of 8,000 metric tons.

EFFECTIVE DATE: 0001 hours, August 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Assistant Administrator for fisheries announced a closure of the commercial cod fishery in the Gulf of Maine for two vessel classes on July 27, 1978 (43 FR 32427) because those vessel classes had exceeded their respective allocations of cod. That closure became effective on August 5, 1978. Statistical information now available shows that the total annual quota of cod (8,000 metric tons) available to commercial fishermen has been exceeded. The precise catch by vessel class is shown in table I below:

TABLE I.—*Vessel class allocation and catch of cod, Jan. 1, to July 31, 1978*

[Cod 5Y—8,000 mt]

Vessel class	0-60	61-125	Over 125	Fixed gear	Total
Taken 1st quarter	988	540	156	426	2,110
Taken 2d quarter	1,692	1,223	198	1,935	5,048
Taken 3d quarter	558	213	43	516	1,330
Total	3,238	1,976	397	2,877	8,488
Annual quota	3,403	1,515	589	2,493	8,000
Left for year	165	(—461)	192	(—384)	(—488)

It is believed that fishermen operating the small (0–60 gross registered tons) vessels in the Gulf of Maine will catch the 165-ton allocation which remained for that vessel class by August 16, 1978. It is unlikely, however, that fishermen operating the largest vessel class (126 gross registered tons and over) will catch their allocation. Nevertheless, the total commercial catch of cod in the Gulf of Maine exceeds the annual quota of 8,000 tons; therefore, that fishery will be closed to all vessel classes.

During such time as the commercial cod fishery in the Gulf of Maine is closed, no person or commercial vessel shall catch, retain, or land cod from the Gulf of Maine.

Fishermen are advised that the term "catch" means to capture or to snare (as to hook, trap, or net). While it is not unlawful to set gear which is capable of catching cod, if any cod are inadvertently caught, the fisherman will be in violation of the regulations if he is using groundfish gear as described in 50 CFR 651.7(a). If a vessel is not in the groundfish fishery and is using small mesh gear, then a 1 percent incidental catch of cod is allowed by the regulations (see § 651.7(b)). Fishermen are further reminded that it is unlawful to discard any cod, haddock, or yellowtail flounder.

This closure is announced pursuant to 50 CFR 651.9 for the third and fourth quarters of the 1978 fishing season. Press releases and other communications concerning the closure will be made to insure that all affected fishermen are informed of it.

Signed at Washington, D.C., this 7th day of August 1978.

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

[FR Doc. 78-22341 Filed 8-9-78; 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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

[Docket No. AO-14-A57]

MILK IN THE NEW ENGLAND MARKETING AREA

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: AGRICULTURAL Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to a proposed rule.

SUMMARY: This notice extends the time for filing exceptions to the July 14, 1978, recommended decision concerning a proposed amended order regulating the handling of milk in the New England marketing area. Two cooperative associations requested the additional time to complete an analysis of the decision.

DATE: Exceptions are now due on or before August 18, 1978.

ADDRESS: Exceptions (four copies) should be filed with the hearing clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: notice of hearing, issued January 18, 1978, published January 23, 1978 (43 FR 3127). Recommended decision, issued July 14, 1978, published July 20, 1978 (43 FR 31146).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision concerning proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New England marketing area is hereby extended to August 18, 1978.

This notice is issued pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: August 4, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-22306 Filed 8-9-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PSDR-45C, Docket No. 30123; Dated: August 4, 1978]

STATEMENTS OF GENERAL POLICY

Termination of Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking in docket 30123; PSDR-45.

SUMMARY: The Civil Aeronautics Board is terminating a rulemaking proceeding involving the delineation of standards for determining route case hearing priorities. This action is being taken on the Board's initiative, to formally close this proceeding.

DATES: Adopted August 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert G. Cook, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5352.

SUPPLEMENTAL INFORMATION: In PSDR-45, November 26, 1976, docket 30123 (41 FR 52698, December 1, 1976), the Board proposed to amend part 399 of the regulations so as to delineate standards for determining priorities of hearing competing applications for operating authority.

The Board has determined that the backlog of route work at the case institution stage has been reduced to the point where there is no need for the development of formal priority-of-hearing standards.

Because the underlying basis for PSDR-45 no longer exists, the Board is formally terminating this proceeding.

Accordingly, the Civil Aeronautics Board terminates the proceeding in docket 30123; PSDR-45.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-22347 Filed 8-9-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 250, 256]

[Release No. 35-20655; File No. S7-741]

UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL AND SUBSIDIARY SERVICE COMPANIES

Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: The Commission is extending the period for comment on its proposed amendments to the uniform system of accounts for mutual and subsidiary service companies to October 2, 1978.

In the FEDERAL REGISTER of May 25, 1978 (43 FR 22379), the Commission published for comment proposed amendments to the uniform system of accounts for mutual and subsidiary service companies ("uniform system of accounts") pursuant to sections 13, 15, and 20(a) of the Public Utility Holding Company Act of 1935. The proposal would also amend rule 93 to require service companies to keep their accounts and records in accordance with the proposed amendments to the uniform system of accounts. Adoption of this proposal would require the service companies to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and facilitate the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation to be paid for use of capital.

The time for submitting comments on this matter expired August 1, 1978. However, the Commission has received a request for additional time within which to submit such comments.

DATES: Comments must be received on or before October 2, 1978. Proposed

effective date: Not later than January 1, 1979.

ADDRESS: Comments should refer to File S7-741 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Leon C. Rubin, 202-523-5677 or Robert P. Wason, 202-523-5685, Division of Corporate Regulation, 500 North Capitol Street, Washington, D.C. 20549.

Accordingly, the comment period has been extended to October 2, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 2, 1978.

[FR Doc. 78-22274 Filed 8-9-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 646]

[FHWA Docket No. 78-13]

RAILROAD-HIGHWAY PROJECTS

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Transportation, Federal Highway Administration (FHWA) is considering the development of uniform nationwide criteria for the selection of various types of traffic controls systems to be installed at railroad-highway grade crossings

DATES: Written comments must be received by October 16, 1978. Comments received after that date will be considered to the extent practicable

ADDRESS: Submit written comments (preferably in triplicate) to Federal Highway Administration, FHWA docket No. 78-13, Room 4205 (HCC-10) 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

James A Carney, Office of Engineering, 202-426-0104; or Virginia Cherwek, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

BACKGROUND

There are approximately 220,000 public railroad-highway grade crossings in the United States, 50,000 of which are equipped with active warning devices. Car-train collisions account for approximately 12,000 accidents and 1,000 fatalities annually at these crossings. These figures result in a ratio of one fatality per 12 accidents compared to a ratio of one fatality per 278 accidents for all other types of highway accidents. As a result of the recent review of FHWA's grade crossing safety program, the General Accounting Office charged FHWA with failure to establish standards designed to provide motorists a sufficient level of protection at grade crossings.

The Manual on Uniform Traffic Control Devices (MUTCD) [1] is the national standard for signing and marking of all public highways, including approaches to railroad-highway grade crossings. Part VIII of the MUTCD prescribes the national standards for traffic control systems at grade crossings. The MUTCD requires as a minimum, the installation of reflectorized crossbucks, advance warning signs, and pavement markings on paved surfaces as prescribes in the manual. Criteria for the installation of other types of traffic control systems are not set forth in the MUTCD. However, the FHWA prescribes the use of automatic gates with flashing lights under certain conditions when a Federal-aid highway project is involved (23 CFR 646.214 (b)(3)).

Over the years there have been discussions concerning the need for the development of uniform criteria to be used nationwide for the installation of traffic control systems at grade crossings. The principal reasons for issuing this advance notice are: First, to announce that the FHWA is considering the development of uniform criteria for the several types of traffic control systems at grade crossings; and second, to provide the interested public an opportunity to comment.

The contemplated uniform criteria would set forth the general conditions where the various types of warning devices such as flashing lights or automatic gates would be appropriate. Generally, where these devices are not appropriate other means of reducing grade crossings hazards should be considered such as grade separations, railroad-highway relocations or crossing closure. This advance notice of proposed rulemaking does not specifically address these latter types of improvements.

Interested persons are invited to comment specifically in regard to the following areas:

1. Should the Federal Highway Administration in cooperation with the Federal Railroad Administration develop uniform criteria for the selection of highway traffic control systems at railroad-highway grade crossings?

2. What specific factors and conditions should be considered for the several types of warning devices used at grade crossing?

3. Any other pertinent comments concerning the development of criteria for the installation of traffic control systems at railroad-highway grade crossings.

Those desiring to comment on this advance notice of proposed rulemaking are asked to submit their views, data, and arguments in writing. All communications received will be considered before any proposal for rulemaking action is undertaken. Comments will be available for public inspection both before and after the closing date at the above address. If FHWA is to proceed with establishing uniform criteria for traffic control systems at grade crossings after considering available data and comments received in response to this advance notice, a notice of proposed rulemaking will be issued.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

(23 U.S.C. 315 and 49 CFR 1.48 (b).)

Issued on: July 26, 1978.

H. A. LINDBERG,
Associate Administrator for Engineering and Traffic Operations.

[FR Doc. 78-22278 Filed 8-9-78; 8:45 a.m.]

[1] The Manual on Uniform Traffic Control Devices (Stock No. 5001-00021) may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4360]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Davis, Yolo 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 Davis, Yolo 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).

DATE: 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.

ADDRESS: 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 Department of Public Works, City Hall, 226 F Street, Davis, Calif. Send comments to: Mr. Howard Reese, City Manager, City of Davis, City Hall, 226 F Street, Davis, Calif. 95616.

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 Davis, 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
Covell Drain.....	F St.—100 ft*.....	43
	Oak Ave.—50 ft*.....	45
	Anderson Rd.—100 ft*....	47
Shallow Flooding..	Intersection of B and 11th Sts.	41
	Intersection of E. 14th and B Sts.	41
	Intersection of H and 10th Sts.	41
	Intersection of Alvarado Ave. and Fortuna Ct.	47

* 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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22060 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4361]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Orange 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 Orange 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.

ADDRESS: 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 Environmental Management Agency, 400 Civic Center Drive, West, Santa Ana, Calif. Send comments to: Mr. H. G. Osborne, Director, Environmental Management Agency, Orange County, P.O. Box 4048, Santa Ana, Calif. 92702.

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 Orange 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
Santa Ana River....	Imperial Hwy*.....	283
	Confluence with Weir Canyon.	330
	Confluence with Bee Canyon.	364
	Confluence with Coal Canyon.	409
(Lower) Santiago Creek.	Southern Pacific Railroad-25 ft**.	274
	Santiago Canyon Rd.*....	308
	Loma St.*.....	360
(Upper) Santiago Creek.	Confluence with Silverado Canyon.	905
	Santiago Canyon Rd.*....	975
	Confluence with Williams Canyon.	1,118
	Confluence with Modjeska Canyon.	1,214
Modjeska Canyon.	Santiago Canyon Rd.*....	1,214
	Downtown crossing of Modjeska Canyon Rd.*.	1,271
	Upstream crossing of Modjeska Canyon Rd.*.	1,314
	Kommers Lane-50 ft downstream of centerline.	1,334
	Kommers Lane-25 ft**....	1,339

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Handy Creek	Orange Park Blvd.-30 ft**.	433
	Meads Ave.*	449
	Newport Blvd.-80 ft**	510
Silverado Canyon	Star Canyon Rd.*	972
	Silverado Canyon Rd., 2.51 miles above mouth-150 ft**.	1,121
	Kitterman Dr.-30 ft**	1,201
	Silverado Canyon Rd, approximately 3.72 miles above mouth-25 ft**.	1,251
	Rancho Way*	1,281
	Downstream crossing of Shady Brook Dr.*.	1,332
	Silverado Canyon Rd, approximately 4.56 miles above mouth*.	1,380
	Oak Lane-20 ft**	1,576
	Halfa Way-50 ft**	1,654
	Silverado Canyon Rd., approximately 6.33 miles above mouth-40 ft**.	1,729
Niguel Canyon (Emerald Bay Channel).	Pacific Coast Hwy-15 ft**.	29
	Emerald Dr.*	46
Laguna Canyon	Laguna Canyon Rd., 2.27 miles above mouth*.	151
	El Toro Rd.-40 ft**	234
Aliso Creek	Pacific Coast Hwy-25 ft**.	14
	Confluence with Wood Canyon.	89
	Confluence with North Sulphur Creek.	133
	Confluence with Facility No. J05.	225
	Moulton Parkway-25 ft**.	271
	Paseo De Valencia-100 ft downstream of centerline.	310
	Paseo De Valencia-100 ft**.	320
	Muirlands Blvd.*	394
	Jeronimo Rd.*	433
	Rancho Valiso-150 ft**	561
Sulphur Creek	Central Park Dr.-90 ft downstream of centerline.	224
	Central Park Dr.-95 ft**.	232
	La Paz Rd.-110 ft downstream of centerline.	262
	La Paz Rd.-100 ft**	268
Niguel Storm Drain (J03P01).	Crown Park Circle-35 ft**.	231
North Sulphur Creek (Narco Channel J04).	Alicia Parkway*	143
Facility No. J05	Moulton Parkway-90 ft**.	235
English Canyon	Downstream crossing of Los Aliso Blvd..	470
	Trabuco Rd.-80 ft downstream of centerline.	545
	Trabuco Rd.-110 ft**	554
Salt Creek	Confluence with Arroyo Salada.	121
	Confluence with San Juan Canyon.	206
San Juan Canyon	Confluence with Salt Creek.	206
Arroyo Salada	Confluence with Salt Creek.	121
(Lower) San Juan Creek.	Pacific Coast Hwy-60 ft**.	10
Arroyo Trabuco Creek.	Downstream Corporate Limit (San Juan Capistrano).	235
	Area approximately 700 ft east of intersection of Tunas Dr. and Escalona Dr.	250
	Area approximately 1,000 ft east of intersection of Marguerite Parkway and Crown Valley Parkway.	327
	Area approximately 3,500 ft east of intersection of Felipe Rd. and El Retiro.	380
	Area approximately 1.2 miles east of intersection of Oso and Marquerite Parkways.	450
	Confluence with Tijeras Canyon.	500
	Area approximately 1.0 mile east of Via Granados.	627
	Area approximately 1.0 mile east of Intersection of Via Tirso and Calle Azorin.	700
	Area approximately 1.3 mile east of Oso Retention Dam.	810
	Area south of intersection of Live Oak Canyon and Trabuco Canyon Rds.	910
	Confluence with Hickey Canyon.	964
	Trabuco Creek Rd. approximately 0.4 mile east of intersection with Rose Canyon Rd.	1,050
	Trabuco Creek Rd. approximately 1.4 miles east of intersection with Rose Canyon Rd.	1,150
	Trabuco Creek Rd. approximately 2.1 miles east of intersection with Rose Canyon Rd.	1,250
Hickey Canyon	Trabuco Canyon Road-150 ft**.	997
	Area adjacent to but not including Sage Lane.	1,050
	Intersection of North Lane and Sycamore Dr.	1,075
	Private Rd. approximately 0.96 mile above mouth*.	1,091
	Area east of intersection of Trabuco Oaks Dr. and Hamilton Trail.	1,280
	Area approximately 0.3 mile north of intersection of Trabuco Oaks Dr. and Hamilton Trail.	1,400
Oso Creek	Crown Valley Parkway-50 ft**.	258
	San Diego Freeway*	297
	Marguerite Parkway-55 ft**.	374
	Casta Del Sol*	534
La Paz Channel	Confluence with Oso Creek.	296
Canada Gubernado.	Via Conejo Rd.-25 ft**	814
San Diego Creek	Sand Canyon Ave.*	145
	Laguna Freeway*	171

*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: July 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22061 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4161]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF OXNARD, VENTURA COUNTY, CALIF.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 23732 of the FEDERAL REGISTER of June 1, 1978.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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

Due to a clerical error in the notice of Proposed Base Flood Elevations previously published the following elevations should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beardsley Wash	0.51 mile upstream of Wright Rd.	170
	0.33 mile upstream of Wright Rd.	163
	0.27 mile upstream of Wright Rd.	150
	0.34 mile downstream of Wright Rd.	106
	0.43 mile downstream of Wright Rd.	101

(National Flood Insurance Act of 1968 (Title XIII of 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: July 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22062 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4163]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF SAN BERNARDINO, SAN BERNARDINO COUNTY, CALIF.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 23733 of the FEDERAL REGISTER of June 1, 1978.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following elevations should be added:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Rialto Storm Drain.	Meridian Ave	1,161
	Pepper Ave	1,171
	Eucalyptus Ave	1,181
Del Rosa Channel.	Baseline Rd	1,085
	Fairfax Dr	1,132
Sand Creek	Highland Ave. 100 ft upstream.	1,280
	Highland Ave. 25 ft downstream.	1,259
Santa Ana	Atchinson, Topeka and Santa Fe RR. 100 ft upstream.	1,025
	Atchinson, Topeka and Santa Fe RR. 25 ft downstream.	1.022

(National Flood Insurance Act of 1968 (Title XIII of 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; July 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22063 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4164]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF SANTA MARIA, SANTA BARBARA COUNTY, CALIF.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 23734 of the FEDERAL REGISTER of June 1, 1978.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following corrections are to be made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bradley Ditch	Alvin St	236
The following elevations should be added:		
Bradley Ditch	U.S. Route 101**	220
	Broadway**	215
	Pacific Coast RR	204

** Upstream side.

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

Issued: July 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22064 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4362]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Lyons, Boulder 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 town of Lyons, Boulder 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).

DATE: 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 Town Hall, 432 Fifth Avenue, Lyons, Colo. Send comments to: Honorable Vaughn Carter, Mayor, Town of Lyons, 432 Fifth Avenue, Lyons, Colo. 80540.

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 Lyons, 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 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. Vrain Creek.....	Downstream corporate limits.	5,290
	Private road bridge*.....	5,296
	Confluence with North and South St. Vrain Creeks.	5,322
North St. Vrain Creek.	Confluence with St. Vrain and South St. Vrain Creeks.	5,322
	5th Ave. (State Highway 7), 20 ft.**.	5,337
	U.S. Highway 36, 40 ft.** (first crossing).	5,371
	U.S. Highway 36* (second crossing).	5,392
	Upstream corporate limits.	5,396
South St. Vrain Creek.	Confluence with St. Vrain and North St. Vrain Creeks.	5,322
	Upstream corporate limits.	5,335

*At centerline.
**Upstream from 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: July 12, 1978.

GLORIA M. JIMENEZ
Federal Insurance Administrator.

[FR Doc. 78-22065 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4363]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Milliken, 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 town of Milliken, 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).

DATE: 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.

ADDRESS: 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 Clerk's Office, 1109 Broad Street, Milliken, Colo. Send comments to: Honorable Richard Mann, Mayor, town of Milliken, P.O. Box 97, Milliken, Colo. 80543.

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 Milliken, 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 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
Little Thompson River.	Quentine Ave	4,741
	Great Western Ry.....	4,747
	State Highway 60	4,748

(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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22066 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4364]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of Canton, Hartford County, Conn.

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 Canton, Hartford County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: 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.

ADDRESS: 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 Town Hall, 4 Market Street, Canton, Conn. Send comments to: the Honorable Raynald Bergeron, First Selectman, Town of Canton, Town Hall, 4 Market Street, Canton, Conn. 06022.

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 Canton 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 re-

quired 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
Farmington River.	Southern corporate limit.	278
	Railroad bridge	283
	Downstream of Route 179.	289
	Upstream of Route 179 ..	297
	Confluence with Nepaug River.	304
	Upstream of Route 25	312
	Eastern corporate limit..	333
Rattlesnake Brook	Confluence with Farmington River.	298
	Upstream of Dyer Ave....	301
	850 ft upstream of Dyer Ave.	303
	Downstream of Maple Ave.	318
	Upstream of Maple Ave .	324
	Upstream of abandoned railroad bridge.	328
	Upstream of Dowd Ave ..	336
	1,150 ft downstream of U.S. Route 44.	344
	Upstream of U.S. Route 44.	373
	950 ft upstream of U.S. Route 44.	400
	Upstream of East Hill Rd.	473
Cherry Brook.....	Upstream of U.S. Route 44.	314
	Downstream of Humphrey Rd.	384
	Upstream of Humphrey Rd.	389
	Upstream of Barbourtown Rd.	405
	Upstream of Meadow Rd.	415
	Downstream of West Rd	450
	Upstream of West Rd.....	456
	Downstream of Wright Rd.	601
	Upstream of Wright Rd.	612
	850 ft upstream of Wright Rd.	612
	Downstream of Barkhamsted Rd.	675
	Upsteam of Barkhamsted Rd.	681
	2,100 ft upstream of Barkhamsted Rd.	719

(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: July 28, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22067 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4365]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Naugatuck, New Haven County, Conn.

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 Borough of Naugatuck, New Haven County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: 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.

ADDRESS: 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 Mayor's Office, Naugatuck, Conn. Send comments to: The Honorable William C. Rado, Mayor, Borough of Naugatuck, Church Street, Naugatuck, Conn. 06670.

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 Borough of Naugatuck, 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
Naugatuck River...	Confluence of Spruce Brook.	153
	Confluence of Beacon Hill Brook.	166
	Confluence of Mulberry Brook.	174
	Just downstream of dam located 400 ft downstream of Route 63.	185
	Just upstream of Route 63.	186
	Just upstream of Maple St.	189
	Confluence of Hop Brook.	196
	Just upstream of Prospect St.	202
	At northern corporate limits.	214
Beacon Hill Brook..	Mouth at Naugatuck River.	167
	Just upstream of Andrasko Rd.	171
	Just upstream of Cotton Hollow Rd.	183
	1,760 ft upstream of Cotton Hollow Rd.	200
	3,400 ft upstream of Cotton Hollow Rd.	225
	60 ft upstream of private crossing, located 1,400 ft downstream of Beacon Valley Rd.	253
	Just upstream of Beacon Valley Rd.	271
	Just upstream of Schmitz Ave.	323
	Just upstream of Bowman Dr.	351
	Just upstream of New Haven Rd.	366
	Southeastern corporate limits.	373
Long Meadow Pond Brook.	Just upstream of Elm St..	189
	Just upstream of Cherry St.	192
	Just upstream of Andrews Ave.	[illegible]8
	Just upstream of Ice House Dam.	274

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Brookside Ave.	283
	Just upstream of National Guard access Rd.	297
	Just upstream of King Access Rd..	313
	Just upstream of dam, 1,100 ft upstream of Webb Ave.	349
	Just upstream of Rubber Ave. crossing, 1,700 ft upstream of dam.	380
	Just upstream of Rubber Ave. crossing, 5,600 ft upstream of dam.	402
Webb Brook	Just upstream of Newman Ave.	320
	Just upstream of Field St.	330
	Just upstream of Webb Ave.	348
	Just upstream of Gunntown Rd.	378
Hop Brook	Just upstream of Bridge St. (State Highway 68).	197
	Just upstream of dam, 400 ft upstream of Pigeon Brook.	205
	Just upstream of Porter Ave.	211
	At a point 2,100 ft upstream of Porter Ave.	237
Fulling Mill Brook..	Just upstream of North Main St.	202
	Just upstream of Union St.	209
	Confluence of Cold Spring Brook.	230
	Just upstream of Prospect St. (State Highway 68).	275
	Confluence with Schildgen Brook.	327
	At a point 1,850 ft upstream of Schildgen Brook.	400
	Just upstream of Maple St. culvert.	471
	At a point 380 ft upstream of Maple St. culvert.	476
Cold Spring Brook..	Confluence with Fulling Mill Brook.	230
	Just upstream of Wooster St.	305
	Just upstream of Brook St.	325
	Just upstream of Cold Spring Circle.	348
	Just upstream of Donovan Rd.	447
	At unnamed tributary, 810 ft upstream of Donovan Rd.	475
	Just upstream of Pond Hill Rd.	536
	At a point 960 ft upstream of Pond Hill Rd.	593
Schildgen Pond Brook.	Just downstream of access road 90 ft upstream of confluence with Fulling Mill Brook.	328
	Just upstream of driveway, 360 ft upstream of access road.	347
	Just downstream of Union City Rd.	373
	Just upstream of dam, 500 ft upstream of Union City Rd.	393
	Just upstream of Cemetary Rd.	415
	At a point 1,210 ft upstream of Cemetary Rd.	415

(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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22068 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4366]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Wallace, 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 Wallace, 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).

DATE: 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.

ADDRESS: 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, 703 Cedar Avenue, Wallace, Idaho. Send comments to: Hon. H. R. Wellman, Mayor, City of Wallace, City Hall, 703 Cedar Avenue, Wallace, Idaho 83873.

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 Wallace, 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 River.	Downstream corporate limit—25 ft*.	2,708
	3rd St.—20 ft**	2,722
	6th St.—25 ft**	2,731
	U.S. Hwy. 10—300 ft**	2,744
	Canyon Creek—25 ft**	2,758
	Upstream corporate limits—15 ft**.	2,792
Placer Creek	Confluence with the South Fork Coeur d'Alene River—5 ft*.	2,717
	U.S. Hwy. 10—50 ft*	2,719
	Cypress Ave.—50 ft*	2,722
	River St.—110 ft**	2,725
	Pine St.—40 ft*	2,732
	Bank St.—30 ft**	2,747
	High St.—30 ft**	2,756
	Upstream corporate limits.	2,790
Canyon Creek	U.S. Hwy 10—25 ft*	2,759
	Union Pacific RR	2,761
	Mullan Ave.—15 ft*	2,765
	Union Pacific RR	2,766
	Upstream corporate limits—15 ft**.	2,776

*Upstream from centerline.
**Downstream from 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: July 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22069 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4367]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Village of Bannockburn, Lake 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 village of Bannockburn, Lake 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).

DATE: 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.

ADDRESS: 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 Village Hall, Bannockburn, Ill. Send comments to: The Honorable Remo Picchietti, Village President, Village of Bannockburn, Village Hall, 2165 Telegraph Road, Dearfield, Ill. 60015.

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 village of Bannockburn, 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
Middle Fork:		
North Branch Chicago River.	North corporate limits ...	658
	South corporate limits ...	657
West Fork:		
North Branch Chicago River.	South corporate limits ...	665
	Interstate 94	665
	1,500 ft. north of Duffy Lane.	667

(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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22070 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4368]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Village of Morton Grove, Cook 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 village of Morton Grove, Cook 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).

DATE: 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 Village Hall, 6300 Lincoln Avenue, Morton Grove, Ill. Send comments to: The Honorable Richard T. Flickinger, Village President, Village of Morton Grove, 6300 Lincoln Avenue, Morton Grove, Ill. 60053.

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 village of Morton Grove, Cook 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
North Branch Chicago River.	Just upstream of Oakton St.	620
	Just downstream of Dempster St. Railroad.	621

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Northern Corporate Limits.	622
West Fork of North Branch Chicago River.	Northern Corporate Limits.	622

(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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22071 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4369]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for village of Niles, Cook 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 Village of Niles, Cook 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).

DATE: 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.

ADDRESS: 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 village hall, 7601 Milwaukee Avenue, Chicago, Ill. Send comments to: The Honorable Larry W. Clymer, mayor, village of Niles, 7601 Milwaukee Avenue, Chicago, Ill. 60648.

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 village of Niles, Cook 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
North Branch Chicago River.	Southern corporate limit.	609
	Just upstream of Hartz Rd.	613
	Just upstream of Touhy Ave.	616
	Corporate limits at Oakton St.	619

(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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22072 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4370]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Wheaton, Du Page 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 Wheaton, Du Page 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).

DATE: 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.

ADDRESS: 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, 303 Wesley Street, Wheaton, Ill. Send comments to: Hon. Ralph H. Barger, Mayor, City of Wheaton, City Hall, 303 Wesley Street, Wheaton, Ill. 60187.

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 Wheaton, 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 manage-

ment 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
Spring Brook	Just upstream of Essex Rd.	720
	1,135 ft upstream of Essex Rd.	721
	1,240 ft upstream of Essex Rd.	722
	2,350 ft upstream of Essex Rd., between corporate limits.	723
	125 ft upstream of Creekside Dr., near sewage disposal plant.	724
	210 ft upstream of Creekside Dr., near footbridge.	724
	50 ft upstream of Aurora Way.	725
	Just downstream of Warrenville Rd.	728
	200 ft upstream of Hawthorne Lane.	730
	Just downstream of Elm St.	731
Winfield Creek	240 ft upstream of Schaffner Rd.	722
	Just downstream of Beverly Lane.	726
	260 ft upstream of Beverly Lane.	727
	65 ft downstream of Manchester Rd.	729
	105 ft upstream of Union Ave.	731
	85 ft downstream of Prairie Path.	731
	180 ft upstream of Prairie Path.	732
	Just upstream of Ellis Ave. extended.	732
	50 ft downstream of Main St.	733
	160 ft upstream of Main St.	734
	Just downstream of Cole Ave.	736
	105 ft upstream of Cole Ave.	739
	100 ft downstream of Paddock Ave.	740
	105 ft upstream of Paddock Ave.	744
	100 ft downstream of Geneva Rd.	745
Winfield Creek Tributary.	95 ft downstream of Cole Ave.	734
	65 ft upstream of Cole Ave.	736
	750 ft downstream of Geneva Rd.	739
	Just downstream of Geneva Rd.	744

(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: July 26, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22073 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4371]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for City of Woodstock, McHenry 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 Woodstock, McHenry 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).

DATE: 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.

ADDRESS: 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, 121 West Calhoun Street, Woodstock, Ill. Send comments to: The Hon. Frances M. Kuhn, Mayor, city of Woodstock, 121 West Calhoun Street, P.O. Box 190, Woodstock, Ill. 60098.

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 Woodstock 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
Silver Creek	Corporate limits, Wicker St.	868
	Melody Lane	876
	Seminary Ave	881
	Corporate limits, St. Johns rd.	881
	Water plant access road.	882
	McHenry Ave	882

(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: July 28, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22074 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4372]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Danville, Hendricks County, Ind.

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 Danville, Hendricks County, Ind. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being

already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: 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.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Danville Town Hall, 77 North Kentucky, Danville, Ind. 46122. Send comments to: Mr. Roger Keen, President of the Board for the town of Danville, 77 North Kentucky, Danville, Ind. 46122.

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 Danville, Hendricks County, Ind., 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
West Fork White Lick Creek.	Twin Bridge Rd	832
	U.S. 36 (Main St.) (upstream).	843
	Columbia St. (upstream)	848

(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: July 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22075 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4373]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for City of Independence, Montgomery County, Kans.

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 Independence, Montgomery County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: 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.

ADDRESS: 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 Office, 120 North 6th Street, Independence, Kans. Send comments to: Mr. Paul Sasse, City Manager, City of Independence, 120 North 6th Street, Independence, Kans. 67301.

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 Independence, Montgomery County, Kans. 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
Verdigris River	Southeastern corporate limits.	763
	Upstream of Atchison, Topeka & Santa Fe RR.	764
	Northeastern corporate limits.	764
Rock Creek	Upstream of 2d St	761
	Upstream of 17th St	761
	Southern corporate limits.	763
Whiskey Creek	Confluence with Rock Creek.	761
	Upstream of Cherry St...	765
	Downstream of Main St.	775
	Upstream of Cottonwood St.	785
	633 ft downstream of Circle Ct.	793
	Downstream of Oak St...	796

(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: July 28, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22076 Filed 8-9-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4185]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of West Newbury, Exxex County, Mass; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 24549 of the FEDERAL REGISTER of June 6, 1978.

EFFECTIVE DATE: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following location:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Brook.....	Confluence with Beaver Brook tributary.	70

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Brook.....	1,200 ft downstream from confluence with Beaver Brook tributary.	70

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

Issued: July 27, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-22077 Filed 8-9-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 941-6; Docket No. DCO-78-13]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of a Delayed Compliance Order Issued by the Jefferson County, Ala., Board of Health to the Alabama Alloy Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a delayed compliance order (No. 78-0440-1) issued by the Jefferson County, Ala., Board of Health to the Alabama Alloy Corp. The order requires Alabama Alloy to bring air emissions from the ferroalloy furnace in Jefferson County, Ala., into compliance with certain regulations contained in the Alabama State implementation plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with the 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 constitute an addition to the SIP. In addition, a source in compliance with an approved enforcement order may not be sued under the Federal enforcement or citizen suit provisions of the act for violations of the SIP regulations covered by the order. The purpose of this 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 September 11, 1978.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308. 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:

Robert R. Geddis, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone 404-881-4253.

SUPPLEMENTARY INFORMATION: Alabama Alloy operates a ferroalloy furnace at its facility in Jefferson County, Ala. The order under consideration addresses particulate emissions from process sources and visible emissions from stationary sources. These emissions are subject to Jefferson County air pollution control rules and regulations section 6.4 and section 6.1.1, respectively. The regulations are identical to Alabama pollution control rules and regulations section 4.4 and section 4.1.1 which are part of the federally approved Alabama State implementation plan. The order requires final compliance with the particulate and visible emissions regulations by January 20, 1979, through the implementation of the following schedule for the construction or installation of control equipment:

(1) Award contract for required control equipment by May 1, 1978.

(2) Commence onsite construction or installation of control equipment by July 5, 1978.

(3) Complete construction or installation of control equipment by December 8, 1978.

(4) Submit proof of final compliance by January 20, 1979.

The source has consented to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. As an interim limit, the ferroalloy furnace shall not emit more than 200 pounds of particulate matter per hour.

Because this order has been issued to a major source of particulate matter 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 Clean Air Act (the act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above referenced order satisfies these requirements.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the act against the source for violations of the regulations 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. If approved, the order would also constitute an addition to the Alabama SIP. Compliance with the proposed order will not exempt the company from the requirements contained in any subsequent revisions to the SIP which are approved by EPA.

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, 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 procedure for EPA's issuance, approval, and disapproval of orders under section 113(d) of the act. In addition, part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(42 U.S.C. 7413, 7601.)

Dated: July 17, 1978.

JOHN C. WHITE,
Regional Administrator,
Region IV.

JEFFERSON COUNTY BOARD OF HEALTH

ENFORCEMENT ORDER

[No. 78-0440-1]

In the matter of: Alabama Alloy, Inc., proceeding under section 22-28-23, Code of Alabama 1975, and § 1.5.2 of the air pollution control rules and regulations of the Jefferson County Board of Health.

This order is issued by the Jefferson County Board of Health (hereinafter "the Board") pursuant to section 22-28-23, Code of Alabama 1975, Alabama Code, T.22, § 310 (1)-(18) (1971), and section 1.5.2 of the air pollution control rules and regulations of the Jefferson County Board of Health.

Whereas, it has been determined by the Board that the Alabama Alloy Corp. (hereinafter "Alabama Alloy") has been and is presently operating a ferroalloy furnace designated as permit unit 4-07-0440-2101 in violation of section 6.4 (process industries-general/allowable emissions) and section 6.1.1 (visible emissions restrictions for stationary sources) of the Jefferson County Board of Health air pollution control rules and regulations; and

Whereas, Alabama Alloy has expended considerable resources in an attempt to install and operate a new and innovative method for controling the particulates from their ferroalloy furnace; and

Whereas, all efforts to make this new system operational have failed and it has been determined that additional efforts would, in all likelihood, prove futile; and

Whereas, there is no reasonable or practicable method available for Alabama Alloy to operate the ferroalloy furnace in compliance with applicable air pollution control rules and regulations without the installation of additional control equipment; and

Whereas, after investigation and analysis of all relevant facts, the Board has determined that it will not take legal action against Alabama Alloy provided that Alabama Alloy shall comply with each and every provision of this order as set forth below;

Now, therefore, it is hereby ordered, That:

(1) Alabama Alloy shall purchase and install a baghouse control device and bring the ferroalloy furnace into compliance with all applicable air pollution control rules and regulations on or before the dates specified:

(a) Issue purchase orders for necessary equipment—May 1, 1978;

(b) Initiate equipment fabrication—May 1, 1978;

(c) Initiate on-site construction—July 5, 1978;

(d) Complete construction—December 8, 1978;

(e) Demonstrate final compliance—January 20, 1979.

(2) Alabama Alloy shall submit no later than ten (10) days after the deadline for completing each activity set forth in paragraph (1) above, a letter to the Director, Bureau of Environmental Health, Jefferson County Department of Health, 1912 Eighth Avenue South, P.O. Box 2646, Birmingham, Ala. 35202, indicating whether the deadline has been met.

(3) Alabama Alloy shall, no later than thirty (30) days after issuance of this order, post bond in the amount of $10,000 with the board of health through a third party.

(4) In order to avoid imminent and substantial endangerment to public health, the following special control measures shall be initiated by Alabama Alloy whenever the health officer declares that one of the following episode levels exist (as determined by the 24-hour average suspended particulate concentration and meteorological conditions that would cause reason to believe the episode level will remain the same or higher within the next twelve hours):

(a) Alert (375 $\mu g/m^3$ or greater)—30-percent reduction in production output within 2 hours of notification.

(b) Warning (625 $\mu g/m^3$ or greater)—60-percent reduction in production output within 2 hours of notification.

(c) Emergency (875 $\mu g/m^3$ or greater)—100-percent curtailment of production output within 3 hours of notification.

(5) Should Alabama Alloy fail to attain final compliance by July 1, 1979, then a noncompliance penalty would be assessed in accordance with section 120 of the Clean Air Act, as amended August 7, 1977.

(6) If Alabama Alloy should fail to comply with the provisions of this order, immediate legal action will result.

(7) Alabama Alloy will take the following interim measures to reduce and monitor particulate emissions for the period during which this order is in effect. This interim control measures are as follows:

(a) The existing nonfunctional stainless steel fabric baghouse will be modified by installation of a mechanical cleaning device on one compartment by June 15, 1978.

(b) From June 15, 1978, until final compliance is demonstrated, Alabama Alloy will make every reasonable effort to maintain at least one compartment of the existing baghouse structure in operation at all times. (Since this is a four compartment baghouse, this will result in as much as one-fourth of the gas stream being cleaned.)

(c) If the health officer determines and so notifies Alabama Alloy in writing that the modifications referred to in subparagraph (a) and (b) above result in the increased capture of particulates and are reasonably capable of being maintained in an operational mode, then Alabama Alloy shall, within 45 days of said notification, modify additional compartments with mechanical cleaning device identical to or as good as or better than the device installed on the first compartment. The health officer in notifying Alabama Alloy of this requirement shall, based on the operational experience obtained and good engineering practice, specify that either one or two additional compartments be modified.

(d) From June 15, 1978, until final compliance is demonstrated, the particulate emissions from the ferroalloy furnace will be maintained below 200 pounds/hour.

(e) A visual inspection of the control device will be made each day the furnace is in operation. Log books will be maintained summarizing the results of these inspections and any repairs or maintenance performed. A monthly summary will be submitted to the Jefferson County Department of Health by the 10th of each month with the first report due on July 10, 1978.

(f) Emission testing can be required at any time. The results of the test must be submitted within the time period specified by the Jefferson County Department of Health. The method for such testing shall be in accordance with procedures established by Part 60, Title 40 of the Code of Federal Regulations, as the same may be amended or revised.

Now, *be it further resolved,* That all requirements of previous orders concerning compliance for the ferroalloy furnace are hereby vacated and superseded by this order, providing Alabama Alloy makes payment within three (3) days from the date of this order to the Jefferson County Board of Health the sum of $6,000 for noncompliance with the expired enforcement order No. 76-0440-1.

This order adopted and issued by the Jefferson County Board of Health on the 10th day of May 1978.

WILLIAM L. ROPER, M.D.,
Health Officer.

[FR Doc. 78-22206 Filed 8-9-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 941-8]

STATE AND FEDERAL ADMINISTRATIVE ENFORCEMENT OF IMPLEMENTATION PLAN REQUIREMENTS AFTER STATUTORY DEADLINES

Proposed Delayed Compliance Order for Owens-Corning Fiberglas Corp., Barrington, N.J.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an order under section 113 (d)(1) of the Clean Air Act, 42 U.S.C. 7401 et seq. (the act), requiring Owens-Corning Fiberglas Corp. to bring the emissions from its Barrington, N.J. facility into compliance with N.J.A.C. 7:27-6.2(d), a regulation which limits opacity. This regulation is a part of the federally-approved New Jersey Implementation Plan. The date for final compliance established by the order is July 1, 1979. If the order is issued by EPA, it would insulate the source from further Federal enforcement action under section 113 of the act and from citizen en-

forcement action under section 304 of the act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on the proposed order.

DATES: Written comments and written requests for a public hearing must be received on or before September 11, 1978. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after 30-days prior notification has been provided to those persons who have submitted written comments or requests for a hearing. No further notice of a hearing will be provided in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Kenneth Eng, Section Chief, Status of Compliance Branch. Material supporting the order 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:

Stephen A. Dvorkin, Chief, General Enforcement Branch, Enforcement Division, 26 Federal Plaza, New York, N.Y. 10007, telephone number 212-264-9858.

SUPPLEMENTARY INFORMATION: Owens-Corning Fiberglas Corp. operates a fiberglas manufacturing facility at Barrington, N.J. The proposed order addresses emissions from the U-3 Penthouse forming line stack at the facility, which are subject to N.J.A.C. 7:27-6.2(d). This regulation limits the allowable opacity of emissions, and is part of the federally-approved State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979 and source has consented to its terms.

The proposed order satisfies the applicable requirements of section 113(d) of the act. If the order is issued, source compliance with its terms would preclude futherr EPA enforcement action undr section 113 of the act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the act (section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. Final action on the order will be published in the FEDERAL REGISTER.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

1. By revising § 65.350 to read as follows:

§ 65.350 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4) of the act.

OWENS CORNING FIBERGLAS (Barrington, N.J.)

ORDER PURSUANT TO § 113(D) ON CONSENT

Index No. 601109

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. ("the Act"). The order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of New Jersey have been provided pursuant to section 113(d)(1) of the Act.

BACKGROUND

On July 26, 1976, an inspector from the United States Environmental Protection Agency, region II ("EPA") visited the Owens Corning Fiberglas ("the Company") facility, located in Barrington, N.J., whereupon he observed and documented a violation of N.J.A.C. 7:27-6.2(d), a regulation establishing a standard limiting visible emissions (opacity). EPA gave the company notice of this finding of violation, pursuant to section 113(a)(1) of the Act, on August 20, 1976. At a conference convened thereafter, the company outlined a program designed to bring its emissions from the U-3 penthouse forming line stack (the stack from which the violation was observed) into compliance with the regulations without delay. However, on December 16, 1977, an EPA inspector observed and documented a substantial opacity violation from the U-3 penthouse forming line stack.

A further conference was, therefore, convened wherein the parties discussed this violation and agreed to the schedule set forth herein below.

FINDINGS

1. The company is presently operating in violation of N.J.A.C. 7:27-6.2(d), in that emissions from its U-3 penthouse forming line stack exceed the 20-percent opacity limitation established by such regulation. The company, moreover, is presently unable to comply except in accordance with a schedule extending its time for compliance.

2. EPA has notified the State of this violation at least thirty days prior to the issuance of this order. In addition, a notice including the contents of this order has been published, and the opportunity for a hearing has been provided to the public.

3. EPA, having considered all relevant facts, including public comment, has determined that adherence to the increments of progress set forth hereinafter will result in compliance by the Company as expeditiously as practicable.

Therefore, it is hereby ordered, That:

1. The Company shall:

(a) Obtain all such equipment as is necessary to bring its emissions into compliance with the requirements of N.J.A.C. 7:27-6.2(d) by no later than April 30, 1978;

(b) Complete installation of all such equipment by May 31, 1978;

(c) Evaluate the performance of such equipment, and accomplish any process changes necessary to improve its effectiveness by no later than July 31, 1978;

(d) Evaluate the performance of such equipment, and, by no later than August 31, 1978, either:

(i) certify that emissions from its facility comply with the requirements of N.J.A.C. 7:27-6.2(d), or (in the event that performance evaluation of the equipment installed pursuant to paragraph 1(a) and (b) of this order discloses that such equipment is inadequate to achieve compliance with the cited regulatory requirement).

(ii) submit to EPA a detailed schedule, containing a final date for compliance of no later than July 1, 1979, pursuant to which it shall install such additional equipment as is necessary to bring its emissions into compliance with the requirements of N.J.A.C. 7:27-6.2(d)

2. If the Company submits a schedule to EPA pursuant to subparagraph (1)(d) (ii) above, and EPA approves such schedule or some modification thereof, then EPA will amend the terms of this Order to require compliance by the company pursuant to the increments of progress contained therein. Inasmuch as such amendment will in no event allow the company's noncompliance to continue beyond July 1, 1979, it will be effected without further public notice or opportunity for hearing.

3. During the period prior to achievement of final compliance the company shall minimize its visible emissions by continuous utilization of its present emission control system. The company may however, suspend the operation of such system to the extent necessary for the installation of any emission control equipment necessitated by the terms of this order.

4. The company shall submit to EPA within ten (10) days of completion of each of the requirements set forth in paragraph 1, above, a statement attesting to the satisfactory completion of each such requirement.

5. The company shall immediately notify EPA of any conditions or circumstances which will or may render it unable to comply in a timely manner with the actions set forth in paragraph (1) above. The notice called for by this paragraph shall, wherever appropriate, be accompanied by:

(a) Copies of any correspondence between the company and any contractors, builders, manufacturers, or suppliers engaged by the company in connection with the scheduled actions required by this order; and

(b) Any other or additional documentation from which it may be inferred that any or all of the said scheduled actions will not or may not be completed by the dates specified.

Compliance with this paragraph shall not, however, excuse noncompliance with the substantive requirements of this order.

6. In accordance with section 113(d)(8) of the Act, this order shall be rescinded if the Administrator (or his delegatee) determines on the record, after notice and hearing, that the company's inability to comply with N.J.A.C. 7:27-6.2(d) no longer exists.

7. Notwithstanding any other liability to which it will be subject for violation of the terms of this order pursuant to sections 113 and 304 of the act, the company is hereby given notice, pursuant to section 113(d)(3), that it will be required to pay a non-compliance penalty effective July 1, 1979, as provided under section 120 of the act, in the event it fails to achieve final compliance by said date. In such event EPA will provide additional notice to the company pursuant to section 120(b)(3) of the act regarding such non-compliance and will proceed to assess the noncompliance penalty in accordance with procedures established by regulation promulgated pursuant to section 120.

8. All reports and notices required hereinabove shall be addressed to Mr. Kenneth Eng, Section Chief, Status of Compliance Branch, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

So ordered, effective immediately.

Dated: ——————.

DOUGLAS COSTLE,
Administrator,
U.S. Environmental Protection Agency.

CONSENT

The undersigned, having full authority to represent Owens Corning Fiberglas Company in these proceedings, has read the foregoing Order, believes it to be reasonable, and therefore consents to its issuance and to its terms. Moreover, he acknowledges on behalf of the company that the violation of N.J.A.C. 7:27-6.2(d) has continued for more than 30 days subsequent to its receipt of EPA's finding of violation in this matter, and recognizes that the company is subject to all remedies and penalties provided for in section 113 of the act for violation of the terms of this order. On behalf of the company, and with full authority to do so, he explicitly waives any and all rights under any provision of law to challenge this order in any administrative or judicial proceeding, with the exception of any and all rights provided for in section 120 of the act.

Dated: May 22, 1978.

RICHARD S. GRANT,
Vice President,
For Owens-Corning Fiberglas.

Richard S. Grant, being duly sworn, appeared before me this ——day of May, 1978 to say that he is duly authorized as Vice President, Building Materials Group Manufacturing to execute this agreement on behalf of Owens-Corning Fiberglas Corp. and that he has signed the above agreement in such capacity.

DOLORES E. POWELL,
Notary Public,
State of Ohio, County of Lucas.

(42 U.S.C. 7413 and 7601)

ECKHARDT C. BECK,
Regional Administrator,
Region II.

Dated: July 14, 1978.

[FR Doc. 78-22208 Filed 8-9-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 941-7; Docket No. DCO-78-14]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of Delayed Compliance Orders Issued by the Alabama Air Pollution Control Commission to the Alabama Kraft Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a delayed compliance order issued by the Alabama Air Pollution Control Commission to the Alabama Kraft Co. in Cottonton, Ala. The delayed compliance order requires the Alabama Kraft Co. to bring air emissions from a wood waste boiler in Cottonton, Ala., into compliance with an applicable regulation contained in the Alabama State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with the 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 constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the act for violations of the SIP regulations covered by the order. The purpose of this 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 September 11, 1978.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308. 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:

Robert R. Geddis, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone 404-881-4253.

SUPPLEMENTARY INFORMATION: The Alabama Kraft Co. operates a kraft mill in Cottonton, Russell County, Ala. The order under consideration addresses emissions from a wood waste boiler, which is subject to Alabama Air Pollution Control Regulation 4.8.2. This regulation limits the emissions of particulate matter from wood waste boilers, and is part of the federally-approved Alabama State Implementation Plan. The order requires final compliance with the regulation by July 1, 1979, through the implementation of the following schedule for the construction or installation of control equipment:

(1) Submit final control plan for achieving compliance with applicable reguations by May 19, 1978.

(2) Award contract for required control equipment by May 30, 1978.

(3) Commence onsite construction or installation of control equipment by November 30, 1978.

(4) Complete construction or installation of control equipment by June 1, 1979.

(5) Submit proof of final compliance by July 1, 1979.

The source has consented to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. As an interim limit, the wood waste boiler shall not emit more than 0.35 grains/SDCF adjusted to 50 percent excess air.

Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before becoming effective as a delayed compliance order under section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above referenced order satisfies these requirements.

If the order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the act against the source for violations 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. If approved, the order would also constitute an addition to the Alabama SIP. Compliance with the proposed order will not exempt the company from the requirements contained in any subsequent revisions to the SIP which are approved by EPA.

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, 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 procedure for EPA's issuance, approval, and disapproval of orders under section 113(d) of the act. In addition, part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(42 U.S.C. 7413, 7601)

Dated: July 17, 1978.

JOHN C. WHITE,
Regional Administrator,
Region IV.

ALABAMA AIR POLLUTION CONTROL COMMISSION

DELAYED COMPLIANCE ORDER

In the matter of Alabama Kraft Co., Facility No. 211-0004.

This order is issued by the Alabama Air Pollution Control Commission ("the Commission") pursuant to section 6(b) of the Alabama Air Pollution Control Act of 1971 (section 22-28-10(2) *Code of Alabama 1975*), and section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 1857 et seq.

Whereas, it has been determined by the Commission that Alabama Kraft Co. ("Alabama Kraft") has been operating a power (combination) boiler at its plant in Cottonton, Russell County, Ala., in violation of section 4.8.2 of the Commission's rules and regulations which limits particulate matter emissions from existing wood waste boilers; and

Whereas, after investigation and analysis of all relevant facts, it has also been determined by the Commission that Alabama Kraft should take the actions set forth below to eliminate this violation as expeditiously as possible; and

Whereas, the Commission will not take legal action against Alabama Kraft for violations occurring during the term of this order, provided that Alabama Kraft shall comply with each and every provision of this order as set forth below.

Now therefore, it is hereby ordered That:

1. The following acts shall be completed by Alabama Kraft on or before the dates specified so as to attain compliance with section 4.8.2 as expeditiously as practicable:

May 19, 1978—Submit Final Control Plan and the fully completed Form 110.
May 30, 1978—Purchase control equipment.
November 30, 1978—Begin onsite construction.
February 15, 1979—Control equipment delivery.
June 1, 1979—Completion of on-site work.
July 1, 1979—Comply with all applicable air pollution rules and regulations.

2. Alabama Kraft shall submit to the Director, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Ala. 36130, a report on or before the 10th of each month containing information on the status of the abatement program, to include an assessment as to whether the abatement program is on schedule.

3. In order to assure the best practicable system of emissions reductions is utilized during the period of this order and that compliance with the existing State implementation plan is maintained to the extent possible during the same period, Alabama Kraft shall comply with the following interim requirements:

(a) Operate and maintain the existing control equipment on the power (combination) boiler until such time as the new control equipment is in operation.

(b) Limit the particulate mass emission rate to no greater than 0.35 grains/SDCF adjusted to 50 percent excess air.

(c) Notify the Commission of any malfunctions, breakdowns, etc., in the existing control equipment.

(d) Include within the monthly report to the Division of Air Pollution Control a description of maintenance and repair performed on the existing control equipment.

(e) Operate and maintain the existing in-stack opacity monitor and make the results available for inspection by the staff of the Commission.

(f) Limit opacity to not greater than the levels observed during the source test required to be conducted during June 1978.

(g) Two source tests for particulate matter shall be conducted during the period of this order. One test shall be conducted during the month of June 1978. The second shall be conducted during the month of January 1979.

4. Alabama Kraft shall, within 30 days, post a surety bond with the Commission through a third-party surety in the amount and form set forth in exhibit No. 1 to this order to insure that the final deadline set forth in paragraph 1 is met.

5. Unless exempted by sections 120(a)(2)(B) or (C) of the Clean Air Act, Alabama Kraft will receive a notice of noncompliance, and noncompliance penalties will be assessed and collected as required by section 120 in the event the source fails to comply by July 1, 1979.

6. Failure to comply with any provision of this order, including but not limited to posting the bond referred to in paragraph 4 above, will result in immediate action by the Commission pursuant to section 17 of the Alabama Air Pollution Control Act of 1971 (section 22-28-22 *Code of Alabama 1975*).

Dated: March 28, 1978.

JAMES W. COOPER,
Authorized Official.

[FR Doc. 78-22207 Filed 8-7-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 945-2; Docket No. DCO-78-2]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order For the U.S. Naval Station, Mayport, Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue a delayed compliance order (DCO) to the U.S. Naval Station (NS) located in Mayport, Fla. The DCO requires the NS to bring the classified material incinerator at its Mayport, Fla. facility into compliance with certain regulations contained in the federally approved Florida State implementation plan (SIP). Because the NS is unable to comply with these regulations at this time, the proposed DCO would establish an expeditious schedule requiring final compliance by July 1, 1979. If issued by EPA, the DCO would alter the rights of persons to bring judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on this proposed DCO.

DATES: Written comments and requests for a public hearing must be received on or before September 11, 1978. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is a significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publiction.

ADDRESSES: Comments and requests for a public hearing should be submitted to Paul J. Traina, Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Ga. 30308. Material supporting the delayed compliance order 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:

Wayne Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone 404-881-4253

SUPPLEMENTARY INFORMATION: The U.S. Naval Station located in Mayport, Fla., operates a classified material incinerator in building 19. On January 13, 1978, pursuant to section 113(a)(1) of the act, 42 U.S.C. 7413(a)(1), the U.S. Environmental Protection Agency issued a notice of violation to the U.S. Naval Station of the finding that the classified material incinerator was operating in violation of chapter 17-2.04(6)(a)2a, air pollution rules for the State of Florida, dealing with the control of visible emissions from incinerators with rated capacity less than 50 tons per day. This regulation is part of the federally approved State implementation plan..

The proposed delayed compliance order satisfies the applicable requirements of section 113(d) of the act. The

delayed compliance order requires final compliance with chapter 17-2.04(6)(a)2a by July 1, 1979, and the source has consented to its terms. The source has agreed to meet the delayed compliance order's increments during the period of this informal rulemaking. If the delayed compliance order is issued, source compliance with its terms would preclude further EPA enforcement action under Section 113 of the act against this source for violations of the regulation covered by the delayed compliance order during the period the delayed compliance order is in effect. Enforcement against the source under the citizen suit provision of the act (section 304) would be similarly precluded. In the event of an emergency episode the delayed compliance order shall not act to preclude the source from complying with all of the provisions of section 303 of the act. Comments received by the date specified above will be considered in determining whether EPA should issue the delayed compliance order. Testimony given at any public hearing concerning the delayed compliance order will also be considered. After the public comment period, and after EPA has reviewed any 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 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of a delayed compliance order 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 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(42 U.S.C. 7413, 7601)

Dated: July 19, 1978.

PAUL TRAINA,
Acting Regional Administrator.

In consideration of the foregoing, it is proposed to amend Part 65 of Chapter I, Title 40, Code of Federal Regulations as follows:

1. By adding § 65.141 to read as follows:

§ 65.141 Federal delayed compliance orders issued under section 113(d)(1), (3), and (4) of the act.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER

In the matter of U.S. Naval Station, Mayport, Fla., proceeding under § 113(d) Clean Air Act, as amended docket No. DCO-78-2.

This delayed compliance order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act"). This delayed compliance order contains a schedule for compliance interim requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of Florida have been provided pursuant to section 113(d)(1) of the act.

FINDINGS

On January 13, 1978, Mr. Paul J. Traina, Director, Enforcement Division, Region IV, United States Environmental Protection Agency, pursuant to authority delegated to him by the regional administrator, issued a notice of violation to the U.S. Naval Station (hereinafter referred as the "NS"). The notice informed the NS that the classified material incinerator at the Mayport, Fla., facility was found to be in violation of the rules of the State of Florida, Department of Pollution Control, Chapter 17-2, Air Pollution, section 17-2.04, Prohibitive Acts, Subsection (6)(a)2a, dealing with visible emissions from incinerators (chapter 17-2.04(6)(a)2a). Said violations have continued beyond the 30th day after receipt of the Director's notification to the NS.

After a thorough investigation and analysis of all relevant facts including the fact that the NS could not comply immediately and replacement of the incinerator is necessary to facilitate compliance with the applicable Florida air pollution regulation, EPA has determined that compliance in accordance with the schedule hereinafter set forth is reasonable and as expeditious as practicable:

ORDERED

I. ABATEMENT PROGRAM

That the attached Appendix governing an abatement program is incorporated into and made a part of this Delayed Compliance Order for the control of visible emissions at the NS located in Mayport, Fla.

The Appendix is designated as follows: Appendix A—Classified Material Incinerator.

II. REPORTING—ADDRESSEES

That all submissions of source performance test results, reports and other items required by this delayed compliance order be made to Paul J. Traina, Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Ga. 30308 (hereinafter referred to as the "Director"), with copies to the Secretary, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Fla. 32301 (hereinafter referred to as the "Secretary").

III. PROGRESS REPORTS AND MILESTONE CERTIFICATION

That the NS submit, no later than five (5) days after the end of each quarter, commencing with the April 1, 1978, to June 30, 1978, quarter, a progress report for the emission point specified in part I. These reports shall contain specific information on the progress toward each milestone in part I. If any delay is anticipated in meeting said milestones, the NS shall immediately notify the Director in writing of the anticipated delay and reasons therefore. Notification to EPA of any anticipated delay shall not excuse the delay. In addition, the NS shall submit, no later than five (5) days after the deadline for completing each milestone required by part I, certification to the Director, and Secretary whether such milestone has been met.

IV. NOTICE OF TESTS

That the NS provide the Director and Secretary with twenty (20) days notice prior to the conducting of any performance tests as required by part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing.

V. MALFUNCTIONS AND BREAKDOWNS

That the NS shall perform operation and maintenance practices on the source specified in part I as necessary to prevent breakdowns or malfunctions and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this delayed compliance order, for greater than four (4) hours, the owner or operator shall notify this office and the appropriate state or local air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following the start of such malfunction, and shall cause written notice to be sent to the Director and the Secretary, no later than the end of the next working day following the start of such malfunction. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. The NS shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions in excess of the interim emission limits during the malfunction or breakdown.

The regional administrator shall have the authority during a breakdown or malfunction to require the NS to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a breakdown or malfunction requiring the above notification, the owner shall submit:

(1) The time the excess emission began and ended;
(2) The time of the beginning and end of the breakdown or malfunction which is asserted to be the cause of the excess emission;
(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of all emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standard;
(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;
(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence,

which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;
(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;
(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and
(8) Such additional information as the regional administrator may require.

VI. INTERIM LIMITS

At no time shall the visible emissions from the classified material incinerator exceed an average of 15 percent opacity over a 6-minute period in any 1 hour. In addition, the NS shall limit the loading of the incinerator to not more than 100 pounds per hour and operate the incinerator in accordance with section 5-7 of the technical manual for model 1 air-fed incinerators.

VII. CONTINUOUS MONITORING

That the NS, as part of the control strategy, submit by the end of each month commencing with June 1978, a visible emission observation for one (1) consecutive hour for the incinerator specified in part I. This visible observation shall be performed by a qualified smoke reader, certified in accordance with 40 CFR part 60, Appendix A—method 9.

VIII. COMPLIANCE RESPONSIBILITY

Nothing herein shall affect the responsibility of the source to comply with all other applicable Federal, State, or local regulations.

IX. TERMINATION OF ORDER

This delayed compliance order shall be terminated in accordance with section 113(d)(8) of the act, if the Administrator determines on the record after notice and hearing, that an inability to comply with chapter 17-2.04(6)(a)2a no longer exists.

X. VIOLATION OF REQUIREMENTS

Violation of any requirement of parts I through XII of this delayed compliance order shall result in one or more of the following actions:
(a) Enforcement of such requirement through the commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to section 113(b) of the act, or a criminal prosecution pursuant to section 113(c) of the act, or both;
(b) Revocation of this delayed compliance order, after notice and opportunity for a public hearing, and subsequent enforcement of chapter 17-2.04(6)(a)2a in accordance with sections 113(b) and/or (c) of the act.

XI. NONCOMPLIANCE PENALTY

Failure by the NS to achieve and certify compliance of the classified material incinerator by July 1, 1979, and maintain compliance thereafter, shall result in one or more of the actions identified in part X(a). In addition, noncompliance beyond July 1, 1979, may subject the NS to an administratively assessed noncompliance penalty pursuant to the requirements of section 120 of the act and any rules and regulations promulgated pursuant thereto, unless the NS is exempted by section 120(a)(2)(B) or (C) of the act. In the event of noncompliance after July 1, 1979, the NS will be formally notified of its noncompliance pursuant to section 120(b)(3) of the act.

XII. EFFECTIVE DATE

This delayed compliance order will have full force and effect upon promulgation in the FEDERAL REGISTER.

APPENDIX A—U.S. ENVIRONMENTAL PROTECTION AGENCY, DELAYED COMPLIANCE ORDER [1]

The U.S. Naval Station shall complete the following acts with respect to control of visible emissions for its classified material incinerator located in Mayport, Fla., on or before the dates specified.
(1) June 1, 1978—Submit an application to the Florida Department of Environmental Regulation for a construction permit for the new classified material incinerator.
(2) November 1, 1978—Advertise for the procurement of a new classified material incinerator.
(3) December 30, 1978—Solicit contract bids for the new classified material incinerator.
(4) February 15, 1979—Award contracts for the purchase and installation of a new classified material incinerator.
(5) March 15, 1979—Initiate construction of the new classified material incinerator.
(6) June 15, 1979—Complete construction of the new classified material incinerator.
(7) July 1, 1979—Cease operations of the old classified material incinerator and complete shake-down operations and performance tests on the new classified material incinerator; also achieve compliance with the air pollution rules of the State of Florida, chapter 17-2.04(6)(a)2a and certify such compliance to the Director.

CONSENT [2]

The U.S. Naval Station acknowledges that the visible emissions from its classified material incinerator located at the Mayport, Fla., facility are in violation of the applicable emission limitations contained in the federally-approved Florida implementation plan. The U.S. Naval Station has reviewed this delayed compliance order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable visible emission regulation as contained in the federally-approved Florida implementation plan, and consents to all of the requirements and terms of this delayed compliance order.

Furthermore, the U.S. Naval Station acknowledges the necessity of complying with the interim emission limitations and abatement procedures contained herein which are designed to insure the attainment and maintenance of National Ambient Air Quality Standards for particulates and consents to said interim emission limitations and abatement procedures in order to protect the public health and welfare.

The U.S. Naval Station hereby represents that it has full authority and the necessary approval to enter into and perform in accordance with the terms and provisions of this delayed compliance order. The signatory below represents that he has the requisite authority to execute this Consent on behalf of the U.S. Naval Station.

Dated: June 16, 1978.

C. E. THOMPSON,
U.S. Naval Station.

[FR Doc. 78-22267 Filed 8-9-78; 8:45 am]

[1] This appendix is hereby attached to and incorporated by reference into a delayed compliance order issued to the U.S. Naval Station on —— pursuant to section 113(d) of the Clean Air Act 42 U.S.C. 7413(d).

[2] This Consent is hereby attached to and incorporated by reference into a delayed compliance order issued to the U.S. Naval station on —— pursuant to section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[6560-01]

[40 CFR Part 65]

[FRL 942-4; Docket No. DCO-78-3]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for the Naval Training Center, Orlando, Fla.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue a delayed compliance order (DCO) to the Naval Training Center (NTC) located in Orlando, Fla. The DCO requires the NTC to bring both the pathological waste incinerator and the classified material incinerator at its Orlando, Fla., facility into compliance with certain regulations contained in the federally approved Florida State implementation plan (SIP). Because the NTC is unable to comply with these regulations at this time, the proposed DCO would establish an expeditious schedule requiring final compliance for (1) the classified material incinerator by August 15, 1978, and (2) the pathological waste incinerator by January 15, 1979. If issued by EPA, the DCO would alter the rights of persons to bring judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on this proposed DCO.

DATES: Written comments and requests for a public hearing must be received on or before September 11, 1978. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after 21 days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Paul J. Traina, Director, Enforcement Division, EPA, Region IV, 345 Coutland Street, Atlanta, Ga. 30308. Material supporting the de-

layed comliance order 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:

Wayne Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone 404-881-4253.

SUPPLEMENTARY INFORMATION: The Naval Training Center (NTC) located in Orlando, Fla., operates a pathological waste incinerator and a classified material incinerator. On January 13, 1978, pursuant to section 113(a)(1) of the act, 42 U.S.C. 7413(a)(1), the U.S. Environmental Protection Agency issued a notice of violation to the Naval Regional Medical Center located at the Naval Training Center of the finding that the pathological waste and classified material incinerators were operating in violation of chapter 17-2.04(6)(a)2a, Air Pollution Rules for the State of Florida, dealing with the control of visible emissions from incinerators with rated capacity less than 50 tons per day. This regulation is part of the federally approved State implementation plan.

The proposed delayed compliance order satisfies the applicable requirements of section 113(d) of the act. The delayed compliance order requires final compliance with chapter 17-2.04(6)(a)2a for (1) the classified material incinerator by August 15, 1978, and (2) the pathological waste incinerator by January 15, 1979. The source has consented to its terms and has agreed to meet the delayed compliance order's increments during the period of this informal rulemaking. If the delayed compliance order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the act against this source for violations of the regulation covered by the delayed compliance order during the period the delayed compliance order is in effect. Enforcement against the source under the citizen suit provision of the act (section 304) would be similarly precluded. In the event of an emergency episode the delayed compliance order shall not act to preclude the source from complying with all of the provisions of section 303 of the act. Comments received by the date specified above will be considered in determining whether EPA should issue the delayed compliance order. Testimony given at any public hearing concerning the delayed compliance order will also be considered. After the public comment period, and after EPA has reviewed any 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 procedures for EPA's issuance, approval, or disapproval of a delayed compliance order 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 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(42 U.S.C. 7413, 7601.)

Dated: July 19, 1947.

PAUL TRAINA,
Acting Regional Administrator.

In consideration of the foregoing, it is proposed to amend part 65 of chapter 1, title 40, Code of Federal Regulations as follows:

1. By adding § 65.142 to read as follows:

§ 65.142 Federal delayed compliance orders issued under section 113(d) (1), (3), and (4) of the act.

U.S. ENVIRONMENTAL PROTECTION AGENCY

In the matter of Naval Training Center, Orlando, Fla., proceeding under § 113(d), Clean Air Act, as amended, docket No. DCO-78-3.

DELAYED COMPLIANCE ORDER

This delayed compliance order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act"). This delayed compliance order contains a schedule for compliance, interim requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and 30 days' notice to the State of Florida have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

On January 13, 1978, Mr. Paul J. Traina, Director, Enforcement Division, Region IV, U.S. Environmental Protection Agency, pursuant to authority delegated to him by the Regional Administrator, issued a notice of violation to the Naval Regional Medical Center. This notice informed the Commanding Officer of the Naval Regional Medical Center located at the Naval Training Center (hereinafter referred to as the "NTC"), Orlando, Fla., that the classified material incinterator in Building 2036 and the pathological waste incinerator in Building 3025 were found to be in violation of the rules of the State of Florida, Department of Pollution Control, Chapter 17-2, Air Pollution, Section 17-2.04, Prohibitive Acts, Subsection (6)(a)2a, dealing with visible emissions from incinerators (chapter 17-2.04(6)(a)2a). Said violations have continued beyond the 30th day after receipt of the Director's notification to the NTC.

After a thorough investigation and analysis of all relevant facts including the fact that the NTC could not comply immediately and replacement of the incinerators is necessary to facilitate compliance with the applicable Florida air pollution regulation, EPA has determined that compliance in accordance with the schedule hereinafter set forth is reasonable and as expeditious as practicable:

ORDERED

I. ABATEMENT PROGRAM

That the attached appendices governing an abatement program are incorporated into and made a part of this delayed compliance order for the control of visible emissions at the Naval Training Center located in Orlando, Fla.

The appendices are designated as follows:

Appendix A: Pathological Waste Incinerator.
Appendix B: Classified Material Incinerator.

II. REPORTING—ADDRESSEES

That all submissions of source performance test results, reports and other items required by this delayed compliance order be made to Paul J. Traina, Director, Enforcement Division, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Ga. 30308 (hereinafter referred to as the "Director"), with copies to the Secretary, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Fla. 32301 (hereinafter referred to as the "Secretary").

III. PROGRESS REPORTS AND MILESTONE CERTIFICATION

That the NTC submit, no later than five (5) days after the end of each quarter, commencing with the April 1, 1978, to June 30, 1978, quarter, a progress report for the emission points specified in part I. These reports shall contain specific information on the progress toward each milestone in part I. If any delay is anticipated in meeting said milestones, the MTC shall immediately notify the Director in writing of the anticipated delay and reasons therefore. Notification to EPA of any anticipated delay shall not excuse the delay. In addition, the NTC shall submit, no later than five (5) days after the deadline for completing each milestone required by part I, certification to the Director, and Secretary whether such milestone has been met.

IV. NOTICE OF TESTS

That the NTC provide the Director and Secretary with twenty (20) days' notice prior to the conducting of any performance tests as required by part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing.

V. MALFUNCTIONS AND BREAKDOWNS

That the NTC shall perform operation and maintenance practices on the sources specified in part I as necessary to prevent breakdowns or malfunctions and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this delayed compliance order, for greater than four (4) hours, the owner or operator shall notify this office and the

appropriate State or local air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following the start of such malfunction, and shall cause written notice to be sent to the Director and the Secretary, no later than the end of the next working day following the start of such malfunction. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. The NTC shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions in excess of the interim emission limits during the malfunction or breakdown.

The Regional Administrator shall have the authority during a breakdown or malfunction to require the NTC to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a breakdown or malfunction requiring the above notification, the owner shall submit:

(1) The time the excess emission began and ended;

(2) The time of the beginning and end of the breakdown or malfunction which is asserted to be the cause of the excess emission;

(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of all emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standard;

(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;

(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence, which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;

(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;

(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and

(8) Such additional information as the Regional Administrator may require.

VI. INTERIM LIMITS

At no time shall the visible emissions from (1) the classified material incinerator exceed an average of 10 percent opacity over a 6-minute period in any 1 hour, or (2) the pathological waste incinerator exceed an average of 20 percent opacity over a 6-minute period in any 1 hour. In addition, the NTC shall limit the loading of (1) the classified incinerator to not more than 3 pounds per hour and (2) the pathological incinerator to not more than 25 pounds per hour. In no case shall either incinerator operate for more than 2 hours per day.

VII. CONTINUOUS MONITORING

That the NTC as part of the control strategy, submit by the end of each month commencing with June 1978, a visible emission observation for one (1) consecutive hour for each incinerator specified in part I. These visible observations shall be performed by a qualified smoke reader, certified in accordance with 40 CFR Part 60, Appendix A—Method 9.

VIII. COMPLIANCE RESPONSIBILITY

Nothing herein shall affect the responsibility of the source to comply with all other applicable Federal, State or local regulations.

IX. TERMINATION OF ORDER

This delayed compliance order shall be terminated in accordance with section 113(d)(8) of the Act, if the Administrator determines on the record after notice and hearing, that an inability to comply with chapter 17-2.04(6)(a)2a no longer exists.

X. VIOLATION OF REQUIREMENTS

Violation of any requirement of parts I through XII of this delayed compliance order shall result in one or more of the following actions:

(a) Enforcement of such requirement through commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to section 113(b) of the Act, or a criminal prosecution pursuant to section 113(c) of the Act, or both;

(b) Revocation of this delayed compliance order, after notice and opportunity for a public hearing, and subsequent enforcement of chapter 17-2.04(6)(a)2a in accordance with sections 113 (b) and/or (c) of the Act.

XI. NONCOMPLIANCE PENALTY

Failure by the NTC to achieve and certify compliance of (1) the classified material incinerator by August 15, 1978, or (2) the pathological waste incinerator by January 15, 1979, and maintain compliance thereafter, shall result in one or more of the actions identified in part X(a). In addition, noncompliance beyond July 1, 1979, may subject the NTC to an administratively assessed noncompliance penalty pursuant to the requirements of section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless the NTC is exempted by section 120(a)(2) (B) or (C) of the Act. In the event of noncompliance after July 1, 1979, the NTC will be formally notified of its noncompliance pursuant to section 120(b)(3) of the Act.

XII. EFFECTIVE DATE

This delayed compliance order will have full force and effect upon promulgation in the FEDERAL REGISTER.

APPENDIX A—U.S. ENVIRONMENTAL PROTECTION AGENCY DELAYED COMPLIANCE ORDER[1]

The Naval Training Center shall complete the following acts with respect to control of visible emissions for its pathological waste incinerator (in Building 3025 located in Orlando, Fla., on or before the dates specified:

(1) Completed.—Application to the Florida Department of Environmental Regulation for a construction permit for the new pathological waste incinerator filed May 15, 1978.

(2) Completed.—Initiate construction of the new pathological waste incinerator.

(3) December 15, 1978.—Complete construction of the new pathological waste incinerator.

(4) January 15, 1979.—Cease operations of the old pathological incinerator in building 3025 and complete shake-down operations and performance tests on the new pathological incinerator; also achieve compliance with the air pollution rules of the State of Florida, chapter 17-2.04(6)(a)2a and certify such compliance to the Director.

APPENDIX B—U.S. ENVIRONMENTAL PROTECTION AGENCY DELAYED COMPLIANCE ORDER[2]

The Naval Training Center shall complete the following acts with respect to control of visible emissions for its classified material incinerator (in Building 2036) located in Orlando, Fla., on or before the dates specified:

(1) Completed.—Application to the Florida Department of Environmental Regulation for a construction permit for the new classified material incinerator filed on June 8, 1978.

(2) Completed.—Initiate construction of the new classified material incinerator.

(3) August 15, 1978.—Complete construction of the new classified material incinerator.

(4) September 15, 1978.—Cease operations of the old classified material incinerator in Building 2036 and complete shakedown operations and performance tests on the new classified material incinerator; also achieve compliance with the air pollution rules of the State of Florida, chapter 17-2.04(6)(a)2a and certify such compliance to the Director.

CONSENT[3]

The Naval Training Center acknowledges that the visible emissions from its pathological waste incinerator located in Building 3025 and its classified material incinerator located in Building 2036 at the Orlando, Fla., facility are in violation of the applicable emission limitations contained in the federally approved Florida implementation plan. The Naval Training Center has reviewed this delayed compliance order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable visible emission regulation as contained in the federally approved Florida implementation plan, and consents to all of the requirements and terms of this delayed compliance order.

Furthermore, the Naval Training Center acknowledges the necessity of complying with the interim emission limitations and abatement procedures contained herein which are designed to ensure the attain-

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[1] This appendix is hereby attached to and incorporated by reference into a delayed compliance order issued to the Naval Training Center on —— pursuant to section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[2] This appendix is hereby attached to and incorporated by reference into a delayed compliance order issued to the Naval Training Center on —— pursuant to section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[3] This consent is hereby attached to and incorporated by reference into a delayed compliance order issued to the Naval Training Center on —— pursuant to section 113(d) of the Clean Air Act, 42 U.S.C.7413(d).

ment and maintenance of national ambient air quality standards for particulates and consents to said interim emission limitations and abatement procedures in order to protect the public health and welfare.

The Naval Training Center hereby represents that it has full authority and the necessary approval to enter into and perform in accordance with the terms and provisions of this delayed compliance order. The signatory below represents that he has the requisite authority to execute this consent on behalf of the Naval Training Center.

Dated: June 16, 1978.

J. B. MOONEY, Jr.,
Rear Admiral, U.S. Navy,
Commander, Naval Training Center.

[FR Doc. 78-22268 Filed 8-9-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[45 CFR Part 233]

AID TO FAMILIES WITH DEPENDENT CHILDREN; ABSENCE OF PARENT

Decision To Develop Regulations

AGENCY: Social Security Administration, HEW:

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration is planning to publish proposed regulations to codify an expanded interpretation of the statutory requirement that children must be deprived of parental support by reason of the "continued absence" of the parent from the home. The proposed regulation will provide that "continued absence" of the parent from the home is satisfied in situations where a parent is a prisoner but permitted to return home in the evenings on a daily basis while serving a sentence and performing uncompensated public work during the work day. In these situations, the child is effectively deprived of support from the parent by reason of the parent's absence as a prisoner.

FOR FURTHER INFORMATION CONTACT:

Ms. Joyce Fernandez, 330 C Street SW., Washington, D.C. 20201, telephone 202-245-0982.

Dated: June 30, 1978.

Approved:

DON WORTMAN,
Acting Commissioner of
Social Security.

[FR Doc. 78-22353 Filed 8-9-78; 8:45 am]

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1076]

[CSA Instruction 6158-2a]

ECONOMIC DEVELOPMENT PROGRAMS

Small Business Programs Funded by CDC's

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is proposing regulations to establish the criteria and procedures under which CSA financial assistance under section 712 may be provided for CDC small business programs.

DATE: CSA welcomes comments on this proposed rule. Comments received prior to September 11, 1978, will be considered in drafting the final rule.

ADDRESS: Please address all comments to: Mr. Gerrold K. Mukai, Associate Director, Office of Economic Development, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward Taxin, 202-254-6180.

AUTHORITY: The provisions of this subpart are issued under sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

GRACIELA OLIVAREZ,
Director.

45 CFR 1076.20 is proposed to be amended as follows:

Sec.
1067.20-1 Applicability.
1076.20-2 Definitions.
1076.20-3 Policy.
1076.20-4 Procedures, requirements, and limitations.

Subpart—Small Business Programs Funded by CDC's

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart—Small Business Programs Funded by CDC's

§ 1076.20-1 Applicability.

This subpart applies to all small business programs financially assisted by community development corporations (CDC's) with CSA funds under section 712 of the Economic Opportunity Act of 1964 as amended.

§ 1076.20-2 Definitions.

(a) *Business Development Program.* Any venture, organized for profit or on a cooperative basis, financed in whole or in part by a CDC out of CSA section 712(a)(1) grant funds under budget cost category 2.5, investment capital.

(b) *Small Business Program.* A business development program which is not a venture operating on a cooperative basis and in which the CDC has not equity interest.

(c) *Equity Interest.* Current ownership, in whole or in part of a venture. Specifically excluded from the meaning of this term are those forms of debt financing which involve an option or right to purchase or convert to ownership at some future time or upon some future contingency.

§ 1076.20-3 Policy.

(a) Financial assistance for business development programs under section 712(a)(1) shall be used predominantly for equity investment (either alone or in combination with other forms of financial assistance) and for cooperatives. This priority on equity investment and support for cooperatives derives from two factors: (1) The emphasis in title VII on programs which will promote community-based ownership opportunities, an objective that can be best attained through either direct CDC investment in special impact area businesses or in development of cooperatives; and (2) the availability from other Federal funding sources of financial assistance for technical assistance, loans, or loan guarantees, whereas title VII is the only Federal funding authority for equity capital.

(b) In addition, insofar as section 712 funds are used for financial assistance to small business programs, it is OED policy that such financial assistance be generally limited to loan guarantees, rather than be in the form of direct loans. This policy derives from three factors: (1) The availability of direct loan funds from nonTitle VII funding sources, including commercial lending institutions; (2) the "leveraging" effect of loan guarantees in attracting outside debt capital into the special impact area; and (3) direct loan programs impose a significant administrative burden on the CDC and require substantial staff resources to service the loans once they are approved.

(c) Finally, since the primary thrust of title VII is community economic development for low-income residents, rather than support to individual entrepreneurs, small business programs assisted with section 712 funds should also further the title VII objective of promoting ownership or employment opportunities for low-income special impact area residents.

(d) Accordingly, CDC use of financial assistance under section 712 for small business programs is subject to three basic policy limitations: (1) Such assistance shall be accorded a lower priority than, and shall not supplant

opportunities for equity investments; (2) except in unusual circumstances direct loans may not be made to small business programs from CDC investment capital funds, and only then as approved by OED on a case by case basis; and (3) financial assistance to small business programs whether in the form of direct loans, loan guarantees, or some othe debt capital mechanism, may not be provided from CDC investment capital funds unless such assistance will provide ownership or employment opportunities to low-income residents of the special impact area.

§ 1076.20-4 Procedures, requirements, and limitations.

(a) No CDC administrative funds under section 712 (cost categories other than 2.5) may be used for financial assistance, whether direct loans or loan guarantees, to small business programs.

NOTE.—This does not preclude the use of administrative funds for technical assistance, e.g., by CDC staff, to small business programs.

(b) Except as provided in any venture autonomy agreement approved by OED, or as provided in any revolving loan guarantee fund approved by OED, no CDC investment capital funds (cost category 2.5) may be used for any individual loan or loan guarantee for any small business program without prior written approval by OED.

(c) In requesting OED approval for any small business program, whether it be an individual loan, individual loan guarantee, or revolving loan guarantee fund, the CDC must demonstrate how the program will directly benefit low-income residents of the special impact area, by providing either ownership or employment opportunites, or both. The CDC must also demonstrate, in requesting approval for any loan guarantee, that loans from commercial or other public sources would not be available without such guarantee. The CDC must also demonstrate, in requesting approval for any direct loan, that either loans from commercial or other public sources would not be available even if the CDC were to guarantee such loans, or that control rights necessary to promote the purposes of title VII would be obtainable only through a direct loan.

(d) No loan guarantee may exceed 50 percent of the loan(s) to any recipient, thereby providing at a minimum two-for-one leverage. Where the CDC can devise effective relationships with the lending institution and/or SBA, guarantees of less than 50 percent providing much greater leverage, should be arranged.

[FR Doc. 78-22300 Filed 8-9-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[SS Docket No. 78-232; FCC 78-536]

REMOTE CONTROL UNITS USED IN CONJUNCTION WITH MARINE VHF RADIOTELEPHONES HAVE THE CAPABILITY OF REDUCING POWER OUTPUT TO 1 WATT OR LESS

Proposed Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This amendment of the rules requires that remote control units used in conjunction with VHF transmitters have the capability of reducing transmitter power output to 1 watt or less. This action is taken since it has recently come to the attention of the Commission that some radio control units do not have this capability. This function is necessary from the standpoint of reducing interference and encouraging the use of minimum power when possible.

DATES: Comments must be received on or before September 13, 1978, and reply comments must be received on or before September 25, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Bruce A. Branca, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: July 27, 1978.

Released: August 4, 1978.

In the matter of amendment of part 83 to require that remote control units used in conjunction with marine VHF radiotelephones have the capability of reducing power output to 1 watt or less, SS Docket No. 78-232.

1. Notice of proposed rulemaking is hereby given.

2. Several marine radio manufacturers are now making very high frequency (VHF) radiotelephones with remote control units. These remote control units allow the transmitter to be placed in one location while the controls are placed in another. They also may provide for multiple operating positions. It has come to the attention of the Commission, however, that not all of these units are equipped with the capability of reducing the transmitter power output to 1 watt or less in accordance with § 83.134 of the rules. This may be due to a deficiency in the present rules concerning operating controls.

3. While the Commission has no objection to the use of remote control units and, in fact, can see many advantages to the use of such devices (for example, as a second control point on a vessel equipped with a flying bridge), the Commission does feel that these remote control units should be capable of certain functions. These include:

a. *Starting and stopping transmission.* This function is required for the control of the radio at the secondary location. For example, it enables the operator at this location to initiate a call for assistance in an emergency situation, or to cease all transmissions if the station is causing interference.

b. *Changing channels.* This function is also needed for effective control of the radio to permit the operator to change from the calling channel to a working channel and vice versa.

c. *Reducing transmitter output to 1 watt or less.* This function is necessary from the standpoint of reducing interference and encouraging the use of minimum (1 watt) power whenever possible. Additionally, the use of 1 watt is required on channel 13 (156.65 MHz) under the bridge-to-bridge [1] radiotelephone procedures (§ 83.251).

Accordingly, we now propose to amend the rules to require these remote control units to be capable of performing these functions.

4. The proposed amendments to the rules are issued under the authority contained in sections 4(i), 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

5. Under the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 13, 1978, and reply comments on or before September 25, 1978. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with § 1.419 of the Commission's rules, an original and five copies of all statements, briefs, or comments shall be furnished the Commission. All comments received in response to this notice of proposed rulemaking, will be available for public inspection in the docket reference room

[1] Bridge-to-bridge refers to the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201 et seq.).

in the Commission's offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. In § 83.104, paragraph (a)(1) is amended to read as follows:

§ 83.104 Operating controls.

(a) * * *

(1) Starting and discontinuing operation of the station and, in the case of stations operating in the 156 to 162 MHz band, reducing power output to 1 watt or less in accordance with § 83.134;[1]

* * * * *

2. In § 83.134, paragraph (f) is amended by the addition of a footnote to read as follows:

§ 83.134 Transmitter power.

* * * * *

(f) Ship station transmitters using F3 emission in the band 156–162 MHz shall not exceed a carrier power of 25 watts [1 2 3 4] and, additionally, shall include the capability to reduce, readily, the carrier power to 1 watt [2 4 5] or less.

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[FR DOC. 78-22288 Filed 8-9-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 195]

[Docket No. PS-51; Notice 1]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Procedures for Operation, Maintenance, and Emergencies

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Notice of proposed rulemaking.

SUMMARY: Failure analyses, accident investigations, and recommendations of the National Transportation Safety Board (NTSB) indicate that in many cases pipeline carriers of hazardous liquids have not followed proper procedures for handling normal operations and maintenance, abnormal operations, and emergencies. This notice proposes to establish the essentials that the procedures must cover, as well as requirements for communications, training of personnel, and educating the public about the hazards involved, with emphasis on highly volatile commodities like liquefied petroleum gas (LPG).

DATE: Comments must be received by October 6, 1978. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at MTB's docket room 6500.

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

SUPPLEMENTARY INFORMATION: MTB has found that in repeated instances interstate carriers of hazardous liquids have not taken timely or appropriate actions in carrying out normal operating and maintenance activities and in responding to abnormal and emergency situations. Such performance can contribute either to the occurrence of failures or to the resultant damage from failures, or both. The lack of timely or appropriate action contributed to the increased casualty rate resulting from accidents involving LPG and other highly volatile liquids compared with pieplines transporting other liquid commodities.

Carriers who have established adequate procedures and implemented them with appropriate training of personnel and inspection to verify compliance have safety records that show that this approach is effective in maintaining a level of safety that minimizes the potential for hazardous incidents. For this reason, this Notice proposes to clarify and delineate the existing requirement under § 195.402 that a carrier establish and follow procedures for normal operations, abnormal operations, and emergencies. In addition to new procedural requirements, this Notice proposes provisions relating to the type of information which must be communicated as required by § 195.408 to assure safe operations. Also, new requirements would be established governing the training of carrier personnel and educating both public agencies and the general public about the hazards of liquids being transported, with emphasis on highly volatile liquids.

An incident that occurred in Ruff Creek, Pa., on July 20, 1977, illustrates the serious hazards presented by accidents involving LPG and the need for this proposal. According to a report on the incident issued January 12, 1978, by the National Transportation Safety Board (NTSB) (NTSB PAR-78-19), a 12-inch propane pipeline ruptured at 4:30 a.m., filling a nearby stream valley with gas. The sudden drop in pressure was detected at the propane carrier's control board, but an investigation by personnel did not include steps to check on a line break (such as an evaluation of pressure along the line) and, the problem was viewed as a faulty pump. At 6:05 a.m., the escaped propane was ignited by a passing pickup truck, burning an area 300 feet by 4,000 feet along the stream. Volunteer firemen first tried to put out the fire with foam, but upon the advice of a gas company employee who had been called by police and was knowledgeable about hazardous materials, the fire was allowed to burn as a safety measure.

An employee of another gas company also verified that a propane pipeline and not a natural gas pipeline was involved, and, at 7:10 a.m., he notified the propane carrier of the accident. The carrier asked the gas company's employees to shut the mainline valves. The valves were closed by 8:30 a.m., 10 minutes before arrival of the carrier's crew.

About an hour later the carrier realized, that as a result of prior maintenance work in the area, stopple fittings had been installed close to the point of rupture. At 2:45 p.m. stopple equipment arrived and by 7:20 p.m. it was installed. Then the fire began to subside. It went out at 8:30 p.m., 16 hours after the rupture. As a result of the accident, two persons were killed; and 57 head of cattle and other property were destroyed.

NTSB found that the probable cause of the Ruff Creek accident was stress-corrosion cracking in an area of earth subsidence. However, factors found contributing to the damage were the carrier's lack of provisions to detect the failure in a timely manner and to isolate the failed section.

In furtherance of these findings, NTSB noted in its report that the carrier's handling of the emergency situation was not adequate, and there was no evidence to indicate that personnel were trained or could tell the difference between pressure drops due to breaks and pump malfunctions. Also, NTSB suggested that time could have been saved had there been communication of pressure and flow data from pumping stations to the central control board and subsequent communications of the malfunction to field supervisors. NTSB concluded its report by recommending that MTB:

Expedite the publishing of the notice of proposed reulemaking on regulations for the safe transportation of pipelines of liquefied petroleum gas (LPG). Include a comprehensive section on the communications

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[1] Stations installed before ————, need not have the capability to reduce transmitter output power to 1 watt or less at each control point.

[5] If a remote control unit is used with a transmitter manufactured after ————, the remote control unit shall have the capability of reducing transmitter output power to 1 watt or less.

required for the safe operation of LPG pipelines. (P-79-9.)

Include in proposed regulation a section similar to the emergency plan section of the natural gas code (49 CFR 192.615) that will require operators to provide information to persons who live or work within 220 yards of a propane pipeline, and up to 1 mile if located downhill of an LPG pipeline, about the particular hazards of LPG and how to contact emergency personnel. (P-78-10.)

As a result of earlier accident investigations, several involving liquefied petroleum gas, NTSB made similar recommendations regarding the timeliness or appropriateness of actions taken during operations and emergencies.

72-P-3 Require pipeline companies to formally notify appropriate State and local civil agencies of the route of the pipelines, the type of material they carry, and lines of communication in an emergency.

P-73-30 Amend 49 CFR 195.408, Communications, to describe more fully the type of information required for the safe operation of pipelines and the conditions under which this information should be transmitted remotely.

P-73-49 Establish an educational program to enable customers and the general public to recognize and report LPG leaks to appropriate officials.

P-74-53 Require liquid petroleum pipeline operators to establish liaison with appropriate public officials, including fire and police, to better inform them of the characteristics and hazards of liquid petroleum and related products. These regulations should include anhydrous ammonia.

P-74-54 Establish written procedures requiring dispatchers to perform detailed monitoring of all points on a pipeline system during startup until conditions have stabilized.

P-74-56 Evaluate training and inspection procedures under 49 CFR 195.402 to increase the probability that damage to pipelines is prevented or detected and reported.

P-74-58 Require a review of pipeline systems to institute a systematic and authoritative approach to understanding and controlling hazards.

A study, DOT/OPS-75/06, "Transportation of Highly Volatile, Toxic, or Corrosive Liquids by Pipeline," done for MTB by Battelle Columbus Laboratories resulted in several other recommendations relating to the need for timely or appropriate actions in operating or emergency situations. Copies of this study are available from the National Technical Information Service, Springfield, Va. 22161, as NTIS No. PB253218 at $10.50 for paper and $3 for microfiche. Recommendations from the Battelle Report are:

OP-1 Compile a list of people, departments, agencies, companies, etc., that need to know the particulars of the location of the pipeline, products carried, potential hazards, etc., in the event of a leak or rupture. Make appropriate contacts and notification.

OP-2 and 3 Consider an industry-wide approach to in-house safety programs with participation of as many as possible pipeline operators, LPG and NH_3, contractors, public officials, police, and fire departments.

OP-6 Written procedures should identify considerations in reaching a go, no-go decision on intentional ignition of escaped LPG to prevent its migration to other areas.

OP-8 and 9 Specify and equip emergency vehicles with safety instrumentation and equipment needed at the scene of a failure, giving consideration to the products being transported.

M-1 and 2 Every pipeline operator that transports LPG and NH_3 must have written corrective and preventive maintenance procedures and records for the pipeline controls systems and mechanical components of the pipeline.

A copy of the NTSB reports that resulted in the above recommendations and the Battelle report are available to the public in the Docket for this proposal.

In reviewing the problems of carriers' failing to take timely or appropriate actions, it became apparent that more than just better procedures, training, and educational programs would be needed to minimize the likelihood and effects of pipeline failures. For example, in the Ruff Creek situation, NTSB pointed out that if the pipeline had had closer spaced valves that were remotely operable, and check valves to hold back downhill flows, the failed section could have been isolated faster and less liquid would have been released. Although such special design features are not required by Part 195, MTB decided not to consider proposing them as part of this proceeding so that commenters might focus their attention on the procedural and informational issues. MTB expects to issue separate notices of proposed rulemaking on other safety problems concerning pipelines carrying LPG and other highly volatile liquids later this year.

In addition to considering the need for new design requirements, MTB has considered one other feasible approach to obtaining more timely and appropriate actions by carriers during operations and emergencies. This approach would involve conducting training seminars for liquid pipeline carriers similar to those now being conducted for natural gas operators. These seminars could provide a face to face dialogue to explain the requirements of Part 195, including the requirements which relate to operating, maintenance, and emergency procedures. Such a dialogue could result in cooperation between individual carriers in finding solutions for industry-wide safety problems as recommended by Battelle (OP-2 and 3).

However, since attendance by the necessary persons cannot be assured and such seminars are advisory and lack the enforceability of regulations, this alternative was not adopted. Still, seminars are considered as a desirable supplement to the regulatory action being proposed.

As stated above, one objective of this rulemaking proposal is to clarify and delineate the present requirements of § 195.402(a). This section requires each carrier to establish and maintain current written procedures to insure the safe operation and maintenance of its pipeline system in accordance with part 195 during normal operations and maintenance, and during abnormal operations and emergencies. However, § 195.402(a) does not specify what particulars the procedures should cover. This notice proposes adoption of certain particulars under a new § 195.402, and the other requirements of the existing § 195.402 in paragraphs (b), (c), and (d) would be redesignated as paragraphs (a), (b), and (c), respectively, of a new § 195.401.

Because of many variables, it is not possible to prescribe a detailed set of regulations for operations and maintenance that will encompass all cases. It is possible, however, for each carrier to develop operating and maintenance procedures, as proposed, that will provide an adequate level of safety.

In the proposed new § 195.402, paragraph (a), General, would contain the same requirements as the existing § 195.402(a). In addition, paragraph (a) would require that each carrier's procedures be in the form of a manual and be filed (one copy) with MTB (by the effective date of the amendment). Changes to the procedures would have to be filed within 15 days following the date a change is made. The purpose of the proposed manual and filing requirements is to facilitate MTB's review of carriers' procedures. This review now is done onsite as part of periodic inspections by MTB field investigators. MTB is not proposing by this filing requirement that carriers must obtain MTB's approval of their procedures before they go into effect.

Paragraph (b), Amendments, would establish criteria for MTB's review of carriers' procedures and a process for making needed corrections or refiling adequate procedures.

Proposed paragraph (c), Normal operation and maintenance, sets forth the minimum particulars that procedures for handling normal operations and maintenance must cover. Under paragraph (c), among other things, the procedures must provide for: (1) Making appropriate pipeline construction and maintenance history records needed for safe operation and maintenance available for ready reference by operating and maintenance personnel, (2) complying with the other operating and maintenance requirements of subpart F, (3) reviewing each pipeline and its operation to identify and minimize the detrimental effects of potential hazards, (4) investigating and ana-

lyzing each accident to determine cause and prevent recurrences, (5) minimizing the potential for personnel error and equipment failure during pipeline startup and shutdown, and (6) monitoring operational data to assist in detecting an abnormal condition.

Paragraph (d), Abnormal operations, would establish minimum particulars that must be included in procedures for responding to abnormal operating conditions for the purpose of preventing them from becoming emergencies. Also, requirements would be established for periodically reviewing the responses of personnel to abnormal situations to make the applicable procedures more appropriate if needed. MTB anticipates that most carriers would have to significantly revise their procedures and programs for training of personnel to make this proposal effective.

Paragraph (e), Emergency plans, would require carriers to establish preplanned, written procedures to follow in responding to emergencies. These procedures would minimize the effects of the hazards involved. As proposed, they would provide for receiving reports of, identifying, classifying, and responding to, each emergency. An important procedure would provide for an after-the-fact review of each emergency to detect any deficiencies in the procedures and improve them where indicated. Most carriers have procedures for emergencies, and only minor modifications should be needed to comply with this proposal.

Under proposed new § 195.403, Training, requirements would be established for training appropriate carrier personnel to assure that they are knowledgeable of and can carry out the procedures prepared under the proposed § 195.402, with emphasis on highly volatile liquid pipeline systems.

Procedures are not fully effective until personnel responsible for executing those procedures know and follow them. For example, in some cases, personnel have not followed procedures during actual emergencies and in other cases have not been aware that emergency procedures existed. Training is therefore an absolutely necessary part of making procedures effective. Under the proposed § 195.403, responsible personnel must be explicitly instructed in each procedure as it applies to the pipeline facility concerned. A proposed requirement for use of simulated emergency situations on the actual facility, where feasible, to develop fire fighting and related skills needed to minimize a hazard is intended to enhance the effectiveness of personnel training.

A proposed amendment to § 195.408, communications, is intended to clarify the nature of the communication system now required by stating the kinds of communication it must handle, especially in abnormal operating conditions and emergencies.

The communication system needed to comply with this proposed amendment would include, as a minimum: (1) A means of transmitting operating data to attended locations. (2) Telephone with properly published numbers to enable the public and carrier personnel to report any incidents they discover, (3) Two-way radios for use between a control center and crews at the scene of any incident, and (4) Telephones, radios, and messengers available for use in communicating with fire, police, and other appropriate public officials during an emergency.

Most carriers are now equipped to do this, but some may need additional communication equipment and personnel to comply with this proposed requirement.

Finally, under the proposed new § 195.440, public education, requirements would be established for each carrier of highly volatile liquids to inform members of the public, who could be affected by a pipeline failure or who are likely to be engaged in activities that could endanger the pipeline's integrity, of the potential hazards involved in the event of a pipeline failure.

Some effective public education programs have used the various news and advertising media including television, radio, newspapers, mailings, and community meetings to inform those persons living along the pipeline route of the need for pipeline safety.

In addition, MTB proposes that a definition of the term "highly volatile liquid" be adopted under § 195.2, definitions. This new term would include commodities such as liquefied petroleum gas, ammonia, and other liquefied gases covered by part 195. (for example, see § 195.50(c).) The proposed definition of a highly volatile liquid (HVL) is "any liquid which has a vapor pressure of 10 kPa (14.5 psia) or more at 37.8° C (100° F)." This proposed definition is intended to describe those commodities that would form a vapor cloud in the event of a spill. A pressure of 10 kPa (14.5 psia) was selected as representative of atmospheric pressure. The temperature of 37.8° C (100° F) was selected as representative of the highest commodity temperature and ambient temperature normally encountered along a pipeline. Further, vapor pressures of commodities at 37.8° C (100° F) are commonly published in engineering literature. If this definition is adopted, MTB intends in the final rule to delete existing references to "liquefied petroleum gas" and "liquefied gas" in part 195 and substitute the new term "highly volatile liquid." Specific comments on this definition are requested.

In consideration of the foregoing, MTB proposes that part 195 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By adding a new definition to § 195.2 as follows:

§ 195.2 Definitions.

* * * * *

"Highly volatile liquid" or "HVL" means a liquid which has an absolute vapor pressure of 10 kPa (14.5 psia) or more at 37.8° C (100° F).

* * * * *

195.401 [Redesignated from § 195.402 and amended]

2. By redesignating § 195.402 as § 195.401 and by deleting paragraph (a) and redesignating paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c) respectively.

3. By adding a new § 195.402 to read as follows:

§ 195.402 Procedural manual for operation, maintenance, and emergencies.

(a) *General.* Each carrier shall prepare, follow, and maintain a manual of current written procedures meeting the requirements of this section for each pipeline system to assure the safe operation of the system during normal operation and maintenance, and abnormal operations and to minimize the hazards resulting from an emergency involving the system. A copy of the procedural manual must be filed with the Secretary by (effective date) or before a carrier begins initial operation. Each change to the procedural manual must be filed within 15 days after the change is made. Each manual or change to a manual becomes effective without approval of the Secretary.

(b) *Amendments.* If the Secretary finds that a carrier's procedures are inadequate to achieve safe operation or to minimize hazards in an emergency, the Secretary may, after issuing a notice of amendment and providing an opportunity for an informal hearing, require the carrier to amend the procedures. In determining the adequacy of procedures, the Secretary considers pipeline safety data, the feasibility of the procedures, and whether the procedures are appropriate for the pipeline system involved. Each notice of amendment allows the carrier at least 30 days to submit written comments or request an informal hearing. After considering all material presented, the Secretary notifies the carrier of the required amendment or withdraws the notice proposing the amendment.

(c) *Normal operations and maintenance.* The manual required by paragraph (a) of this section must include

procedures for the following to provide safety during normal operations and maintenance:

(1) Making construction records, maps, and operating history available as necessary for safe operation and maintenance.

(2) Gathering of data needed for reporting accidents under subpart B of this part in a timely and effective manner.

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart.

(4) Determining on the basis of design, construction, leak history, and other relevant data, which pipeline facilities, operating conditions, installation techniques and maintenance methods would cause hazards to the safety of the public or system integrity in the event of a malfunction or failure.

(5) Analyzing pipeline accidents to determine their causes (in cooperation with the Secretary when appropriate).

(6) Minimizing the potential for hazards identified under paragraph (c)(4) of this section and the possibility of recurrence of accidents analyzed under paragraph (c)(5) of this section.

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, considering the commodity in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

(8) Continuously monitoring from an attended location, pipeline pressure during startup until steady state pressure and flow conditions are reached and during shut-in to assure operation within the limits prescribed by § 195.406.

(9) Detecting abnormal operating conditions at points of shipment and delivery of the commodity and at facilities identified under paragraph (c)(4) of this section by monitoring pressure, temperature, flow, or other appropriate operational data and transmitting this data to an attended location.

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards.

(11) Minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under paragraph (c)(4) of this section where the potential exists for the presence of flammable liquids or gases.

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a liquid pipeline emergency and acquaint the officials with the carrier's ability in responding to a liquid pipeline emergency and means of communication.

(13) Periodically reviewing the work done by carrier personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

(14) Any other items reasonably considered necessary for the safe operation and maintenance of the system.

(d) *Abnormal operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an abnormal operating conditions occurs:

(1) Responding to, investigating, and correcting the cause of:

(i) Unintended closure of valves or shutdowns;

(ii) Increase or decrease in pressure or flow rate outside normal operating limits;

(iii) Loss of communications;

(iv) Operation of any safety device; and

(v) Any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property.

(2) Checking variations from normal operation after abnormal operation has ended, including pressure and flow rates at outlet and inlet facilities and at sufficient critical locations in the system to determine continued integrity and safe operation.

(3) Correcting variations from normal operation of pressure and flow equipment and controls.

(4) Notifying responsible carrier personnel when notice of an abnormal operation is received.

(5) Periodically reviewing the response of carrier personnel to determine the effectiveness of the procedures in controlling abnormal operation and taking corrective action where deficiencies are found.

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) Receiving, identifying, and classifying notices of events which need immediate response by the carrier or notice to fire, police or other appropriate public officials and communicating this information to appropriate carrier personnel for corrective action.

(2) Prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility, release of commodity from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities.

(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

(4) Taking necessary action, such as emergency shutdown, or pressure reduction, to minimize the volume of hazardous material that is released from any section of a pipeline system in the event of a failure.

(5) Control of released commodity at an accident scene to minimize the hazard, including possible intentional ignition in the case of flammable HVL.

(6) Minimization of public exposure to injury and probability of accidental ignition by evacuating residents and halting traffic on roads and railroads in the affected area, or taking other appropriate action.

(7) Notifying fire, police, and other appropriate public officials of liquid pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

(8) In the case of failure of a pipeline system transporting a highly volatile liquid, use of appropriate instruments to assess the extent and coverage of the vapor cloud and determine the hazardous areas.

(9) Providing for a post accident review of employee activities to determine whether the procedures were effective in each emergency and taking corrective action where deficiencies are found.

3. By adding a new § 195.403 to read as follows:

§ 195.403 Training.

(a) Each carrier shall establish and conduct a continuing training program to instruct operating and maintenance personnel to:

(1) Carry out the operating and maintenance, and emergency procedures established under § 195.402 that relate to their assignments;

(2) Know the characteristics and hazards of the commodities transported, including, in the case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;

(3) Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and commodity spills, and to take appropriate corrective action;

(4) Take steps necessary to control any accidental release of commodity and to minimize the potential for fire, explosion, toxicity, or environmental damage;

(5) Learn the proper use of fire fighting procedures and equipment, fire suits, and breathing apparatus by

utilizing, where feasible, a simulated pipeline emergency condition; and

(6) In the case of maintenance personnel, to safely repair facilities using appropriate special precautions, such as isolation and purging, when highly volatile liquids are involved.

(b) At intervals of not more than 6 months each carrier shall:

(1) Review with personnel their performance in meeting the objectives of the training program set forth in paragraph (a) of this section; and

(2) Make appropriate changes to the training program as necessary to insure that it is effective.

(c) Each carrier shall require and verify that its personnel supervisors maintain a thorough knowledge of that portion of the procedures established under § 195.402 for which they are responsible to insure compliance.

4. By revising § 195.408 to read as follows:

§ 195.408 Communications.

(a) Each carrier must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system.

(b) The communication system required by paragraph (a) of this section must, as a minimum, include means for—

(1) Monitoring operational data as required by § 195.402(c)(9);

(2) Receiving notices from carrier personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action;

(3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and

(4) Insuring communication with fire, police, and other appropriate public officials during emergency conditions, including a natural disaster.

5. By adding a new § 195.440 to read as follows:

§ 195.440 Public education.

Each carrier shall establish a continuing educational program to enable the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a liquid pipeline emergency and to report it to the carrier or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the carrier's operating area. In the case of a highly volatile liquid pipeline, the program must as a minimum provide information to persons who live or work within 220 yards of the pipeline, and within 1 mile if located downhill from the pipeline, about the particular hazards of the commodity.

(18 U.S.C. 831-835, 49 U.S.C. 1655, 49 CFR 1.53(b), App. A of Part I, and paragraph (b)(1) of App. A to Part 102.)

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

CESAR DE LEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 78-21962 Filed 8-9-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 537]

[Docket No. FE 77-03; Notice 3]

AUTOMOTIVE FUEL ECONOMY REPORTS

Schedule for Response to Petition for Reconsideration

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

ACTION: Schedule for response to petition for reconsideration.

SUMMARY: This notice is being issued to announce the schedule for response to a petition by General Motors Corp. (GM) for reconsideration of part 537, Automotive Fuel Economy Reports. GM objected to the procedures set forth in that rule with respect to the release of confidential information. NHTSA policy provides that petitions for reconsideration are normally answered within 90 days. Where a substantial delay beyond that period is likely to occur, the agency publishes notice of that fact. Due to the similar nature of the issues raised in the petition and in an interim rule regarding confidential information, the agency will respond to the petition when the final rule on confidential information is issued.

FOR FURTHER INFORMATION CONTACT:

Steve Kratzke, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2922.

SUPPLEMENTARY INFORMATION: The NHTSA published a final rule specifying the format and content requirements for the semiannual fuel economy reports to be submitted to the NHTSA by each automobile manufacturer (42 FR 62374, December 12, 1977). Section 537.12(c) of that rule reads as follows:

(c) *Release of confidential information.* After giving written notice to a manufacturer and allowing 10 days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under §537.5(c)(7).

GM filed a petition for reconsideration of the language in § 537.12(c) on January 11, 1978. GM stated its opinion that the phrase "when feasible" would permit the NHTSA to release confidential information relevant to the administrative or judicial proceeding under title V of the Motor Vehicle Information and Cost Savings Act, as amended (the act), less than 10 days after the agency's written notice of denial of a manufacturer's claim of confidentiality. GM said that it is unreasonable to assume that a manufacturer desiring to take judicial action to prevent disclosure could prepare and file the necessary pleadings in court in less than 10 days.

The NHTSA has published a proposed rule setting forth the procedures which would be followed with respect to all confidential information received by this agency (43 FR 22412, May 25, 1978). The proposed procedure regarding release of confidential information is consistent with the reporting rule provision to which GM objected.

The agency has decided to delay its response to the GM petition so that it can consider the petition at the same time it considers the comments on the confidentiality proposal. A response to the petition will be issued when the confidentiality final rule is issued. The date for that action is anticipated to be in the early fall.

NHTSA's policy for responding to petitions for reconsideration provides that a notice be published when the response will be substantially delayed beyond 90 days. The policy is set forth in 49 CFR 553.39. This notice is issued pursuant to that policy.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on August 3, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-22255 Filed 8-9-78; 8:45 am]

[4910-13]

Federal Aviation Adminstration

[14 CFR Parts 121 and 127]

[Docket No. 17897; Notice 78-7A]

DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT; AIR TRAVEL CLUBS USING LARGE AIRPLANES

Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice extending comment period.

SUMMARY: This notice extends the period for submission of initial comments relating to notice No. 78-7 by 45 days. Since the proposals contained in notice No. 78-7 present important questions relating to safety, economic impact and regulatory reform, the agency believes it is in the public interest to encourage commenters to undertake a thorough review of these proposals.

DATES: Initial comments must be received on or before September 25, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17897, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) proposed in notice No. 78-7, published in the FEDERAL REGISTER on May 11, 1978 (43 FR 20448), to amend certain provisions of parts 121 and 127 of the Federal Aviation Regulations (FARS) involving requirements applicable to airmen and crewmembers training programs, flight operations, dispatching and flight release, records and reports of air carriers and commercial operators of large aircraft, and scheduled air carriers with helicopters. These proposed amendments are part of the operations review program notice No. 8.

By letter dated July 18, 1978, the Air Line Pilots Association (ALPA) requested a 45-day extension of the date (August 11, 1978) provided in notice No. 78-7 for submission of comments. ALPA stated that they would require more time to develop and prepare adequate and useful comments on the proposed changes to § 121.579, "Minimum Altitudes for Use of Autopilot," as this proposed revision contains certain far-reaching issues that are critical to safe approach operation with autopilots. ALPA also stated that expertise pertinent to this subject is found in five technical committees composed of pilot members having extensive experience with coupled autopilot approaches. The time required to engage members of these five committees in a review of the proposal and accomplish inter-committee coordination has made it impossible to meet the August 11, 1978, deadline.

In light of these reasons, the agency concludes that it is in the public interest to encourage a thorough review of these proposals and that good cause exists for extending the initial comment period by 45 days. Accordingly, the comment period is hereby extended and initial comments must be received by September 25, 1978.

DRAFTING INFORMATION

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) and sec. 11.29(c) of the Federal Aviation Regulations (14 CFR sec. 11.29(c).)

The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582, March 8, 1978).

Issued in Washington, D.C., on August 8, 1978.

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

[FR Doc. 78-22544 Filed 8-9-78; 11:50 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST PLAN, LOLO NATIONAL FOREST, MONT.; Intent To Prepare Environmental Statement

The Lolo National Forest (Flathead, Granite, Lake, Lewis and Clark, Mineral, Missoula, Powell, Ravalli, and Sanders Counties, Mont.) intends to prepare and file an environmental statement on a forest plan, which is an integrated resource management plan for the total 2.1 million acres of the forest. The forest plan will be prepared to comply with regulations to guide National Forest System resource planning being promulgated by the Secretary of Agriculture. The regulations will implement provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976.

A series of public workshops and solicited written comments in the early phase of the forest plan process helped identify 30 issues that will be addressed in the plan. The issues deal with concerns about social and economic values, timber, fire, minerals, water and soils, range, fisheries, wildlife, roads, land exchanges, power and pipeline corridors, recreation, and visual quality.

The official responsible for preparing the forest plan environmental statement is Orville L. Daniels, forest supervisor, Lolo National Forest. The official responsible for approving the forest plan environmental statement is Robert H. Torheim, Regional Forester, Northern Region, U.S. Forest Service, Missoula, Mont. 59801.

It is anticipated that the draft environmental statement will be filed in January 1979. Following a 60-day public review period, the final environmental statement will be prepared and is expected to be filed in May 1979.

Comments on the Notice of Intent or on the plan should be sent to Orville L. Daniels, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, Mont. 59801.

ORVILLE L. DANIELS,
Forest Supervisor.

July 25, 1978.

[FR Doc. 78-22324 Filed 8-9-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 33155; Order 78-8-28]

ALL U.S. AND FOREIGN DIRECT AIR CARRIERS AUTHORIZED TO OPERATE PASSENGER CHARTERS BETWEEN THE UNITED STATES AND THE UNITED KINGDOM

Order Granting Exemption and Blanket Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August, 1978.

By all reports, hundreds, and possibly thousands, of U.S. travelers are stranded at the Heathrow and Gatwick airports in London, hoping to obtain passage home aboard a discount fare scheduled flight. The majority of the travelers probably flew to Europe on the Laker Skytrain and as stand-by passengers on scheduled flights. Apparently, they planned to return as they had come, using these scheduled options which take no advance reservations. However, due to the record number of people traveling this summer, the demand for reduced fare air transportation from London to the United States far exceeds the available capacity. Reportedly, the situation has been aggravated by the air traffic controllers slowdown in France. Consequently, additional low-fare capacity is needed immediately to accommodate the stranded passengers.

We have decided to exempt all U.S. certificated carriers from sections 401 and 403 of the Act under section 416(b) and to grant all U.S. and foreign carriers authorized in the U.S.-U.K. market a blanket waiver of the Board's charter regulations to the extent necessary to permit the carriers to operate flights returning the strandees. In taking this action, we note that the backlog of stranded passengers is creating a hardship not only for the strandees, who in many cases have extremely limited funds, but also for other air travelers who must deal with the airport congestion. In light of these special and unusual circumstances, we find that grant of an exemption of section 401 and a blanket waiver of our charter rules is warranted and in the public interest. We have also decided to grant all U.S. certificated carriers an exemption from the provisions of section 403 of the Act to the extent that this section would preclude them from performing the charter services authorized by this waiver.[1] We find that enforcement of sections 401 and 403 would be an undue burden on the carriers due to the limited extent of, and unusual circumstances affecting, their operations as described above and would not be in the public interest.[2]

However, grant of this authority does not relieve the carriers desiring to operate these flights from having to seek *ad hoc* waivers of the provisions of the bilateral Agreement reached between the United States and the United Kingdom on March 17, 1978. Since the flights returning the stranded passengers will not meet the round-trip, advance purchase, or minimum duration requirements specified in the charterworthiness standards of the agreement, these provisions will have to be waived. Because the number of these waivers we may grant is limited by the terms of the Agreement, we cannot grant a blanket waiver of the Agreement but instead will act on *ad hoc* requests.[3] In acting on such applications, we primarily will consider the number of passengers who would benefit from grant of the waiver.

Since the purpose of this action is to facilitate the return of stranded U.S. travelers, we will expect air carriers who are granted *ad hoc* waivers of the bilateral Agreement to make a reasonable effort to verify that all participants on the flights originated in the United States.

We emphasize that this action is not intended in any way to disrupt the existing scheduled service operations or our Agreement with the United Kingdom. Our sole purpose is to alleviate,

[1] However, we will expect carriers seeking waivers of the U.K. Agreement to provide an estimate of the price to be charged and justification for the price.

[2] Since the authority granted here is limited in scope and duration and will not result in substantially greater service in this market, we find that our action is not a major Federal action within the meaning of the National Environmental Policy Act of 1969. Nor is it meant to be an endorsement by the Board that these operations qualify any carrier for additional fuel allocation under the Mandatory Aviation Fuel Allocation Program administered by the Department of Energy.

[3] We note here that there is no fee required for waivers of the bilateral Agreement. All such waiver requests should be directed to the Special Authorities Division, Bureau of Pricing and Domestic Aviation.

to the extent possible, the public hardships now evident at the London airports. If the problem continues to exist at the end of the 10 days of effectivevess of this waiver, we will consider extending the authority for an additional period.

Accordingly, *it is ordered*, That:

1. All U.S. certificated air carriers be exempted from the provisions of sections 401 and 403 of the Act to the extent necessary to permit them to operate flights in order to return, at pro rata prices, U.S.-originating travelers stranded at the London airports;

2. The provisions of Parts 207, 208, 212, and 214 of the Economic Regulations be waived to the extent necessary to permit all carriers authorized to carry charter passengers in the U.S.-U.K. market to operate planeload charters or split charters on the returning legs of existing charter flights in order to return, at pro rata prices, U.S.-originating travelers stranded at the London airports;

3. The authority granted by paragraphs one and two is conditioned on the approval of *ad hoc* waivers of the provisions of the bilateral Agreement reached between the United States and the United Kingdom on March 17, 1978;

4. The authority granted here shall be effective immediately for a period of 10 days;

5. This order may be amended or revoked at any time at the discretion of the Board; and

6. This order shall be served on all certificated air carriers, foreign air carriers, and the Ambassador of the Government of the United Kingdom of Great Britain and Northern Ireland.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-22344 Filed 8-9-78; 8:45 am]

[6320-01]

[Order 78-8-9; Docket 32708, et al.]

HOUSTON-PHOENIX/TUCSON CASE, ET AL.

Order of Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of August, 1978.

Order 78-5-109, served June 22, 1978, instituted an investigation in Docket 32708 to determine whether the public convenience and necessity require that new authority be granted in the Houston-Phoenix/Tucson market.

Applications and motions to consolidate into Docket 32708 were timely filed by Braniff Airways, Inc. (Docket 32970), Delta Air Lines, Inc. (Docket 33021), Eastern Air Lines, Inc. (Docket 33020), Hughes Air Corp. d.b.a. Hughes Airwest (Docket 32989), National Airlines, Inc. (Docket 32980), North Central Airlines, Inc. (Docket 32974), Northwest Airlines, Inc. (Docket 33025), Texas International Airlines, Inc. (Docket 25923), and Western Air Lines, Inc. (Docket 33016).[1]

Western filed an answer to the motions to consolidate insofar as the applications sought to be consolidated include authority between Phoenix and Tucson. Western does not interpret Order 78-5-109 as including the Phoenix-Tucson market, and it has filed a petition for reconsideration of that order requesting that the Board include the issue of new service between Phoenix and Tucson in this proceeding. Hughes Airwest has filed an answer to Western's petition, which will be dealt with by separate order of the Board.

By this order, the motions to consolidate will be granted only to the extent that they conform to the scope of the investigation instituted by Order 78-5-109; that is, to the extent that the applications request Houston-Phoenix and/or Houston-Tucson authority.[2]

Accordingly, *it is ordered*, That:

1. The motions to consolidate the applications of Braniff Airways, Inc., in Docket 32970, Delta Air Lines, Inc., in Docket 33021, Eastern Air Lines, Inc., in Docket 33020, Hughes Air Corp. d.b.a. Hughes Airwest, in Docket 32989, National Airlines, Inc., in Docket 32980, North Central Airlines, Inc., in Docket 32974, Northwest Airlines, Inc., in Docket 33025, Texas International Airlines, Inc., in Docket 25923, and Western Air Lines, Inc., in Docket 33016 into the investigation in Docket 32708 are granted to the extent that the applications conform to the scope of the investigation into the need for new authority in the Houston-Phoenix and Houston-Tucson markets.

2. The following are made parties to the proceeding in Docket 32708: Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Hughes Air Corp. d.b.a. Hughes Airwest, National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Texas International Airlines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-22343 Filed 8-9-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

CIBCO INTERNATIONAL CORP., ET AL.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) CIBCO International Corp., 2025 South Nicklas, Buildings 100-104, Oklahoma City, Okla. 73128 (mailing address: P.O. Box 12279, Oklahoma City, Okla. 73157), a producer of citizens band radio antennas (accepted July 28, 1978); (2) Crown Pants Co., 29 South Washington Street, Hammonton, N.J. 08037, a producer of men's trousers (accepted August 2, 1978); and (3) Roosevelt Mills, Inc., 215 East Main Street, Vernon, Conn. 06066, a producer of knit coats for women and girls (accepted August 3, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the adjustment assistance regulations for firms and communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of August 21, 1978.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-22302 Filed 8-9-78; 8:45 am]

[4] All Members concurred.

[1] On July 24, 1978, Frontier Airlines, Inc., filed an application and motion to consolidate accompanied by a motion to file late (Docket 33078). Since the time for filing answers to Frontier's motions has not elapsed, they will be disposed of by separate order.

[2] We delegate to the presiding administrative law judge the authority to consolidate by order any other applications which conform to the scope of the proceeding in Docket 32708.

[3] All members concurred.

[3510-15]

Maritime Administration

ALASKA NATIONAL BANK OF THE NORTH

Approval of Applicant as Trustee

Notice is hereby given that Alaska National Bank of the North (formerly Alaska National Bank), Fairbanks, Alaska, with offices at P.O. Box 60701, Fairbanks, Alaska, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: July 27, 1978.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-22395 Filed 8-9-78; 8:45 a.m.]

[3510-22]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL; STONE CRAB ADVISORY SUBPANEL

Cancellation of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of cancellation of public meeting.

SUMMARY: Notice is hereby given that the scheduled meeting on August 18, 1978, of the Gulf of Mexico Fishery Management Council's Stone Crab Advisory Subpanel as published in the FEDERAL REGISTER, vol. 43, No. 143, Tuesday, July 25, 1978, has been canceled.

FOR FURTHER INFORMATION CONTACT:

Mr. Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, Tampa, Fla. 33609, telephone 813-228-2815.

Dated: August 4, 1978.

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

[FR Doc. 78-22261 Filed 8-9-78; 8:45 am]

[3510-22]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL; STONE CRAB ADVISORY SUBPANEL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council was established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established an Advisory Subpanel on Stone Crab. This subpanel will meet to review a draft fishery management plan.

DATES: The Stone Crab Subpanel will start at 8 a.m. on Friday, September 1, 1978, and continue to 4 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place in Gulf of Mexico Fishery Management Council headquarters located at the Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla.

FOR FURTHER INFORMATION CONTACT:

Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Tampa, Fla. 33609, telephone 813-228-2815.

Dated: August 4, 1978.

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

[FR Doc. 78-22262 Filed 8-9-78; 8:45 am]

[3510-22]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL; SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council was established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established a Scientific and Statistical Committee (SCC). The Committee will meet to review drafts of fishery management plans for billfish, reef fish, and stone crabs, and socioeconomic factors related to each of these plans.

DATES: The meeting will start on Monday, August 28, 1978, 3 p.m. until 4:30 p.m. The Committee will review the billfish fishery management plan on Tuesday, August 29, 1978, 8 a.m. until 4 p.m. The Committee will review the reef fish fishery management plan on Wednesday, August 30, 1978, 8 a.m. until 4 p.m. The Committee will review the stone crab fishery management plan on Thursday, August 31, 1978, 8 a.m. until 4 p.m.

ADDRESS: The meetings will take place at the Gulf of Mexico Fishery Management Council headquarters in the Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, Tampa, Fla. 33609, telephone 813-228-2815.

Dated: August 4, 1978.

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

[FR Doc. 78-22263 Filed 8-9-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Cancellation of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of cancellation of public meeting.

SUMMARY: Notice is hereby given that the scheduled meeting on August 16-17, 1978, of the New England Fishery Management Council as published in the FEDERAL REGISTER, vol. 43, No. 147, page 33287, Monday, July 31, 1978, has been canceled.

FOR FURTHER INFORMATION CONTACT:

Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 10960, telephone 617-535-5450.

Dated: August 4, 1978.

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

[FR Doc. 78-22259 Filed 8-9-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Development of scallop MP; (2) status of surf clam moratorium; (3) red crab management objectives; (4) foreign fishing regulations; (5) U.S. role in North Atlantic Fisheries Consultative Organization; and (5) other business. The meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments contact the Executive Director.

DATES: The meeting will be held on August 30-31, 1978, convening at approximately 10 a.m. on August 30, 1978, and adjourning at approximately 5 p.m. on August 31, 1978.

ADDRESS: The meeting will be held at the Holiday Inn, junction of Routes 1 and 128, Peabody, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Spencer Appollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: August 4, 1978.

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

[FR Doc. 78-22258 Filed 8-9-78; 8:45 am]

[3210-22]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Amended meeting notice.

SUMMARY: Notice is hereby given of a change in the agenda as published in the FEDERAL REGISTER, July 17, 1978, volume 43, No. 137, for the North Pacific Fishery Management Council. In addition to the agenda topics announced the Council will discuss the need for a fishery management plan for halibut in 1979 and, if deemed appropriate, review the first draft of a plan for halibut off Alaska.

DATE: The amended agenda item will be discussed at the August 25, 1978, meeting scheduled to convene at 8:30 a.m.

ADDRESS: The meeting will be held in the resolution room of the Captain Cook Hotel, 5th and K Streets Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT:

Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, telephone 907-274-4563.

Dated: August 4, 1978.

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

[FR Doc. 78-22260 Filed 8-9-78; 8:45 am]

[3510-22]

WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The Scientific and Statistical Committee of the Western Pacific Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to: (1) Discuss the status of Fishery Management Plan for Pacific Billfish; (2) review the progress in Management Plan development for seamount groundfish and bottomfish fisheries; and (3) review data needs for ongoing and proposed research projects. For more information on seating, changes to the agenda or written comments, contact the Executive Director.

DATES: The meeting will convene at 9 a.m. on August 29 and August 30, 1978, and adjourn at approximately 4 p.m. on August 30. The meeting is open to the public.

ADDRESS: The meeting will be held at the King Kamehameha Hotel, located on Alii Drive in Kailua-Kona, Hawaii.

FOR FURTHER INFORMATION CONTACT:

Wilvan G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, 808-523-1368.

Dated: August 7, 1978.

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

[FR Doc. 78-22396 Filed 8-9-78; 8:45 am]

[3510-17]

Office of the Secretary

[Department Organization No. 40-1; Amdt. 1; Transmittal 397]

INDUSTRY AND TRADE ADMINISTRATION

Organization Order Series

This order effective July 14, 1978, amends the material appearing at 42 FR 64724 of December 28, 1977.

Department Organization Order 40-1, dated December 4, 1977, is hereby amended as shown below. The purpose of this amendment is to prescribe the functions of the Senior Deputy Assistant Secretary for Industry and Trade (paragraph 3.02), and to revise the functions of the Bureau of Trade Regulations (section 7).

1. *Section 3. Office of the Assistant Secretary for Industry and Trade.* Number the existing paragraph as .01 and add a new paragraph .02 to read as follows.

".02 The *Senior Deputy Assistant Secretary for Industry and Trade* shall perform such duties as the Assistant Secretary for Industry and Trade shall assign; shall carry out the Assistant Secretary's responsibilites in connection with the Defense Production Act of 1950, as amended and extended; and shall assume the duties of the Assistant Secretary during the latter's absence or disability or in the event of a vacancy in that office."

2. *Section 7. Bureau of Trade Regulation.* The opening paragraph of this section is revised to read as follows:

"The *Deputy Assistant Secretary for Trade Regulation* shall direct the Bureau and shall be assisted by a *Deputy Director* who shall perform the functions of the DAS in the latter's absence. The DAS shall assist and advise the Assistant Secretary for Industry and Trade, and the Senior Deputy Assistant Secretary for Industry and Trade, on regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; foreign boycotts against countries friendly to the United States as required by the Export Administration Act of 1969, as amended; industrial mobilization for national defense; and statutory programs regarding importation of foreign excess property, duty-free entry of scientific instruments, and allocation of watch quotas. The DAS shall represent the department on interagency matters involving his assigned functions; and develop Departmental policy and positions on all matters pertaining to his areas of responsibility. The office of the DAS shall provide secretariat and administrative support services to the Foreign-Trade Zones Board; and shall include a *Hearing Commissioner* who shall conduct hearings and perform other duties with respect to administrative compliance and appeal proceedings involving the Export Administration Act of 1969, as amended, in accordance with the rules set forth in the Export Administration regulations. The office shall process applications for duty-free importation of educational, scientific and cultural materials (under UNESCO's Florence Agreement) and represent the Department at international meetings on the UNESCO agreement; process applications to import foreign excess property into the United States; and perform staff work pertaining to the allocation of watches and watch movements among producers in the Virgin Islands, Guam, and American Samoa. The

functions of the DAS shall be carried out through the principal organizational elements prescribed below:"

GUY W. CHAMBERLIN,
Acting Assistant Secretary for Administration.

[FR Doc. 78-22317 Filed 8-9-78; 8:45 am]

[3510-17]

[Organization Order 15-3; Amdt. 1; Transmittal 407]

OFFICE OF PUBLIC AFFAIRS

Organization Order Series

This order effective July 17, 1978, amends the material appearing at 43 FR 15479 of April 13, 1978.

Department Organization Order 15-3 of March 14, 1978, is hereby amended as shown below. The purpose of this amendment is to transfer responsibilities under OMB Circular A-3 from the Office of Publications to the Office of Public Affairs.

1. *Section 3. Functions.* a. In pen and ink delete the word *and* after 3.1., change the period at the end of 3.m. to a semicolon and add the word *and.*

b. A new paragraph 3.n. is added to read as follows:

"n. Determine for the Secretary whether the publication of a proposed periodical is necessary in the transaction of the public business required of the Department of Commerce by law and, when the Director so determines, certify to its necessity as required by Office of Management and Budget (OMB) Circular A-3; and submit over the Director's signature requests to OMB for approval of any new or continuing periodicals of the Department, as further required by Circular A-3."

2. *Section 4. Organization.* A new subparagraph 4.03a.5. is added to read as follows:

"5. Assisting, in accord with OMB Circular A-3, in determining whether the publication of a proposed Commerce periodical is necessary and certifying to OMB as to its need."

GUY W. CHAMBERLIN, Jr.
Acting Assistant Scretary for Administration.

[FR Doc. 78-22316 Filed 8-9-78; 8:45 am]

[3510-17]

[Organization Order 10-3; Amdt. 2; Transmittal 406]

ASSISTANT SECRETARY FOR INDUSTRY AND TRADE

Organization Order Series

This order effective July 14, 1978, further amends the material appearing 42 FR 64721 of December 28, 1977, and 43 FR 27224 of June 23, 1978.

Department Organization Order 10-3, dated December 4, 1977, is hereby further amended as shown below. The purpose of this amendment is to establish the position of Senior Deputy Assistant Secretary for Industry and Trade.

Section 3. Scope of Authority. Paragraphs .02 and .03 are revised to read as follows:

".02 The Assistant Secretary for Industry and Trade shall be head of the Industry and Trade Administration.

".03 The Assistant Secretary for Industry and Trade shall be assisted by the following officials in carrying out assigned responsibilities:

"a. The *Senior Deputy Assistant Secretary for Industry and Trade* who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence or disability or in the event of a vacancy in that office.

"b. The *Deputy Assistant Secretary for Export Development* who shall also be the National Export Expansion Coordinator.

"c. The *Deputy Assistant Secretary for East-West Trade.*

"d. The *Deputy Assistant Secretary for Trade Regulation.*

"e. The *Deputy Assistant Secretary for International Economic Policy and Research.*

"f. The *Deputy Assistant Secretary for Domestic Business Development.*

"g. The *Deputy Assistant Secretary for Field Operations.*

"h. The *Deputy Assistant Secretary for Administrative and Legislative Policy."*

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 78-22315 Filed 8-9-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AGREEMENT WITH INDIA

Exempting Additional Floor Coverings From Bilateral Cotton, Wool, and Man-Made Fiber

AUGUST 4, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Exempting additional floor coverings in categories 369, 465, and 665 from India (T.S.U.S.A. Nos. 360.0500, 361.4200, 361.4400, 361.5422, and 361.5425.) (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: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, agreement has been reached to exempt certain floor coverings in categories 369, 465, and 665 (T.S.U.S.A. Nos. 360.0500, 361.4200, 361.4400, 361.5422, and 361.5425) from the levels of restraint established for those categories and from the group II limit established for categories 330-369, 431-469, and 630-669 during the 12-month period which began on January 1, 1978. Accordingly, there is published below a letter from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, directing that these items no longer be charged. When the data are available, charges for these floor coverings during the period beginning on January 1, 1978, and extending through the effective date of this action will be deducted from the applicable category and group ceilings.

EFFECTIVE DATE: August 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, 202-377-5423.

SUPPLEMENTARY INFORMATION: On February 2, 1978, there was published in the FEDERAL REGISTER (43 FR 4451) a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established the levels of restraint applicable to certain categories of cotton, wool and manmade fiber textile products, produced or manufactured in India and exported to the United States during the 12-month period beginning on January 1, 1978, and extending through December 31, 1978. Among those was a level of restraint for categories 330-369, 431-469, and 630-669, as a group. A further letter was published in the FEDERAL REGISTER on April 27, 1978, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which increased, at the request of the Government of India, the consultation levels for categories 342 and 465 during the 12-month period beginning on January 1, 1978.

In the letter published below, pursuant to agreement between the Governments of the United States and India, under the terms of the bilateral agreement, as amended, the Chairman of the Committee for the Implementation of Textile Agreements directs the

Commissioner of Customs not to charge imports in T.S.U.S.A. Nos. 360.0500, 361.4200, 361.4400, 361.5422, and 361.5425 to the levels of restraint established for categories 369, 465, and 665, or to group II.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directives of January 27 and April 24, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain cotton, wool and manmade fiber textile products, produced or manufactured in India and exported to the United States during the 12-month period beginning on January 1, 1978.

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 Man-Made 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 August 8, 1978, no longer to charge T.S.U.S.A. Nos. 360.0500, 361.4200, 361.4400, 361.5422 and 361.5425 to the levels of restraint established for categories 369, 465, or 665 and categories 330-369, 431-469, and 630-669, as a group.

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. 78-22301 Filed 8-9-78; 8:45 am]

[3410-10]

DEPARTMENT OF DEFENSE

Department of the Air Force

M-X: MILESTONE II

Public Hearing on Draft Environmental Impact Statement

AUGUST 3, 1978.

An informal public hearing will be held for the purpose of soliciting comments from the public on the Draft Environmental Impact Statement (EIS) which presents environmental considerations for use in deciding whether to proceed into full-scale engineering development (FSED) with the Missile-X (M-X) system. The hearing is scheduled to be conducted on August 30, 1978, at 7:30 p.m. in the Civic Auditorium, Lompoc, Calif. Any changes to this schedule will be publicized in the local news media.

The FSED effort would involve selection of a missile basing mode and the design, fabrication, and testing of a completely integrated prototype M-X system. System level testing of the M-X weapon system including ground tests and flight tests of the M-X missile would occur from Vandenberg AFB, Calif.

This EIS is one in a series of statements planned on the M-X program. Statements are planned for each major milestone decision point such as FSED (Milestone II), Deployment Area(s) Selection, and full scale production and deployment.

The Draft EIS on FSED was filed with the Environmental Protection Agency on July 14, 1978. Limited copies of the draft EIS are available from: Civil Engineering Division, SAMSO/MNND, Norton AFB, Calif. 92409.

The presiding officer at the hearing will be Col. Allan C. Smith, Chief, Trial Judiciary Division, USAF Judiciary, Office of the Judge Advocate General, Washington, D.C.

The following procedures will be followed during the informal public hearing. Individual speakers will be limited to 5 minutes with 10 minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing record is 5 days after the date of public hearing. Submit written communications to the presiding officer or as directed at the public hearing.

Other persons not able to participate in the public hearing have until September 5, 1978, to submit their written comments to the Deputy for Environment and Safety, Office of the Secretary of the Air Force (SAF/MIQ), Washington, D.C. 20330.

For further information, contact Mr. C. Wayne Hudson, Environmental Planning Division, Headquarters U.S. Air Force, 202-695-1422.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer.

[FR Doc. 78-22325 Filed 8-9-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 77-010-LNG, FERC Docket Nos. CP77-100, et al.]

TENNECO ATLANTIC PIPELINE CO., ET AL.

Extension of Time for Filing Written Comments

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of extension of time for filing written coments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of an extension of the time in which parties and other interested persons may file written comments responding to or supplementing statements made at the oral argument in ERA docket No. 77-010-LNG, in New York, N.Y., on July 18, 1978.

DATES: Written comments to be filed by 4:30 p.m., August 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street NW., Room 6318, Washington, D.C. 20461, 202-254-9730.

Barry M. Smoler, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461, 202-566-9380.

SUPPLEMENTARY INFORMATION: ERA gave notice in the FEDERAL REGISTER (43 FR 33820, August 1, 1978) that it would accept filing of written comments which would become part of the public file in Tenneco Atlantic Pipeline Co., et al., ERA docket No. 77-010-LNG. The comments were to be filed no later than 4:30 p.m., on August 8, 1978.

Requests were received from parties for an extension of the comment period. ERA finds no compelling reason to deny these requests, and hereby gives notice that comments will be accepted if filed no later than 4:30 p.m., August 18, 1978. Written comments should be filed with Finn K. Neilsen, Director, Import/Export Division, Room 6318, 2000 M Street NW., Washington, D.C. 20461. The envelope and first page of the written

comments should contain the designation "Tenneco Atlantic Pipeline Co., et al."

Issued in Washington, D.C., August 4, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-22304 Filed 8-9-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. TC78-5, et al.]

ALABAMA-TENNESSEE NATURAL GAS, CO. ET AL.

Hearing Dates

AUGUST 2, 1978.

[Docket Nos.]

Alabama-Tennessee Natural Gas Co., TC78-5.
Algonquin Gas Transmission Co., TC78-6.
Arkansas-Louisiana Gas Co., TC78-7.
Cities Service Gas Co., TC78-8.
Colorado Interstate Gas Co., TC78-9.
Columbia Gas Transmission Corp., TC78-10.
Consolidated Gas Supply Corp., TC78-11.
East Tennessee Natural Gas Co., TC78-12.
Eastern Shore Natural Gas Co., TC78-13.
El Paso Natural Gas Co., TC78-14.
Equitable Gas Co., TC78-15.
Florida Gas Transmission Co., TC78-16.
Michigan-Wisconsin Pipe Line Co., TC78-17.
Midwestern Gas Transmission Co., TC78-18.
Mississippi River Transmission Co., TC78-19.
National Fuel Gas Supply Corp., TC78-20.
Natural Gas Pipeline Co. of America, TC78-21.
Northern Natural Gas Co., TC78-22.
Northwest Pipeline Corp., TC78-23.
Panhandle Eastern Pipe Line Co., TC78-24.
Southern Natural Gas Co., TC78-25.
Tennessee Gas Pipeline Co., TC78-26.
Tennessee Natural Gas Lines, Inc., TC78-27.
Texas Eastern Transmission Corp., TC78-28.
Texas Gas Transmission Corp., TC78-29.
Transcontinental Gas Pipe Line Corp., TC78-30.
Transwestern Pipeline Co., TC78-31.
Trunkline Gas Co., TC78-32.
United Gas Pipe Line Co., TC78-33.

Pursuant to the directives prescribed in the Commission's order issued on May 31, 1978, in the above-captioned proceedings, the following dates will be established for the purpose of convening formal hearings in regard to the following pipeline companies as provided for in the aforesaid order:

Company, Docket Nos., Dates

Transcontinental Gas Pipe Line Corp., TC78-30, August 10.
United Gas Pipe Line Co., TC78-33, August 10.

It is anticipated that the scope of these proceedings will be limited to the short-term impact of expected 1978-79 winter season curtailments and not include the long-term impact or issues involved in the corresponding curtailment proceedings now pending before the Commission. It is contemplated that the hearings normally will not require more than one full day.

The basic data needed to provide impact appraisal will be obtained from the witnesses sponsored by the jurisdictional pipeline companies set forth above. The pipeline company's program for emergency purchases of natural gas and their use is one subject being explored at the hearings. Therefore, if testimony with respect to emergency purchases was not specifically included in materials submitted by the pipeline pursuant to the May 31, 1978 order, additional information should be supplied prior to the hearing and a witness proffered at the hearing regarding current pipeline policy in these matters.

It has not been determined whether formal hearings will be convened for any of the other pipelines that were designated in the above-styled proceedings.

The aforementioned formal hearings scheduled herein will be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 at 10 a.m. (e.d.t.) on the dates indicated above.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22360 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

AUGUST 3, 1978.

Take notice that Algonquin Gas Transmission Co. ("Algonquin Gas") on July 28, 1978, tendered for filing Revised 41st Revised Sheet No. 10 to its FERC Gas Tariff, first revised volume No. 1.

This sheet is being filed pursuant to Algonquin Gas Purchased Gas Cost Adjustment Provision set forth in section 17 of the General Terms and Conditions of its FERC Gas Tariff, first revised volume No. 1. The rate reduction proposed to be effective July 2, 1978, is being filed to reflect a rate change in purchased gas costs filed by its supplier, Texas Eastern Transmission Corp.

The proposed effective date of the revised tariff sheet is July 2, 1978.

A copy of this filing is being served upon all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22361 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CI77-572, et al.]

AMERICAN PETROFINA CO. OF TEXAS, ET AL.

Order Granting Reconsideration for Purposes of Further Consideration and Granting Intervention Out of Time

AUGUST 2, 1978.

By order issued May 11, 1978, we issued certificates of public convenience and necessity to applicants authorizing the sale of natural gas to Northern Natural Gas Co. (Northern) as follows: [1]

DOCKET NUMBER AND APPLICANT

CI77-572 American Petrofina Co. of Texas.
CI77-617 Atlantic Richfield Co.
CI77-588 Petroleum, Inc.
CI77-613 Gulf Oil Corp.
CI77-643 CNG Exploration, Inc.

The certificates were conditioned that if any of the costs of conditioning the subject gas were included in the rates of the purchaser then the purchaser will be required to prove that these costs have not been compensated for in the applicable national ceiling rate.

The certificates also provided that this condition is subject to whatever action is taken by the Commission on rehearing in Docket Nos. CI77-412, CP77-558, and CP77-577.

On July 3, 1978, Northern filed petitions to intervene out of time together with applications for rehearing raising objections in connection with the provisions relating to the costs of conditioning the gas. Since the order for which rehearing is sought was issued May 11, 1978, and since the applications of Northern were not filed until

[1] This order was issued in Atlantic Richfield Co. (operator) et al., Docket No. CI62-1184 et al.

July 3, 1978, the applications were filed 23 days after the expiration of the 30-day limit prescribed by section 19 of the Natural Gas Act and section 1.34 of the Commission's rules. Accordingly, the applications of Northern for rehearing are rejected as such, but they will be considered as petitions for reconsideration of the order issued May 11, 1978, in these dockets.[2]

The Commission finds: Participation in this proceeding by Northern may be in the public interest.

The Commission orders: (A) Northern is permitted to intervene in the dockets in which it filed subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this docket.

(B) The applications for rehearing of our order of May 11, 1978, filed by Northern, are rejected as such, but treating them as applications for reconsideration we grant reconsideration. Since this order is not a final order, no response to the order will be entertained by the Commission in accordance with the terms of section 1.34(d) of the Commission's rules of practice and procedure.

By the Commission.[3]

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22362 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. G-7526, et al.]

AMOCO PRODUCTION CO.

ORDER GRANTING REHEARING FOR PURPOSES OF FURTHER CONSIDERATION AND GRANTING INTERVENTIONS OUT OF TIME

ISSUED AUGUST 2, 1978.

By order issued June 21, 1978, we issued certificates of public convenience and necessity to applicants authorizing the sale of natural gas to Northwest Pipeline Corp. (Northwest) as follows: [1]

DOCKET NUMBERS AND APPLICANTS

G-7526 Amoco Production Co.
G-12363 Amoco Production Co.
CI78-166 Aminoil U.S.A., Inc.

The certificates were conditioned that if any of the costs of conditioning the subject gas were included in the rates of the purchaser then the purchaser will be required to prove that these costs have not been compensated for in the applicable national ceiling rate.

The certificates also provided that this condition is subject to whatever action is taken by the Commission on rehearing in Docket Nos. CI77-412, CP77-558, and CP77-577.

On July 3, 1978, an application for rehearing of the above order and a petition to intervene out of time in conjunction therewith was filed by Northwest in Docket Nos. G-7526, G-12363, and CI78-166.

These applications raise objections in connection with the provisions relating to the costs of conditioning the subject gas.

The Commission finds: Participation in these proceedings by Northwest may be in the public interest.

The Commission orders: (A) Northwest is permitted to intervene in the dockets in which it filed subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these dockets.

(B) The application for rehearing of our order of June 21, 1978, filed by Northwest, is hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no responses to the order will be entertained by the Commission in accordance with the terms of section 1.34(d) of the Commission's Rules of Practice and Procedure.

By the Commission.[2]

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22363 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-432]

ANR STORAGE CO.

Application

AUGUST 4, 1978.

Take notice that on July 19, 1978, ANR Storage Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in CP78-432 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render gas storage service for United Gas Pipe Line Co. (United), Panhandle Eastern Pipe Line Co. (Panhandle), Mississippi River Transmission Co. (Mississippi), and Northern Indiana Public Service Co. (Nipsco), Customers, to develop and operate certain gas storage fields and appurtenant facilities, to drill and operate certain wells, and to construct and operate certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed to render gas storage service for the Customers for a period of 15 years, 1980-1995. Therefore, it is stated, Applicant and the Customers have entered into gas storage agreements which provide that during the summer periods (April 1 through October 31) of each year during the term of the agreement, the Customers would cause to be delivered to Applicant for storage certain volumes of natural gas. The agreements further provide, it is said, that during the winter periods (November 1 through March 31 (through April 30 for Mississippi)) of each year during the term of the agreement, Applicant would make equivalent volumes of gas available for redelivery to the Customers.

The volumes of gas to be stored for the various customers is stated as follows: United, up to 30,000,000 Mcf; Panhandle, up to 1,240,000 Mcf; Mississippi, up to 3,000,000 Mcf; and Nipsco, up to 2,000,000 Mcf.

It is indicated that the gas storage agreements also provide that the Customers would supply injection compressor fuel equal to 1.3 percent of the volumes delivered for storage, and that Applicant would deduct from the volumes redelivered withdrawal compressor fuel equal to .15 percent of those volumes.

To render the gas storage service, Applicant proposes to develop and operate the Rapid River 35 Gas Storage Field and the Cold Springs 12 Gas Storage Field in Kalkaska County, Mich., including the rehabilitation of two existing wells at the Rapid River 35 field and three existing wells at the Cold Springs 12 field so that they will have a working capacity of 38,300,000 Mcf. Applicant states that these fields are presently producing gas but are substantially depleted, and that it is acquiring all the necessary storage and mineral rights and the gas producing properties in these fields.

To develop and operate the two storage fields as proposed, Applicant proposes to drill and operate 13 new gas wells, and to construct and operate a gathering system and appurtenances, a 7,500 horsepower compressor station, a field meter station, and 0.5 mile of 20-inch pipeline at the Rapid River 35 field. At the Cold Springs 12 field, Applicant proposes to drill and operate 8

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[2] Turnbull & Zoch Drilling Co. et al., Docket No. G-17960 et al., order issued Oct. 14, 1966, 36 FPC 762.

[3] Commissioner Holden voted present.

[1] This order was issued in Amoco Production Co., et al., Docket No. G-7526, et al.

[2] Commissioner Holden voted present.

new gas wells, and to construct and operate a gathering system and appurtenances, a 12,000 horsepower compressor station, a field meter station, and 2.4 miles of 24-inch pipeline. Additionally, Applicant proposes to construct and operate a storage field office and warehouse, field automation, and 15.6 miles of 36-inch pipeline connecting the two proposed storage field pipelines with the existing pipeline facilities of Great Lakes Gas Transmission Co. (Great Lakes) at Crawford County, Mich.

The estimated cost of these proposals is $65,778,950. Said cost would be primarily financed by short-term borrowing from commercial banks or others during the construction phase, 1978 to 1980, it is stated. The permanent financing plan is said to be anticipated as follows:

	Millions	Percent
150,000 shares of $100 par value common stock issued to parent company, American Natural Resources Co	$15	24
Fifteen-year sinking fund	47	76
Debentures	62	100

The application further states that the Customers have arranged with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), Michigan Consolidated Gas Co., Tennessee Gas Pipe Line Co. a Division of Tenneco Inc., Panhandle, and Trunkline Gas Co. (the Transporters), and Michigan Wisconsin has in turn arranged with Great Lakes, to transport the Customers' gas to and from the interconnection of Applicant's proposed facilities with the facilities of Great Lakes in Crawford County, Mich. Applicant would transport the gas from this point of interconnection to storage, and from storage back to this point, through the pipeline facilities proposed by this application, it is stated.

Applicant indicates that it would charge the Customers the following rates for the proposed storage service:

TYPE OF SERVICE, AVERAGE

	Cents Mcf
50-day service	59.32
100-day service	45.85
Off-peak service	41.29

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22364 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-441]

COLORADO INTERSTATE GAS CO.

Application

AUGUST 4, 1978.

Take notice that on July 24, 1978, Colo. Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP78-441 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 2,800 Mcf of natural gas per day on a best efforts basis for the Great Western Sugar Co. (GW), an existing direct sale customer on Applicant's system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By an agreement dated February 25, 1975, between GW and Industrial Gas Services, Inc. (IGS), it is stated, GW purchased approximately 1,500,000 Mcf of natural gas for sugar processing at its Eaton, Colo., sugar plant. Since the Eaton plant was closed after the receipt of 200,000 Mcf of the contract quantity, it is further stated, GW has entered into a transportation agreement, dated July 10, 1978, with Applicant, Greely Gas Co. (Greeley), and Western Slope Gas Co. (Western Slope) which would allow the use of the remaining 1,300,000 Mcf balance under the contract with IGS at GW's Fort Morgan sugar plant.

The transportation agreement provides, as stated by this application, for a maximum of 2,800 Mcf per day (as capacity on Applicant's system would permit) to be delivered on a best efforts basis to GW's plant located in Fort Morgan, Colo., during the periods that Applicant must curtail interruptibled sale deliveries to GW because of firm customer demands. The application emphasizes that the proposed transportation volume would not interfee with or supplant the volume commitment under Applicant's existing direct sales agreement with GW consisting of 150,000 Mcf per year on a firm basis and 350,000 Mcf per year on an interruptible basis. Said agreement, providing for a primary term of 5 years, commencing October 1, 1978, it is added, would be automatically renewed from year to year thereafter until all volumes under the 1975 contract are received from IGS.

More specifically, it is stated that the transportation agreement provides for the delivery of up to 2,800 Mcf per day to Greeley, for GW's account, who in turn would make a like quantity of gas available to Western Slope by reducing its take from Western Slope. Western Slope would have the option to purchase 25 percent of the volume so delivered and would redeliver the remainder to Applicant, it is further stated. Applicant, it is added, would deliver the volumes to GW's Fort Morgan plant with the option to purchase 50 percent of such volume. However, it is added, Applicant would take delivery of any optioned gas only when its normal gas deliveries to the Fort Morgan plant are not being curtailed or interrupted.

Pursuant to the transportation agreement, Applicant proposes to charge GW an amount equal to Applicant's average jurisdictional transmission cost of service underlying the effective jurisdictional rates charged by Applicant pursuant to its tariff on file with the Commission in Docket No. RP77-105. This charge, it is stated, is currently 19.10 cents per Mcf, including fuel cost.

Applicant does not propose the construction of any new facilities, but states that Greeley would replace approximately 4,000 feet of 4-inch pipeline with 6-inch pipeline; extend this pipeline approximately 4,000 feet; and, relocate the metering facility from the Eaton plant in order to measure the gas being delivered by it to IGS for GW's account. Though Applicant asserts that GW has agreed to reimburse Greeley for the cost of the replace-

ment, extension, and relocation, no estimate of such cost is included in the application.

In support of this proposal, Applicant states that since GW's sugar beet processing campaign and the heating season on Applicant's system occur simultaneously Applicant must often curtail GW during such campaign. It is implied that this transportation service, rendering available added volumes of gas which GW has bought from IGS, would offset such curtailment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22365 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-425]

COLUMBIA LNG CORP.

Application

AUGUST 4, 1978.

Take notice that on July 14, 1978, Columbia LNG Corp. (Applicant), 20 Montchanin Road, Wilmington, Del. 19807, filed in Docket No. CP78-425 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of regasified liquid natural gas (LNG), and the subsequent sale for resale of such gas to Columbia Gas Transmission Corp. (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to terminal, store, regasify, transport, and sell approximately 175,000 Mcf equivalent of LNG per day. Such gas would be bought from National Iranian Gas Co. (NIGC) from production in Iran pursuant to an agreement dated April 25, 1978, between Applicant and NIGC, at a price of $1.81 per million Btu in the first year of full deliveries, which is expected to be 1983, it is said.

Applicant asserts that it, along with Consolidated System LNG Co. (Consolidated), has filed an application with the Department of Energy, Economic Regulatory Administration, at Docket No. ERA 78-004-LNG, under section 3 of the Natural Gas Act and sections 301 and 402 of the Department of Energy Organization for authorization to import the LNG from Iran. Upon receipt of such authorization, it is indicated, Applicant would terminal, store, and regasify the LNG at the facilities in Cove Point, Md., which Applicant and Consolidated own jointly. The average cost to Applicant of transportation between Iran and Cove Point, Md., net of boil off, for the first full year of operations, is estimated to be approximately $2 per million Btu.

It is further stated that Applicant would sell the volumes of LNG to Columbia Gas and transport such gas to the existing point of delivery in Loudoun County, Va.

The estimated cost of such regasified LNG to Columbia Gas in the first year is $4 per Mcf, with the estimated cost impact of the proposed LNG service on the total gas purchase costs of Columbia Gas in the first year of full deliveries being 15 cents per Mcf.

Any person desiring to be heard or to make any protests with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22366 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-420]

LOUISIANA-NEVADA TRANSIT CO.

Application

AUGUST 4, 1978.

Take notice that on July 17, 1978, Louisiana-Nevada Transit Co. (LNT), c/o Bradford Ross, Ross, Marsh & Foster, 730 15th Street NW., Washington, D.C. 20005, filed in Docket No. CP78-420 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 6⅓ miles of 4-inch pipeline and 6-inch pipeline in Arkansas, and service to eight farm tap customers attached to such pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

LNT states that the facilities to be abandoned are referred to as the "Midway-Lateral," and were included in LNT's "Grandfather Certificate" issued on October 20, 1942 (3 FPC 837), in Docket No. G-246.

By this application, it is stated that LNT would have to replace this pipeline at an estimated cost of $14,000 to $17,000 in order to continue to use the line beyond 500 feet from its main line, and thereby continue to serve the eight farm tap customers mentioned above, due to the safety requirements of the Arkansas Public Service Commission. LNT states that in order to avoid this cost it has reached an agreement with Arkansas Louisiana Gas Co. (Arkla), whereby Arkla would provide service to the aforementioned customers.

This arrangement would require the construction of approximately 2200 feet of pipeline to connect Arkla's system with LNT's pipeline, the application states, and require that Arkla take over the section of LNT's pipeline, approximately 1,600 feet in length, to which the eight customers are attached. The application further states that LNT would provide cathodic protection or replacement of the 1,600-foot section with a 2-inch plastic pipeline before Arkla took over. Additionally, it is stated, LNT would furnish or install the 2,200 feet of 2-inch plastic pipeline. Both the 1,600-foot and 2,200-foot lines would be transferred to and operated by Arkla, the application adds.

It is indicated, however, that LNT would retain the 500 feet of the "midway-Lateral" on the west end connecting into LNT's main line from which several customers are now served and would continue to be served by LNT.

It is asserted that abandonment of this facility would not materially affect the operating conditions of its system but that the eight customers who would be served by Arkla would be materially affected, though not adversely, in that they would have to pay Arkla's rates, which rates are subject to the jurisdiction of the Arkansas Commission and are presently assessed at $2.65 for the first Mcf per month, 84 cents for additional gas to and including 99 Mcf, and a further descending schedule for additional quantities with an adjustment for taxes and cost of purchased gas of 56.6 cents per Mcf. Thus, LNT asserts, including this adjustment, the entire price which would be in effect if Arkla rendered service to the eight customers would be lower than the LNT rates.

These facilities, having been in existence since prior to 1942, have been fully depreciated, it is said. The remaining book value of $2,743 represents a 10 percent salvage value, it is added. LNT proposes to sell all of this property for scrap if at all possible and would account for it as follows:

The book cost of the abandoned property would be credited to the Gas Plant Account in which it is included; and, the account for accumulated provision for depreciation would be charged with the book cost and the cost of removal and credited with the salvage value since the property is part of depreciable plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22367 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-433]

MICHIGAN CONSOLIDATED GAS CO.

Application

AUGUST 4, 1978.

Take notice that on July 19, 1978, Michigan Consolidated Gas Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed an application in Docket No. CP78-433 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Co. (United), Panhandle Eastern Pipe Line Co. (Panhandle), Mississippi River Transmission Co. (Mississippi), and Northern Indiana Public Service Co. (Nipsco), the Customers; the operation of a certain pipeline in order to render the proposed transportation service; and the construction and operation of a 12,000 horsepower compressor station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Customers have recently entered into gas storage agreements for a term of 15 years with ANR Storage Co. (ANR) which provide that during the summer periods, April 1 through October 31, of each year during the term of the agreements, the Customers would cause to be delivered to ANR for storage certain volumes of gas, and that, during the winter periods, November 1 through March 31 (through April 30 for Mississippi), of each year during the term of the agreements, ANR would make equivalent volumes of natural gas available for redelivery to the Customers. The volumes of gas to be stored annually for the various Customers is said to be as followed:

United—up to 30,000,000 Mcf.
Panhandle—up to 1,240,000 Mcf.
Mississippi—up to 3,000,000 Mcf.
Nipsco—up to 2,000,000 Mcf.

It is further indicated that the Customers have recently entered into transportation agreements for a term of 15 years with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), Tennessee Gas Pipe Line Co., a division of Tenneco Inc., Panhandle, Trunkline Gas Co., and Applicant in order to obtain transportation of their gas to and from ANR's storage fields. The agreements with Applicant, it is said, provide for the following:

(1) During the summer period of each year, for the term of the agreement, the Customers would cause to be delivered to Applicant through Michigan Wisconsin up to 36,240,000 Mcf of gas, together with a volume of gas for compressor fuel equivalent to 2.3 percent of the daily volumes delivered.

(a) The deliveries would be made at an existing point of interconnection between the two pipeline systems at Michigan Wisconsin's Willow Run Meter Station located in Washentaw County, Mich.

(b) Upon receipt, Applicant would transport and redeliver equivalent quantities of gas (less 1.0 percent which would be retained as compensation for its compressor fuel usage) to Michigan Wisconsin at the W. G. Woolfolk Compressor Station, located in Mecosta County, Mich.

(c) Michigan Wisconsin would then transport the gas to the storage fields.

(2) During the winter period of each year, for the term of the agreement, the Custom-

ers would cause to be delivered to Applicant, through Michigan Wisconsin, up to approximately 15,000,000 Mcf of gas at the Woolfolk Compressor station.

(a) Applicant would transport the gas for redelivery to Michigan Wisconsin at Willow Run Meter Station for further transportation to the Customers.

Applicant proposes to charge the following rates for the transportation service:

Summer Rate: 3.809 cents per Mcf.
Winter Rate: 8.996 cents per Mcf.

Applicant states that it would utilize certain pipeline and compression facilities, all located within the State of Michigan, which have been temporarily certificated in Docket No. CP76-254. In addition, Applicant proposes to operate a 100.8 mile section of 24-inch pipeline, from Mecosta County, Mich., to Milford Junction, Oakland County, Mich., together with appurtenant facilities. Applicant also proposes to construct and operate a 12,000 horsepower compressor station at the Milford Junction in Oakland County.

The cost of the proposed construction is estimated at $18,783,732 and would be financed initially with Treasury funds, retained earnings and other funds generated internally, together with borrowings from banks and/or short term lines of credit as required, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convention and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22368 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. E-8494

MINNESOTA POWER & LIGHT CO.]

Compliance Filing

AUGUST 2, 1978.

Take notice that Minnesota Power & Light Co. (Company) on June 14, 1978, tendered for filing in compliance with Commission Opinion No. 12, issued April 14, 1978, a revised cost of service and proposed changes in Rate Schedule No. 118, the contract for service to Superior Water, Light & Power Co.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before August 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22369 Filed 8-9-78; 8:45 a.m.]

[6740-02]

[Docket No. ER76-848]

MONTANA POWER CO.

Compliance Filing

AUGUST 3, 1978.

Take notice that on July 24, 1978, The Montana Power Co. tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M-1 during June 1978, along with cost justification for the rate changed.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commisson's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22379 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-439]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

AUGUST 4, 1978.

Take notice that on July 21, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-439 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing October 1, 1978, and operation of facilities to enable it to take into its certificated main pipeline system natural gas which would be purchased or received from producers or other similar sellers. Additionally, Applicant requests a waiver of the single and total-project cost limitations prescribed by § 157.7(b), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant requests a waiver of the single and total-project cost limitations as follows:

(a) increase the single-project onshore authorization from $1,500,000 to $2,500,000;

(b) increase the single-project offshore authorization from $2,500,000 to $3,500,000; and

(c) increase the total cost limitation from $12,000,000 to $15,000,000.

Such a request is predicated upon the climbing inflation which has eroded the usefulness of the budget authorization since the Commission last revised the cost limitations, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22370 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. EL78-32]

NEW YORK STATE ELECTRIC & GAS CORP.

Petition for Declaratory Order

AUGUST 2, 1978.

Take notice that New York State Electric & Gas Corp. (Petitioner) on July 20, 1978, tendered for filing a petition for a declaratory order.

Petitioner requests a declaration that the Republic Steel Corp., will not become a public utility subject to the jurisdiction of the Federal Energy Regulatory Commission by reason of Republic's allowing the Petitioner and Niagara Mohawk Power Corp., to connect their 115-kV electric transmission facilities through Republic's substation in Moriah, N.Y.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 25, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22371 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-509]

NORTHERN INDIANA PUBLIC SERVICE CO.

Proposed Changes in Rates and Charges

AUGUST 1, 1978.

Take notice that Northern Indiana Public Service Co. (NIPSCO) on July 27, 1978, tendered for filing proposed changes in its FERC electric service tariff (Third Revised Vol. No. 1). NIPSCO states that the proposed changes would increase revenues from jurisdictional sales and service by $8,380,952; the increase to municipal customers would be $1,560,373, and the increase to the rural electric membership corporations would be $6,820,579. NIPSCO indicates that the increases are based on the projected twelve (12) month period ending December 31, 1978, and are to be effective September 1, 1978.

NIPSCO states that the jurisdictional rates filed herewith are designed to enable NIPSCO to recover its increased jurisdictional operating and maintenance costs for the test period which is based on the projected twelve (12) months ended December 31, 1978. NIPSCO states that in addition to the increased cost of operation and maintenance NIPSCO states that further increased costs result from a proposed increase in overall rate of return of 9.29 percent, a change in the depreciation rate to 3.36 percent for all electric property which was formerly depreciated at a 3-percent rate and the inclusion of substantial electric property not previously included in NIPSCO's rate base.

NIPSCO proposes an effective date of August 28, 1978.

Copies of the filing were served upon NIPSCO's jurisdictional customers, the Public Service Commission of Indiana and the United Rural Electrification Administration, according to NIPSCO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 11, 1978.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22372 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-435]

NORTHWEST PIPELINE CORP.

Application

AUGUST 4, 1978.

Take notice that on July 19, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-435 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction, relocation, and abandonment, during the calendar year 1979, and operation of various field gas compression and related measuring and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total estimated cost of the compression facilities would not exceed the limitation of $3,000,000 prescribed by § 157.7(g). Applicant requests, however, waiver of the single-project cost limitation of $500,000 prescribed by § 157.7(g) and that it be allowed to increase said cost to $1,000,000. Such a waiver is necessitated, states Applicant, by the site conditions which it must contend with, such as, the low pressure and low per-

meability of the producing formations which mandate the use of large horsepower compressor units; the remote locations which increase installation costs; and, the reduction in horsepower of the compressor facilities resulting from the harsh combination of high temperatures and high elevations. In addition, Applicant draws attention to the erosion of the dollar and ever-climbing inflation.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22373 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. E-8242]

PUBLIC SERVICE CO. OF OKLAHOMA

Certification

AUGUST 3, 1978.

Take notice that Presiding Administrative Law Judge William Jensen on June 19, 1978, certified to the Commission a proposed settlement agreement in the above-noted docket. Judge Jensen indicates that the parties to the proceeding have agreed to a termination of litigation in this docket pertaining to the price-squeeze issue.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 21, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22374 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-186]

SIERRA PACIFIC POWER CO.

Filing

AUGUST 3, 1978.

Take notice that Sierra Pacific Power Co. on July 13, 1978, tendered for filing, in response to Secretary letter of March 29, 1978:

(1) Data concerning Sierra's transmission capability to provide emergency assistance, economy energy and short-term firm services.
(2) Data concerning computation of maximum emergency capability.
(3) Sales and revenue data and transaction dates for all nontariff sales to Pacific Gas & Electric.
(4) Data concerning emergency assistance and limited short-term service.
(5) Data concerning maintenance costs for both steam and turbine generation over the 5 year period from 1973 to 1977.
(6) Other data concerning Sierra's filing in this instant Docket No. ER78-186.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before August 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22375 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP77-659]

SOUTHERN NATURAL GAS CO.

Settlement Conference

AUGUST 3, 1978.

Take notice that on August 24, 1978, at 10 a.m., a settlement conference will be convened in the above captioned proceeding. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., in Room 8402.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party to this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22376 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-442]

SOUTHERN NATURAL GAS CO.

Application

AUGUST 4, 1978.

Take notice that on July 24, 1978, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP78-442 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention in place and continued operation of pipeline and related facilities which were installed pursuant to the provisions of § 157.29 of the Commission's regulations (18 CFR 157.29) to effectuate a 60-day gas purchase agreement between Applicant and Pioneer Production Corp. (Pioneer), all as more fully stated in the application which is on file with the Commission and open to public inspection.

It is stated that on May 26, 1978, Applicant commenced the purchase of up to 2,500 Mcf of natural gas per day from Pioneer's production from State Lease No. 6613, Well No. 1, Loisel Field, Iberia Parish, La., pursuant to the provisions of § 157.29, and so advised the Commission. Applicant

states that, as it advised the Commission previously, said purchase was at the applicable Commission approved nationwide rate and was for the purpose of assuring the maintenance of adequate natural gas service on Applicant's system.

Certain facilities, Applicant continues, were installed by Applicant to effectuate the delivery of the gas, which facilities consisted of 200 feet of 4½-inch o.d. pipeline, a receiving station, and other appurtenant facilities. Applicant estimates the cost of said facilities to have been $80,060. It is further stated that these facilities connect with Applicant's 10¾-inch Loisel Field Line at M.P. 2.67, Iberia Parish, La., and would be operated as an integral part of Applicant's transmission system if authorization as here requested is given by the Commission.

Applicant asserts that its request for authorization for retention in place and continued operation of said facilities is predicated upon the execution of a long-term gas purchase contract dated April 5, 1978, between it and Pioneer. Applicant further asserts Pioneer has filed a certificate application for authorization to continue the sale of this gas to Applicant. Pioneer is an independent producer, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22377 Filed 8-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-436]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC., et al.

Application

AUGUST 4, 1978.

Take notice that on July 20, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, and United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, Applicants filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 16.3 miles of 24-inch pipeline and a 3,594 horsepower compressor unit and certain metering facilities (Project Lirette), all as more fully set forth in the application which is on file with the application and open to public inspection.

It is stated that the proposed pipeline would be located in Terrebonne Parish, La., originating at Main Line Valve No. 523 on Tennessee's Louisiana Coastal Line near Cocodrie, La., and extending to a point of interconnection with United's 36-inch line near Lirette, La. Its total capacity would be slightly over 300,000 Mcf per day, it is further stated. Applicants assert that each of them would be entitled to utilize 50 percent of the total capacity.

The cost of said facilities is estimated to be $13,688,300, which cost would be borne equally by Tennessee and United, it is stated. Tennessee asserts that it would initially finance its share of the costs, $6,844,150, from general funds on hand, and/or from borrowings under the company's bank credit agreement, and/or cause such construction to be financed in the event a person other than Tennessee participates as owner of any of the facilities. United asserts it would finance its respective one-half undivided interest in the facilities, $6,844,150, with funds on hand.

Applicants contend that the proposed facilities would afford them greater flexibility in a number of aspects. First, it is stated, that by order issued April 14, 1978, Tennessee was authorized in Docket No. CP77-108 to transport for United's account up to 300,000 Mcf of natural gas per day, which gas would be purchased from the High Island Area. By an agreement dated May 1, 1978, it is said, Applicants have provided for the delivery by Tennessee to United at Lirette of up to 150,000 Mcf per day of exchange gas instead of delivering it at starks, Louisiana, and for the redelivery of equivalent volumes by United to Tennessee at Starks at a point near Crowley, Louisiana, and at other mutually agreeable points, thereby maximizing transportation receipts and geneally improving the operation of Applicant's pipeline systems. Second, the establishment of delivery and exchange points with United at Cocodrie and Lirette would add to the flexibility of Tennessee's operations in its gas supply area and would permit Tennessee to transfer volumes of gas from a point in its supply area that is nearing its capacity to other areas where such volumes can be more readily handled, it is asserted. Tennessee, it is stated, was authorized to construct and operate an expansion to the Blue Water Project (BWP) which would increase the volumes available to it from the BWP at Cocodrie by 503,000 Mcf per day by the order issued on September 26, 1977, in Docket No. CP77-482. Third, it is stated, the proposed facilities would give to United an increased flexibility for the receipt of a significant portion of its High Island Area gas volumes since such volumes would be delivered directly into that part of its system located near New Orleans, Louisiana, an area with has a heavy peakload heating demand during the winter season.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-22378 Filed 8-9-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 942-2]

GUAM SDWA ENFORCEMENT PRIMACY

Approval of Territorial Application for Drinking Water Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and § 142.10 of the national interim primary drinking water regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application has been received from the Administrator, Guam Environmental Protection Agency, April 26, 1978, requesting that the Guam Environmental Protection Agency be granted primary enforcement responsibility for public water systems in the territory of Guam, in accordance with the provisions of this act.

In response, I have determined that the Guam Environmental Protection Agency has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the territory of Guam. The territory—

(1) Has adopted drinking water regulations which are no less stringent than the national interim primary drinking water regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the national interim primary drinking water regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Administrator, Guam Environmental Protection Agency, Harmon Plaza, Tamuning, Guam 96910.

Regional Administrator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

All interested parties are invited to submit written comments on this determination and may request a public hearing by writing to the above San Francisco address. Written comments and/or a request for a public hearing must be submitted on or before thirty (30) days after the date of publication of this notice. A request for a public hearing shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made on or before September 8, 1978, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the territory of Guam of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the territory. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address, and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 2, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator, Region IX, Environmental Protection Agency.

[FR Doc. 78-22264 Filed 8-9-78; 8:45 am]

[6560-01]

[FRL 942-3]

TRUST TERRITORY OF THE PACIFIC ISLANDS

Approval of Application for Drinking Water Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, as amended, and § 142.10 of the national interim primary drinking water regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application has been received from the Chairman of the Trust Territory Environmental Protection Board requesting that the Trust Territory Environmental Protection Board be granted primary enforcement responsibility for public water systems in the trust territory, in accordance with the provisions of this act.

In response, I have determined that the Environmental Protection Board has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the trust territory. The trust territory:

(1) Has adopted drinking water regulations which are no less stringent than the national interim primary drinking water regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such territorial regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the national interim primary drinking water regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Executive Officer, Environmental Protection Board, c/o Department of Health Services, Trust Territory of the Pacific Islands, Headquarters, Saipan, Mariana Islands 96950.

Regional Administrator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

All interested parties are invited to submit written comments on this determination and may request a public hearing by writing to the above San Francisco address. Written comments and/or a request for a public hearing must be submitted on or before September 11, 1978. A request for a public hearing shall include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and information that the requesting person intends to submit at such a hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made within thirty (30) days after this notice, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the trust territory of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing, and the address, and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 2, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator, Region IX, Environmental Protection Agency.

[FR Doc. 78-22266 Filed 8-9-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-213; File No. BP-19,945; FCC 78-501]

HOME SERVICE BROADCASTING CORPS. (WGTR)

Designating Applications for Consolidated Hearing on Stated Issues

MEMORANDUM OPINION AND ORDER

Adopted: July 12, 1978.

Released: August 10, 1978.

In re application of Home Service Broadcasting Corp. (WGTR), Natick, Mass., Has: 1060 kHz, 1 kW, D, Req: 1060 kHz, 5 kW, 50 kW-LS, DA-2, U, BC Docket No. 78-213, File No. BP-19,945, for construction permit.

1. The Commission has before it for consideration: (i) The above-captioned application of Home Service Broadcasting Corp. (hereinafter "Home Service"), as amended, to make changes in the operation of AM broadcast station WGTR, Natick, Mass., including a change in antenna site, an increase in hours of operation, and an increase in power; (ii) a petition to deny filed by Westinghouse Broadcasting Co. (hereinafter "Westinghouse"), licensee of WBZ(AM), Boston, Mass., and KYW(AM), Philadelphia, Pa.; (iii) a petition to deny filed by WEZE, Inc. (hereinafter "WEZE"), licensee of WEZE(AM), Boston, Mass.; (iv) an objection filed by Knowles Broadcasting Co., Inc. (hereinafter "Knowles Broadcasting"), licensee of WORC(AM), Worcester, Mass.; and (v) related pleadings and the responses thereto.

2. Since Westinghouse alleges that the proposed operation of Home Service would cause interference to the operation of KYW, it has standing as a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended (act). "FCC v. National Broadcasting Co., Inc. (KOA)," 319 U.S. 239 (1943). In addition, Westinghouse and WEZE have standing by reason of the fact that there will be direct competition among WBZ, WEZE, and WGTR for audience and revenue in the Boston market [1] if the proposed application is granted. "FCC v. Sanders Brothers Radio Station," 309 U.S. 470 (1940).

3. Many of the arguments in the petitions have been mooted by subsequent amendments by WGTR [2] or by the two previous Memoranda Opinions and Orders in this proceeding.[3] There are, however, four unresolved questions raised in the various pleadings which we believe warrant consideration. First, Westinghouse contends that Home Service has not adequately considered the environmental impact of the proposed transmitter site location. Second, Westinghouse argues that the proposed daytime and nighttime WGTR directional antenna arrays are unstable and that the application should be denied, or, at least designated for hearing on a stability issue. Third, Knowles Broadcasting contends that a grant of Home Service's application would lead to economic injury to its existing operation with a resulting degradation of broadcast service to central Massachusetts. Finally, WEZE argues that a suburban community issue [4] is raised by applicant's proposal which warrants resolution in a hearing.

4. Westinghouse contends there will be adverse environmental impact from

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[1] In opposition to WEZE's petition to deny, Home Service challenges WEZE's claim of standing contending that Home Service, because it does not intend to serve Boston, will neither become a *de facto* Boston station, or even compete directly with WEZE in the Boston market for audience and revenue. In reply, WEZE submits an engineering affidavit stating that Home Service "will indeed intrude its signal into the Boston market * * *" Commission analysis of all the available data reveals that the proposed operation would provide at least a 5 mV/m signal over the entire city of Boston.

[2] For example, WEZE alleged that Home Service had failed to comply with Question and Answer 8 of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971). WEZE contended the applicant had concentrated its interviews largely with leaders representing communities within its present service area and had not contacted enough community leaders in its proposed gain area. In its November 11, 1976, amendment, Home Service supplemented its community leader survey with 55 additional interviews. The Commission finds the applicant has interviewed sufficient community leaders in that portion of the gain area that it claims that it intends to serve. Consequently, we conclude that the applicant has complied with the requirements of the "Primer."

[3] We note that acceptability of the application was considered in "Home Service Broadcasting Corporation," FCC 76-91, released February 11, 1976. Furthermore, on September 14, 1977, the Commission accepted the September 3, 1976, amendment to the application. "Home Service Broadcasting Corporation," FCC 77-625, released September 23, 1977.

[4] "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190, 6 RR 2d 1901 (1965); *recon. denied*, 2 FCC 2d 866, 6 RR 2d 1908 (1966).

the Home Service proposal because extensive grading and tree removal is necessary to construct the antenna array.[5] On the other hand, the applicant asserts that of the approximately 12 sites considered, the proposed site is the most nearly level one. Home Service contends that grading will only be required on the three acres of land which rise about 30 feet above the elevation where the proposed array will be built. The applicant also states that only 30 of the 74 acres will be cleared for the tower and ground systems, that the remaining 44 acres will be left in its primarily wooded and natural state, and that the cleared area will be replanted with low-growing shrubs and grasses. We find that Home Service has adequately rebutted Westinghouse's contention. Moreover, on June 8, 1977, and on November 1, 1977, Home Service amended its narrative statement discussing the environmental impact of its proposed modification. The information submitted in these amendments contains all the data required by § 1.1311 of the Commission's rules.[6] From analysis of all the information submitted, we conclude that the proposed use is compatible with present uses of the site and will have no significant visual or aesthetic impact on the surrounding area. Nor do the grading and tree removal involved reach the level of significance required to trigger the environmental impact statement process. Thus, the application can be processed without further consideration of environmental factors. See § 1.1313(b)(1) of the Commission's rules.

5. Westinghouse also argues that the proposed daytime and nighttime directional antenna arrays are unstable, and that the application should be denied or, designated for hearing on a stability issue. There are two aspects to the stability question. The first concerns the inherent stability of the array, regardless of where it is located (i.e., assuming optimum conditions); the second concerns the effect of the surrounding area on the stability.

6. Westinghouse asserts that the question of stability must be resolved before a construction permit can be issued since the Commission's Rules contain no provision for objecting to license applications. On the other hand, Home Service contends that the stability question can be resolved after a construction permit has been issued by simply including conditions on the construction permit requiring WGTR to construct, adjust, and maintain its directional antenna systems as proposed. Home Service asserts that compliance with the conditions imposed would insure that Westinghouse would not be harmed. The applicant points out that this approach was taken by the Commission in granting, without hearing, a modification application for WPAT, Paterson, N.J., in the face of an objection concerning stability questions raised by co-channel station WBEN, Buffalo, N.Y. This grant was upheld in *"WBEN, Inc. v. FCC,"* 175 U.S. App. D.C. 363, 535 F. 2d 1325 (1976).

7. Westinghouse is incorrect in stating that it is not procedurally possible to object to license applications. While a formal petition to deny is not provided for, objections to license applications are permissible under § 1.41 of the Commission's rules. However, Home Service's reliance on "WBEN, Inc.," *Supra*, to support its argument for a conditional construction permit is ill-placed, for the WPAT application simply involved a change in maximum expected operating values (MEOV) with no physical construction. Thus, the stability issue was present with or without the grant. Since no physical changes were involved, the construction permit was granted conditionally. Home Service's situation, however, is distinguishable since two complete directional antenna arrays are to be constructed.

8. To resolve this issue, the Commission must examine the stability of the proposed directional antenna systems. If it can be determined that there is no question of stability, then a conditional grant is the proper approach. Otherwise, the application should be designated for hearing. In determining whether there is a question of stability, the Commission does not look to see whether interference would be caused to any other stations if the proposed arrays exhibit instability. Rather, the Commission looks to see if the authorized standard patterns would be exceeded by likely instabilities. Thus, an application should be denied if the instabilities reflect that the directional antenna systems cannot be held within their authorized standard patterns, regardlss of whether interference is caused when the standard patterns are exceeded.

9. In one of its many attempts to establish that the proposed directional arrays are unstable, Westinghouse has submitted the results of a stability test discussed by the Commission in its "Report and Order in Docket No. 16222," 27 FCC 2d 77, 83, 20 RR 2d 1745, 1751-52 (1971). Home Service argues that Westinghouse improperly applied this test since it added Eq to the standard pattern rather than to the theoretical pattern. Home Service's argument, however, is incorrect, since the "Report and Order" clearly states that the "test * * * of whether a sufficient tolerance has been provided between the *standard* pattern inverse field * * * is to add [Eq] in quadrature * * *" (Emphasis added.) Although some comments filed in that proceeding discussed adding Eq in quadrature to the theoretical value, the Commission stated that it should be added in quadrature to the standard pattern value. The use of Eq involves a statistical approach to the stability situation which considers what happens with the day-to-day variations once the actual pattern has been adjusted within the standard pattern. Since the actual pattern could have been adjusted to a value equal to the standard pattern, it is reasonable to apply the variations in field and phase to the standard pattern value. Moreover, since Eq is added in quadrature to the standard pattern, the resulting value will always be greater than the standard pattern value. Consequently, this stability study cannot be used to determine whether the actual pattern will remain within the proposed standard pattern. Therefor, we cannot use this method to determine whether a stability issue should be included in a hearing.

10. Westinghouse has submitted another stability study which purports to establish the instability of the proposed directional antenna arrays. This study employs the following method: One tower whose parameters are not varied is chosen as a reference tower; the field ratios and the phasing for each of the other towers are varied individually and sequentially; and the theoretical pattern is computed using the theoretical field ratio for the tower, the field ratio increased by the specified amplitude variation, and the field ratio decreased by the specified amplitude variation. The modified field ratio for the tower which gives the largest radiation is chosen for this tower and is used in all future calculations at this azimuth and elevation angle. A similar set of calculations and comparisons are done with the phase for this tower. Then, these steps are taken for each of the other towers. When the field ratios and phasings for

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[5] Westinghouse was also concerned about the Shell Oil Co.'s pipeline that crosses the proposed WGTR ground system. However, the letter dated April 23, 1976, from R. W. Bell, plant manager of Shell Oil Co., and the June 8, 1976, environmental statement clearly indicate that the proposed construction will not affect the pipeline.

[6] The June 8 narrative statement contains: (1) A description of the proposed and alterative sites considered; (2) a discussion of both existing and future land use patterns; (3) an evaluation of potential industrial hazards; (4) an appraisal of community opinion; (5) an analysis of the aesthetic impact of the proposal; (6) a description of the soil type; and (7) a thorough evaluation of the proposal's impact on property values, on special lands, on bird migration, on air transportation, on wildlife habitat, on local water supply, on the sewage system, on energy, and on noise. The November 1, 1977, amendment indicated that the proposed site did not border on any wetlands covered by the Massachusetts Wetland Protection Act.

all of the towers have been given an opportunity to vary in this manner, the final radiation value is calculated from these varied values. This sequence is accomplished for each azimuth and vertical elevation angle. To counter this, the applicant has submitted its own stability study. In its study, Home Service varied only the field or the phasing of one tower at a time. It then chose the maximum value of radiation from the various values which were calculated. The Commission has its own stability study which it has used over the years. The Commission's study calculates the component of the variations infield ratio and phasing along the axis of the resultant theoretical vector at each azimuth and elevation. This component is then added to the theoretical value.

11. We have examined the methodologies and results of the three approaches to stability studies. We find that the method used by the applicant is not appropriate since it allows only one parameter at a time to vary. All parameters except those for the reference tower should be allowed to vary. On the other hand, although the approach used by Westinghouse is generally valid, it has some deficiencies. For instance, if the stability study is made for 1 percent, 1 degree variation, the maximum radiation would not be found if it occurred at, say, 0.5 percent. The Commission's approach has a similar deficiency since it overlooks deviations that do not have components along the axis of the resultant vector. Such an approach does not take into account the full deviation if the deviation is not totally along this axis. The parties' approaches give answers which are no greater than the maximum possible deviation, although it is quite possible that answers smaller than the maximum deviation would be obtained. In addition, these two methods do not take into account the probability that certain combinations will occur.[7]

12. For the above reasons, we do not rely exclusively on the results of computerized stability studies in determining whether a particular array will be unstable. However, these studies are useful tools in determining the stability of arrays.[8] Using these stability studies along with other methods, we are unable to conclude that the proposed daytime and nighttime WGTR directional antenna systems are sufficiently stable and that the actual radiation can be maintained within the proposed standard patterns. Accordingly, the application must be designated for hearing to consider the stability of the proposed daytime and nighttime arrays.[9]

13. Knowles Broadcasting opposes the application asserting that approval of Home Service's power increase would be economically devastating to its existing operation with a resulting deprivation of local coverage to central Massachusetts. In opposition, Home Service correctly contends that Knowles Broadcasting's pleading does not meet any of the procedural requirements for a petition to deny under section 309(d)(1) of the Act or under § 1.580(i) of the Commission's rules. Therefore, we will treat the pleading as an informal objection. However, treating the document as an informal objection does not relieve the complaining party of its obligation to set forth specific factual allegations which would warrant the relief requested. "Employment Practices of Florida Stations," FCC 76-54, released February 5, 1976, 36 RR 2d 228, 230.[10] Knowles' allegations attempt to raise a "Carroll" [11] issue. The pleading requirements that are necessary to raise a "Carroll" issue have evolved in a series of Commission and judicial decisions.[12] It is therefore established that:

> * * * a petitioner seeking a hearing on the "Carroll" issue must plead specific factual data sufficient to make out a *prima facie* case that the economic consequences of a grant of the challenged application will lead to an overall derogation of service to the public. Specifically, the petitioner must raise substantial and material questions of fact as to whether: (1) The revenue potential of the market is such that a grant would cause the petitioner to suffer a significant loss of income; (2) the effect of this loss will be to compel the petitioner to eliminate some or all of its public service programming; and (3) this loss of programming will not be offset by the increased non-network programming proposed to be offered by the applicant. Since these three aspects of the "Carroll" issue are essentially interdependent, a failure to satisfy any one of the three is likely to be dispositive of the petitioner's claim to a hearing.[13]

No specific factual data ha been submitted by Knowles Broadcasting to satisfy *any* of its obligations under "WLVA, Inc.", supra. Without any data to support the allegations, we are unable to assess the impact on WORC of WGTR's proposed operation. Accordingly, the informal objection will be dismissed. "Harvard Radio Broadcasting Co., Inc.," FCC 72-564, 24 RR 2d 847 (1972).

14. WEZE contends that Home Service's application should be viewed as a proposal to abandon Natick in favor of the entire Boston area and, therefore, that the application should be designated for hearing on a suburban community issue. In support, WEZE states that the applicant's present 5 mV/m daytime contour encompasses the towns of Natick, Framingham, Sherborn, and Ashland, as well as most of Wellesley, Needham, Dover, Medfield, Millis, Holliston, Hopkinton, Sudbury, Wayland, and Weston. If the modification is granted, WEZE continues, Home Service would, for the first time, encompass the entire city of Boston and most of the Boston urbanized area with daytime service of 5 mV/m or better.[14] Additionally, petitioner asserts that the applicant does not need 50 times its present power in order to serve an area it already serves. WEZE maintains that the 33 towns and cities the applicant states it intends to serve if the power increase is granted are the same towns and cities that Home Service said it was already serving in its December 2, 1974, renewal application. To further support its position, WEZE argues that the highly directionalized daytime antenna system proposed by the applicant is designed to maximize coverage to Boston.[15]

15. In opposition, Home Service has advanced four arguments to contravene WEZE's claim that the proposal constitutes a *de facto* relocation of WGTR to Boston and to show that Home Service does not intend to be another Boston station. First, the applicant defends its proposed antenna radiation patterns by stating that the patterns are dictated solely by site location and the technical restrictions imposed to protect other AM stations.[16] Second, the applicant claims

[7] For instance, due to the design of a particular phasor, it may be that the phase for one tower will always increase when the phase for another tower decreases.

[8] Indeed, in addition to using our own method, we have adapted the computer program used by Westinghouse's consulting engineer for use in the Commission's computer program.

[9] At hearing, it must be realized that having extremely accurate monitoring equipment does not eliminate the stability questions. Rather, such equipment simply means that one will be able to tell with more accuracy what deviations are actually occurring.

[10] See also "Midland Broadcasters, Inc.", 48 FCC 2d 195, 30 RR 2d 962 (1974), *recon. denied*, 51 FCC 2d 1018, 32 RR 2d 1677 (1975); "WFBM, Inc.," FCC 74-761, released July 19, 1974, 30 RR 2d 1366.

[11] "Carroll Broadcasting Co. v. FCC," 103 U.S. App. D.C. 346, 258 F. 2d 440 (1958).

[12] See "WLVA, Inc. v. FCC," 148 U.S. App. D.C. 262, 268-273, 459 F. 2d 1286, 1292-97 (1972), for a thorough discussion of the evolution of the "Carroll" issue.

[13] "WLVA, Inc.," 148 U.S. App. D.C. at 273, 459 F. 2d at 1297.

[14] Natick had a 1970 population of 31,057 whereas Boston and the Boston Urbanized Area had 1970 populations of 641,071 and 2,652,575, respectively.

[15] WEZE had also argued that Home Service's original proposal would have resulted in derogation of service to nine communities within the applicant's present service area. However, the Supplementary Engineering Exhibit E-4, dated March 12, 1976, indicates that any derogation of existing service has been eliminated from the proposal.

[16] Home Service claims that it has designed its daytime and nighttime radiation patterns primarily: (a) To protect co-channel station KYW, Philadelphia, Pa; (b) to avoid

Footnotes continued on next page

that the increase in power is necessary because the ground conductivity at the site selected is low. Third, Home Service contends that the Natick-Framingham area constitutes a separate sub-metropolitan area of over 500,000 people in need of its first full-time local AM broadcast service. The applicant argues that provision of such a service would be consonant with section 307(b) of the act. Finally, Home Service contends that power alone, while a slight factor, should not be the decisive factor in determining whether a suburban community issue is warranted. In support, the applicant submits the Fall 1975 Arbitron Radio Report survey of radio listening in the Boston market to show that power alone does not determine the actual size of the listening audience.

16. Formerly, when an AM applicant's proposed 5 mV/m daytime contour would pentrate the geographic boundaries of a community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community, a rebuttable presumption was raised that the applicant actually proposed to serve the larger community. "Policy Statement," *supra.* Subsequently, in the "Report and Order in Docket No. 20265," 54 FCC 2d 1, 34 RR 2d 603 (1975), *recon. denied,* 56 FCC 2d 6, 35 RR 2d 151 (1975), we dispensed with the automatic application of the presumption in all single applicant proceedings since it "would tend to countervail the more liberal allocation policy" particularly with respect to power increases. However, we reaffirmed our continued interest in preserving the fundamental principles which the presumption was designed to protect. In so doing, we said that the "factors underlying the original 'Policy Statement' will continue to be of concern to us with respect to all AM authorizations." The Commission specifically put applicants on notice that "applications proposing power clearly in excess of that necessary to serve the proposed community of license and its immediately surrounding areas will be examined with care." "Docket No. 20265," 54 FCC 2d at 21-22, 34 RR 2d at 625. We agree with WEZE's factual contention that Home Service proposes power greatly in excess of that needed to provide adequate coverage to Natick and its immediate environs. As a result, although we are reluctant to raise the question in cases involving a single applicant, the proposal here appears to be such an egregious violation of the fundamental principles underlying the Suburban Communities Policy that the question must be explored further in hearing.

17. In our view, Home Service has not adequately rebutted WEZE's allegations. The application has failed to show that the proposed power and directional antenna system indicates a clear intention to direct its service to its specified community. Some of the cases cited by the applicant indicate that the Commission has relied heavily on technical factors beyond the applicant's control in finding that the policy statement presumption had been rebutted by the applicant. However, the cases are distinguishable on the facts from the situation presented here. In "KACY, Inc.," 30 FCC 2d 648, 22 RR 2d 428 (1971), the increased 5 mV/m penetration was due to unique protection requirements and a long salt water path between the two communities. Furthermore, the existing 10 kw operation already covered the larger city with a 5 mV/m signal. In "Naugatuck Valley Service, Inc. (WOWW)," 8 FCC 2d 755, 10 RR 2d 737 (Rev. Bd. 1967); *aff'd sub. nom.,* "Northeast Broadcasting, Inc. v. FCC," 130 U.S. App. D.C. 278, 400 F. 2d 749 (1968), although the applicant proposed increased 5 mV/m penetration of the larger community, the population receiving primary service (2 mV/m) was increased by only 10.8 percent. Here, unlike either of the above cases, Home Service does not presently provide a 5 mV/m signal to any portion of Boston but, rather, would encompass the entire city with a 5 mV/m signal for the first time. In addition, the present 2 mV/m signal of WGTR reaches only a very small portion of northwest Boston. Likewise, easily distinguishable on the facts is "Howard L. Burris," 27 FCC 2d 290, 20 RR 2d 1087 (1971), where the 5 mV/m pentration was due to stringent protection requirements which, when coupled with the applicants' low power (250 and 500 watts, respectively), forced the applicants to direct maximum radiation toward the larger community in order to meet our coverage requirements for the proposed community of license. In the present case, not only is Natick being served by a city grade signal but the intended service area is also being served by WGTR. The present daytime 2 mV/m contour covers at least portions of 29 of the 33 towns and cities proposed to be served by Home Service. Equally inappropriate is applicant's reliance on "Goodman Broadcasting Co," 10 FCC 2d 141, 11 RR 2d 331. (Rev. Bd. 1967), since the applicant in "Goodman" did not adequately rebut the suburban community presumption. Though the applicant must comply with our technical protection requirements, it has in no way attempted to justify why a fiftyfold increase in daytime power is necessary to insure the intended coverage and at the same time meet the technical requirements. Furthermore, Home Service has not adequately justified the daytime power increase requested on the basis of low ground conductivity since no current measurement data have been submitted to substantiate the contention that the soil conductivity at the proposed site [17] is different from the FCC figure M-3 conductivity. WGTR claims that for section 307(b) purposes it intends to provide a first local full time AM broadcast service to a conglomerate of communities called the "Natick-Framingham sub-metropolitan area." This argument may well be an important factor in determining whether the applicant is able to meet its burden in hearing under the section 307(b) suburban community issue. However, in view of the objective engineering factors presented in this proposal, the applicant's argument is insufficient, at this stage, for us to conclude that the applicant is not proposing to serve Boston. Finally, Commission policy has clearly established that the power proposed by an applicant is a significant factor in deciding whether a section 307(b) surburban community issue is warranted. "Report and Order in Docket No. 20265," *supra.* For the foregoing reasons, we conclude that WEZE has raised a question concerning Home Service's intentions which can only be resolved in hearing.

18. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

19. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of Home Service Broadcasting Corporation is designated for hearing at a time and place to be specified in the subsequent Order, upon the following issues:

(1) To determine whether the proposed daytime and nighttime directional antenna systems can be constructed, adjusted, and maintained within the proposed standard pattern values of radiation.

(2) To determine whether the proposal of Home Service Broadcasting Corporation will realistically continue as a local transmission facility for the

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25 mV/m overlap with third adjacent signal WBZ, Boston; and (c) to protect co-channel station CJRP, Quebec City, Canada.

[17] The applicant submits results of ground conductivity measurements taken in 1972 at WGTR's present site. However, these data are too far removed (approximately 6 miles) from the proposed antenna site to be used to establish the ground conductivity at the proposed site. Therefore, FCC Figure M-3 estimated effective ground conductivity values must be employed for the proposed transmitter site.

applicant's assigned community and provide a responsive broadcast service for the proposed gain area [18] or provide such service for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the proposed gain area has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the proposed gain area are being met by existing aural broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specified unsatisfied programing needs of the proposed gain area; and

(d) The extent to which the projected sources of the applicant's advertising revenues from within its assigned community and/or from within the proposed gain area are adequate to support its proposal, as compared with its projected sources from Boston.

(3) To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal will not realistically provide a local transmission service for its specified station location and provide a responsive broadcast service for the proposed gain areas, whether such proposal meets all the technical provisions of the rules for AM broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Boston, Mass.

(4) To determine, pursuant to the foregoing issues, whether the proposal would serve the public interest, convenience and necessity.

20. *It is further ordered,* That, in the event of a grant of the application of Home Service Broadcasting Corp., the construction permit shall contain the following conditions:

(1) An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degrees phase and 0.1 percent sample current ratio deviation shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array to insure maintenance of the radiated field within the standard pattern values of radiation; and

(2) Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios, and sample current ratio deviations for each element of the array along with the final amplifier plate voltage and current, the common point current, and the field intensities at each monitoring point for both the nondirectional and directional (both daytime and nighttime) operations for a period of at least 30 days, to demonstrate that the arrays can be maintained within the specified tolerance.

21. *It is further ordered,* That the petition to deny filed by Westinghouse Broadcasting Co., Inc. and the petition to deny filed by WEZE, Inc., are granted to the extent indicated herein, and denied in all other respects, and that Westinghouse and WEZE are made parties to this proceeding: *And it is further ordered,* That the objection filed by Knowles Broadcasting Co., Inc., is denied.

22. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

23. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-22338 Filed 8-9-78; 8:45 am]

[18] The gain area proposed to be served by the applicant is composed of the 33 cities and towns immediately surrounding Natick, but excluding Boston. See paragraph 14, *supra.*

[6712-01]

[BC Docket Nos. 78-209—78-212; File Nos. BP-20637, etc.; FCC 78-496]

ROSE BROADCASTING CO. ET AL

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 12, 1978.

Released: August 11, 1978.

In re applications of Rose Broadcasting Co., Vancouver, Wash., BC Docket No. 78-209, file No. BP-20637; Viking Vancouver, Inc., Vancouver, Wash., BC Docket No. 78-210, file No. BP-20653; Fort Vancouver Broadcasting, Inc., Vancouver, Wash., BC Docket No. 78-211, file No. BP-20680; Longwood Broadcasting Co., Vancouver, Wash., BC Docket No. 78-212, file No. BP-20681; for construction permit for new AM station to replace the deleted facilities of KISN, Vancouver, Wash. (910 kHz, 5 kW, DA-2, U).

1. The Commission has before it for consideration the mutually exclusive applications of Rose Broadcasting Co. (Rose), Viking Vancouver, Inc. (Viking Vancouver), Fort Vancouver Broadcasting, Inc. (Fort Vancouver) and Longwood Broadcasting Co. (Longwood) for the deleted facilities of AM station KISN, Vancouver, Wash. Also before the Commission are petitions to specify issues filed by Fort Vancouver and Longwood and various responsive pleadings.[1] For purposes of convenience, we will consider the requested issues on an applicant-by-applicant basis rather than considering each petition in turn.

Issues Against Longwood Broadcasting Co.

2. *Financial Issues.* It is undisputed that Longwood relies upon Care Centers, Inc.—an Ohio corporation engaged in the operation of nursing

[1] In addition to the petitions and oppositions thereto, we have a number of supplemental pleadings and amendments before us. Four of them—one a supplement to Longwood's opposition pleading and three supplements to Rose's opposition pleading—contain additional supporting affidavits. None of these pleadings set forth new arguments or allegations and none is opposed. Accordingly, they will be accepted. Three other pleadings—all supplements to Longwood's petitions to specify issues—seek to buttress the applicant's original allegations. Those pleadings, however, are both unauthorized and unnecessary and will be dismissed. See note 6, *infra.* Two further pleadings before us are a second petition to designate issues filed by Longwood against Viking Vancouver and an opposition filed by Viking Vancouver. Because the petition is based upon information first revealed in Viking Vancouver's original opposition pleading and because it was filed in a timely fashion, we will consider the petition and the opposition pleading on the merits. On Jan. 25, 1978, Rose Broadcasting Co. filed an amendment reflecting the death of its principal stockholder. That amendment (along with Longwood's motion to strike the amendment) is discussed at pars. 13-15, *infra.* On Feb. 26, 1978, Fort Vancouver filed a petition for leave to amend its application to show additional ascertainment interviews with leaders of the elderly in Vancouver. (See par. 12, *infra.*) Longwood opposes the petition. We agree with Longwood that to accept the Fort Vancouver amendment now would defeat the purpose of § 1.522(a), as amended by the "Report and Order on Adjudicatory Re-regulation Proposals," 58 FCC 2d 865, 36 RR 2d 1203 (1976). *Cf.* note 8, *infra.* Otherwise, the stable situation in which the designation order is supposed to be written would never occur. Accordingly, the petition for leave to amend will be denied. Four other amendments, dated May 24, Aug. 3 and Oct. 12, 1977 and Apr. 24, 1978, were submitted pursuant to Fort Vancouver's obligation under § 1.65 of the rules to insure the continuing accuracy of its application. They will therefore be accepted. See also note 5, *infra.*

homes—for a substantial portion of the funds necessary to construct and operate its proposed station.[2] Fort Vancouver challenges the validity of this obligation, arguing that it is voidable by the company's stockholders because of breaches of fiduciary duties and fraud on the part of Hastings Baker II, who is president, director and 33.3 percent stockholder of Care Centers as well as being a director of Longwood and the father and father-in-law of the applicant's two officers and only voting stockholders.[3] Whatever the merits of Fort Vancouver's allegations, and Longwood vigorously denies that they are true,[4] we have consistently held that matters involving alleged violations of fiduciary duties should be pleaded initially before a local forum. See, e.g., "Gilbert Broadcasting Corporation," 55 FCC 2d 579, 34 RR 2d 1673 (Rev. Bd. 1975); "Northeast Oklahoma Broadcasting, Inc.," 40 FCC 2d 543, 27 RR 2d 144 (Rev. Bd. 1973). Accordingly, we will decline Fort Vancouver's request that we consider such questions in the framework of the instant proceeding.

3. *Character Issues.* Alleging that the Ohio Department of Health has repeatedly cited Care Centers' facilities for violations of State law and regulations and has also revoked the license of one Care Centers' facility, Fort Vancouver seeks an inquiry into the company's ability as a Longwood stockholder to operate a broadcast facility in the public interest. In light of Longwood's explanation of the State's actions, however, we will deny petitioner's request. Thus, in an affidavit submitted by the applicant, Don Wessell, president of the Ohio Health Care Association (a group composed of 240 nursing homes) states that citations for minor infractions of State regulations, followed by corrections of the deficiencies or requests for waivers, are typical of the nursing home industry in Ohio and do not necessarily reflect on a company's ability or willingness to comply with all licensing requirements. By another affidavit included in Longwood's opposing pleading, Robert D. Murtha, Care Centers' vice-president, maintains that the company's one license revocation was based on a delay in the installation of an automatic sprinkler system, that the company decided to refurbish and expand its old facility rather than simply bring it into compliance with State regulations, and that the license revocation has been stayed by a local court pending completion of the new facility. We are persuaded by the Wessell and Murtha affidavits that the incidents cited by Fort Vancouver do not represent the kind of willful or deliberate misconduct that warrants further inquiry at hearing. "Cf. Violation by Applicants of Laws of United States," 42 FCC 2d 399, 1 RR Part 3, 91:495 (1951). In a similar vein, to the extent that Fort Vancouver would premise an issue on Care Centers' failure to disclose its agreement with Longwood in a proxy statement issued for its 1976 annual meeting, the Commission has traditionally declined to interfere in matters of alleged violations of Federal law where the matters have not been presented to or acted upon by the authority responsible for interpreting and enforcing those laws. See, e.g., "Bangor Broadcasting Corp.," 33 FCC 2d 687, 23 RR 2d 883 (Rev. Bd. 1972).

4. In a recent amendment, Longwood reported that it had merged into a new Ohio corporation, also named Longwood Broadcasting Co. Longwood asserts that the change in the state of incorporation from Washington to Ohio did not alter ownership or control of the applicant and further states that the officers and directors of both the old and new corporations are the same. In our view, however, the change in the state of incorporation raises a question concerning the Ohio corporation's legal qualifications. While Longwood has submitted certified copies of the Ohio corporation's articles of incorporation and bylaws, it has failed to establish that it is authorized to do business in Washington. Accordingly, an appropriate issue will be specified.[5]

ISSUES AGAINST FORT VANCOUVER BROADCASTING, INC.

5. *Financial issues.* The requirement that applicants for broadcast facilities show the availability of sufficient funds to construct and operate their proposed facilities for one year, "Ultravision Broadcasting Company," 1 FCC 2d 544, 5 RR 2d 343 (1965), is generally limited to a 3-month showing where the applicant will replace an existing station with an established record of advertising revenues. See, e.g., "Orange Nine, Inc.," 7 FCC 2d 788, 9 RR 2d 1157 (1967), review denied FCC 67-960, released August 14, 1967. The applicants here seek a deleted facility which has been silent for a considerable period of time and will undoubtedly remain so until the instant comparative proceeding is completed. Under these circumstances, we do not believe that the applicants can reasonably rely upon the prior licensee's record of earnings. See "Azalea Corp.", FCC 67-756, 10 RR 2d 717 (1967).[6] Accordingly, the 12-month "Ultravision" standard is the appropriate one in this case. As Rose, Fort Vancouver, and Viking Vancouver have failed to meet this standard, and show the ability to construct and operate for only a 3-month period, we will specify limited financial issues against them.[7]

6. Longwood's challenges to Fort Vancouver's financial showing fall into two general categories: (1) Assertions that various stockholders cannot meet their subscription commitments to the applicant and (2) an allegation that the applicant cannot claim credit for a bank loan commitment upon which it relies. With regard to the first assertions, we are satisfied that material submitted by Fort Vancouver with its opposition pleading resolves all questions on this score.[8] Thus, with respect

[2] Care Centers, Inc. is committed to purchase 300 shares of Class B Longwood stock at a price of $250 per share and to lend the applicant up to $740,000.

[3] Care Centers' stock in Longwood carries no voting privileges. We note that in a Sept. 28, 1977 supplement to its opposition to Fort Vancouver's petition, Longwood submitted a resolution adopted by Care Centers' stockholders approving the corporation's "past and continued participation" in Longwood.

[4] Briefly stated, it is Fort Vancouver's position that the Longwood transaction is a poor one from the viewpoint of Care Centers' stockholders since the company's stock in the applicant is nonvoting and its loan commitment contains terms favorable to the borrower. Longwood, in contrast, maintains that the proposed Care Centers' investment reflects sound business judgment on the company's part. See note 3, *supra.*

[5] Longwood's amendment is opposed by Fort Vancouver on the grounds that good cause does not exist pursuant to § 1.522(a)(2) of the rules. We disagree. The amendment reflects a change in the state of incorporation of the applicant which it is under a duty to report. See § 1.65 of our rules. Accordingly, the amendment will be accepted, along with other amendments filed by Longwood pursuant to § 1.65.

[6] We would, of course, consider using a 3-month standard where specific evidence warranted such an approach. However, the unsupported and largely self-serving affidavit of William L. Failing, Jr.—Fort Vancouver's president and the former sales manager of KISN—to the effect that KISN's former advertisers will resume their accounts with a new station employing a similar sales approach, does not in our view constitute such evidence. We also note that on Oct. 18, 1977, Longwood filed a "Further Supplement to Petitions to Designate Issues," based upon statements made by the staff to the Commission during the Oct. 13, 1977, open meeting at which this designation order was first discussed. The statements concerned the proper financial standard to be applied in this proceeding. Longwood's pleading is opposed by Fort Vancouver, in part, on the ground that it is an unauthorized filing and, further, an affront to our open meeting policy designed to implement the Government in the Sunshine Act, 5 U.S.C. 552(b). We agree with Fort Vancouver that Longwood's supplement is not authorized under § 1.584 of the rules and, accordingly, the "Further Supplement" will be dismissed as procedurally defective.

[7] These issues may, of course, be resolved by appropriate post-designation amendments.

[8] Much of the material included with Fort Vancouver's opposition pleading (filed June

Footnotes continued on next page

to Fortney H. Stark, Jr., who is to purchase $134,872.50 of Fort Vancouver stock and is also to lend $12,000 to another subscriber, the applicant has submitted: (1) An affidavit from Mr. Stark indicating that he will use assets of the Stark Investment Co. to meet his commitment to Fort Vancouver; (2) a certified copy of a clause in the partnership agreement creating the company which permits Mr. Stark to sell any partnership property with or without consultation with the other partners; and (3) a balance sheet of the company showing it to have capital in excess of $3,500,000. This latter figure is so far in excess of Mr. Stark's commitment to Fort Vancouver as to make further inquiry into his ability to meet the commitment unnecessary. See "Enterprise Broadcasting, Inc.", 56 FCC 2d 359, 35 RR 2d 652 (Rev. Bd. 1975).

7. Turning next to William L. Failing, Jr., who is committed to purchasing approximately $63,000 of Fort Vancouver stock, Mr. Failing's most recent balance sheet shows current liabilities exceeding liquid assets by approximately $11,000. To obtain the necessary funds under these circumstances, Mr. Failing relies upon a bank loan and the sale of real estate. An affidavit of the bank official who received Failing's loan application convinces us that, contrary to Longwood's contentions, the bank has evaluated the collateral available to secure the loan and found it satisfactory. Further, a valid appraisal of Failing's real property indicates that the proceeds of its sale would supply him with sufficient funds, combined with the bank loan, to meet his commitment to the applicant.[9] Likewise Jennifer Hill-Stronach, who is to purchase approximately $22,000 of Fort Vancouver stock, has adequately supported her valuations of certain nonliquid assets. This fact, together with division of her mortgage obligation into short- and long-term liabilities, adequately establishes her ability to meet her commitment. Finally, although Robert N. Simmons failed to provide an appraisal of the real property on which he relied to meet his $16,170 commitment to the applicant, his affidavit attached to Fort Vancouver's opposition pleading states that the property has been sold, yielding funds sufficient to meet his commitment. In view of the above, we must dismiss Longwood's allegations in this area as unfounded.

8. As a second challenge to Fort Vancouver's financial showing, Longwood argues that the applicant has failed to establish the availability of a $300,000 loan from the First National Bank of Oregon. Specifically, Longwood maintains that the phrase "accommodations, if any, will be based on the then prevailing credit policies of the bank," found in the bank's March 11, 1977, letter to Fort Vancouver, suggests an intent to consider a loan in the future rather than a present intent to make a future loan. This interpretation is buttressed, Longwood continues, by the lack of any definite terms of repayment in the alleged commitment document.[10] We do not agree. The paragraph from which Longwood quotes begins with the sentence "[t]he conditions and terms of the credit accommodations will be subject to the policy of the bank at the time the loan is made and will be embodied in an appropriate loan agreement acceptable to the bank." Read together, we believe that the two sentences (which constitute the major portion of a paragraph) indicate that the bank's commitment is subject only to the execution of a satisfactory loan agreement. Such a provision, we have consistently held, represents a matter of form rather than substance and does not call into question the availability of an otherwise valid loan. "Alexander S. Klein, Jr.", 57 FCC 2d 824, 36 RR 2d 94 (Rev. Bd. 1976); "Romac Baton Rouge Corp.", 7 FCC 2d 468, 9 RR 2d 777 (Rev. Bd. 1967).

9. Furthermore, we find that the loan commitment is otherwise valid. Thus, contrary to Longwood's allegations, the commitment letter provides for specific collateral requirements and a rate of interest between 1 and 2½ percent over the then prevailing prime rate. Fort Vancouver has established its ability to meet the collateral requirements. The interest rate, while not a precise one, is nonetheless not significantly different from the interest rates of express percentages over prime which we have always considered sufficient. See, e.g., "Alexander S. Klein, Jr., supra; Belo Broadcasting Corp.," 44 FCC 2d 703, 29 RR 2d 238 (Rev. Bd. 1974). Moreover, even though the commitment letter does not include a schedule for the repayment of principal, we do not find this one defect, standing alone, important enough to warrant inquiry at hearing. In this regard, we not only lack any indication in the letter itself that the loan will not be available, but we also have before us in Fort Vancouver's pleading an affidavit from an appropriate bank official reconfirming the bank's intention to make the loan. Fort Vancouver has, therefore, shown the availability of approximately $600,000. However, since the applicant will require $881,400 to construct its proposed station and operate for 1 year without reliance on revenues—which were neither estimated nor relied upon—a limited financial issue will be specified.

10. *Section 1.514 Issue.*[11] It is undisputed that Fort Vancouver's application does not disclose the net income after Federal taxes received for the past 2 years by each person who will furnish it funds, as required by the application form. The applicant has, however, provided balance sheets for all such persons. In view of the comprehensive information concerning each person's financial position contained in the balance sheets, we can perceive of no advantage to the applicant in concealing the income data, and no basis for considering this data of potential decisional significance. Hence, we will not specify a § 1.514 issue. See "Prairieland Broadcasting," 48 FCC 2d 819, 31 RR 2d 275 (Rev. Bd. 1974).

11. *Ascertainment Issues.* Fort Vancouver's original survey of the general public was conducted by a professional survey service, and the results tabulated and evaluated by two prospective

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Footnotes continued from last page

20, 1977) would more appropriately have been submitted to the Commission in the form of an amendment to its application. In view of the novelty of the procedures under which the instant applications are being processed—they are the first to be designated for hearing under the recently adopted "Adjudicatory Re-regulation Proposals," *supra*, note 1—we are adopting a liberal approach to these pleadings and considering all relevant materials contained therein. We should note, though, that in our view, the raising of a question in a petition to specify issues constitutes good cause for an appropriate pre-designation amendment (accompanied by petition for leave to amend) filed with the applicant's opposition to the petition. See § 1.522(a)(2) of the Commission's rules. This construction of good cause does not, however, rescue the Fort Vancouver ascertainment amendment of Feb. 26, 1978. Although that amendment attempts to eliminate a deficiency pointed out in the petition to designate issues against Fort Vancouver, it certainly is not timely. See note 1, *supra*. In any event, § 1.522(b)(2) allows applicants to amend within 15 days after publication of the designation order to meet issues raised by the Commission for the first time in the order. The Commission's deficiency letter to Fort Vancouver did not raise the issue which the applicant seeks to resolve in its Feb. 26, 1978 amendment. Fort Vancouver will, therefore, have ample opportunity to meet the issue in a post-designation amendment.

[9] To the extent that "Alvin L. Korngold," 31 FCC 2d 39, 22 RR 2d 661 (Rev. Bd. 1971) and "Pettit Broadcasting Co.", 30 FCC 2d 930, 22 RR 2d 543 (Rev. Bd. 1971), may be read as requiring information other than a valid appraisal, we disagree with these decisions.

[10] In view of our conclusion that Fort Vancouver's stockholders have established their ability to meet their stock subscription commitments, see pars. 6 and 7, *supra*, we need not consider whether the applicant can satisfy the bank's requirement that "[t]he stockholders are to capitalize Fort Vancouver Broadcasting Corp. according to the Stock Purchase Agreement dated Oct. 26, 1976, as amended Jan. 21, 1977."

[11] Section 1.514 of the Commission's rules requires applicants to include all information required by the application form.

management-level employees of the applicant. In all, 124 persons were contacted at this time. Subsequently, the applicant conducted a supplemental general public survey in which 114 persons were contacted, 50 of them by principals who will not themselves be involved in the proposed operation. Questions and answer 11(b) of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 683, 21 RR 2d 1507, 1544 (1971), specifically provides that interviews with members of the general public must be conducted by principals, employees, prospective employees, or a professional survey service. Relatives of principals do not fall into any of these categories, and the 64 interviews conducted for Fort Vancouver by such persons must therefore be disregarded. "Voice of Dixie, Inc.," 45 FCC 2d 1027, 29 RR 2d 1127 (1974), reconsideration denied, 47 FCC 2d 526, 30 RR 2d 851 (1974). However, the remaining acceptable interviews, combined with the interviews of the first survey effort, seem to us adequate to meet the requirements of the "Primer," supra.

12. A different question is presented by Longwood's challenge to Fort Vancouver's survey of community leaders. Persons over 65 years of age constitute 12.2 percent of Vancouver's population, making the elderly a significant community group. Yet the applicant does not appear to have interviewed leaders of organizations of or for the elderly from the standpoint of their particular organizations. See generally "National Organization for Women v. FCC," 181 U.S. App. D.C. 65, 555 F. 2d 1002, 40 RR 2d 679 (1977). Thus, while two persons identified as community leaders are listed as being associated with groups for the elderly, they are not said to hold leadership positions in these groups and their survey responses do not reflect a special concern of the problems of the elderly.[12] Similarly, while several community leaders not expressly associated with the elderly do mention this group in their discussion of community problems, their statements are not so much a reflection of the views of the elderly as a reflection of their own involvement in other areas.[13] We cannot, under these circumstances, conclude that Fort Vancouver's survey of community leaders complies with the requirements of the "Primer," supra, and we will therefore specify an appropriate ascertainment issue.

ISSUES AGAINST ROSE BROADCASTING CO.

13. On December 8, 1977, Rose reported the death on November 10, 1977 of its 51 percent stockholder, Sol Rosinsky, and promised an amendment to reflect Rosinsky's death. On January 25, 1978, Rose tendered an amendment [14] showing that Rosinsky's stock had been transferred to his widow, Phyllis Rosinsky, as personal representative, and by her to Phil Jackson, who previously owned 14 percent of Rose. Section 1.571(j)(2) of the Commission's Rules provides that a new file number will be assigned to an application for a new station when it is amended prior to designation for hearing so as to result in a transfer of control for which, in the case of an existing licensee, an application for Commission consent would have to be filed on Form 315. Sections 1.540 and 1.541 of the rules require an application for transfer of a controlling interest in a licensee to be filed on Form 315 except for *pro forma* and involuntary transfers of control, which may be filed on Form 316. It is clear that the transfer of control of Rose from Sol Rosinsky to his personal representative (*i.e.*, his estate) was involuntary, and thus exempt from the rule requiring a new file number.

14. The question before us is whether the transfer of the stock to Phil Jackson constituted a voluntary transfer of control. The issue is significant because the Rose application, if assigned a new file number, would be untimely, since the last date when competion applications in this proceeding may be filed has long since passed. See § 1.571(c). In resolving this question, we encounter an anomaly. When a party controlling a license dies, and an application for involuntary transfer of control is filed on Form 316, the rules require that a Form 315 application be filed eventually to show the result of the administration of the estate. It would make no sense, however, to exempt applicants from the new file number rule during administration, only to dismiss the application when the requisite Form 315 was filed. Nor should it make any difference whether control was transferred pursuant to a distribution in kind (where the ultimate taker of the stock is the heir or legatee of the deceased), or pursuant to a sale by the estate, as here, followed by distribution of the proceeds of the sale to the heirs or legatees. An estate cannot be expected to prosecute an application except as an interim holder. Thus the sale of its interest in an applicant must be construed as involuntary. We note that on several occasions, applicants have been allowed to amend after designation to show transfers resulting from the death of a party to an applicant. See "Azalea Corp.," 38 FCC 2d 95, 25 RR 2d 975 (Rev. Bd. 1972); "Creek County Broadcasting Co.," 31 FCC 2d 462, 22 RR 891 (Rev. Bd. 1971); "Florida Gospel Network," FCC 77-1211, 41 RR2d 146 (A.L.J. 1977). No stricter rule should apply where the hearing has not yet begun. Moreover, in the two cited Review Board decisions, the Board specifically found transfers to ultimate takers occasioned by the death of a party to be "involuntary." Even though those determinations were made in the context of analyzing good cause as required by § 1.522(b), it would be inconsistent to have a different standard of what is volutary under § 1.522, than under the transfer of control rules. (See "Gaffney Broadcasting, Inc.," 35 RR 1607 (1976), for a discussion of the rules governing transfers of control.) Accordingly, we hold that the sale of Rosinsky's stock by his estate constitutes an involuntary transfer of control, and does not require assignment of a new file number to the Rose application.

15. *Good Cause.* A secondary question is whether Rose has shown good cause, pursuant to § 1.522(a) of the rules, for acceptance of its amendment reflecting Rosinsky's death. Several elements of good cause are present here, as discussed above, such as involuntariness, lack of disruption of the hearing, and no addition of parties or issues. However, Longwood, supported by Fort Vancouver, filed a motion to strike the Rose amendment for lack of a showing of good cause on the ground of prejudice to the other parties, arguing that Rose should not be allowed to upgrade its application from the standpoint of integration of ownership and management. Although Rose contends that Jackson was intended from the beginning to participate in the management of the proposed station, the Rose application on its face originally proposed integration only of Sol Rosinsky. To allow Rose to claim the full 65 percent integration now proposed as to Jackson could prejudice the other parties, whose comparative

[12] Helma Kortes is listed as belonging to two groups of retired persons but her survey response does not mention retired persons or the elderly in general. Likewise, Ruth L. Meek, identified as a founder of a program for the elderly, cites community growth and school organization as major community problems.

[13] Thus, for example, two housing officials cite housing for the elderly as a community problem and the director of parks and recreation mentions the need for recreational facilities for the elderly. As to Fort Vancouver's attempt to eliminate the ascertainment deficiency by an untimely amendment, see notes 1 and 8, supra.

[14] In addition, Rose filed an amendment Mar. 9, 1978 pursuant to § 1.65 of the Rules, to update information in its application. These amendments were not accompanied by petitions for leave to amend. Because of the novel procedural context of this case, however, we will not reject the amendments for that reason. See note 8, *supra*. In the future, we expect that after the time for filing amendments as of right has expired, predsesignation amendments will be accompanied by petitions for leave to amend demonstrating good cause.

positions were fixed when the time for amendments as of right expired. Therefore, Rose will not be allowed to use this amendment to strengthen its comparative position beyond the 51 percent integration proposed before Rosinsky's death. See *"Allied Broadcasting, Inc. v. FCC,"* 140 U.S. App. D.C. 261, 266-67 n. 9, 435 F.2d 68, 70-71 n. 9, 19 RR 2d 2071, 2074-75 n. 9 (1970); "The News-Sun Broadcasting Co.," 24 FCC 2d 770, 775-76, 19 RR 2d 942, 951 (1970); "Azalea Corp.," supra; "Chapman Radio and Television Co.," 26 FCC 2d 891, 893, 20 RR 2d 977, 979-980 (Rev. Bd. 1970); and "Florida Gospel Network," supra.

16. *Financial Issues.* To meet expenses of approximately $715,400,[15] Rose originally relied upon a $400,000 bank loan, existing capital of $31,178 and new capital of $106,650. The bank loan commitment required that Sol Rosinsky be the majority stockholder and general manager of the proposed station. Since Mr. Rosinsky has died, Rose is no longer relying on the bank commitment. As a substitute source of funds, Rose's amendment of January 25, 1978, contains a commitment dated January 3, 1978 by Phil Jackson, now the majority stockholder in Rose, to lend the .corporation $400,000. Fort Vancouver and Longwood challenge the ability of Rose's stockholders to honor their $106,650 in stock subscriptions.[16] Our review of the subscribers balance sheets indicates that one of the subscribers, David Nero, has not established the availability of sufficient net liquid assets (in excess of current liabilities) to honor his $6,600 commitment, and that Alice Leone Malicoat has shown net liquid assets of only $4,800 to meet her commitment. However, Mr. Jackson's statement of January 3, 1978 includes a commitment to lend the necessary funds to any stockholder unable to meet his or her stock subscription. Since Mr. Jackson has shown more than sufficient liquidity to meet his loan to the corporation, honor his subscription agreement, and guarantee the doubtful stock subscriptions, no further inquiry is warranted as to any of the stock subscriptions. From the foregoing, it appears that Rose has established the availability of approximately $537,728 in stock subscriptions, existing capital and a stockholder loan commitment to meet first year expenses of $715,400. Accordingly, a limited financial issue will be specified.[17]

17. *Sections 1.65/1.514 Issues.*[18] As both Longwood and Fort Vancouver correctly observe, Rose's application does not include current employment data for six principals, all of them former employees of station KISN. Moreover, Fort Vancouver urges, while one of the six principals has been involved in other broadcast activities since KISN ceased operation and while several others continued to perform various functions for the former licensee after the station left the air, none of this information in reflected in the Rose application. Furthermore, Fort Vancouver contends, Rose failed to disclose all investor information in a timely fashion and also failed to reveal two lawsuits against a principal.[19] With one exception, we do not believe that the above omissions warrant further inquiry at hearing. Thus, with respect to the employment histories of five of the six former KISN employees, affidavits submitted with Rose's opposition pleading establish that the duties carried out for the prior licensee were very limited in nature and that the positions ultimately assumed by these persons will not in any way affect their ability to meet their commitments to the applicant. Hence, the omitted information is of no decisional significance. See "KOKA Broadcasting Co.," 56 FCC 2d 191, 35 RR 2d 384 (Rev. Bd. 1975). Likewise, although Rose may have submitted some stock subscription agreements to the Commission in a somewhat untimely manner, the applicant did voluntarily disclose the agreements, thereby negating any suggestion of a motive or attempt to conceal on its part. Finally, Rose's failure to report two civil actions against a principal does not, in our view, warrant an issue. The litigation itself appears to involve no willful or deliberate misconduct and there is no evidence demonstrating that it could adversely affect the principal's ability to meet his financial obligations to the applicant. See "Radio Dispatch Corporation," 57 FCC 2d 332, 35 RR 2d 1127 (Rev. Bd. 1975).

18. We are, however, disturbed by some of the unreported activities of Sol S. Rosinsky, who was formerly Rose's president, majority stockholder and proposed full-time general manager. In an affidavit accompanying Rose's pleading, Rosinsky disclosed for the first time that he had served as a consultant to two broadcast companies, and that he planned to serve as vice president and general manager of an FM station in Lake Oswego, Oreg. Since a principal's other broadcast interests can in appropriate circumstances influence an applicant's comparative qualifications, and since we cannot, from the information before us, detemine whether such circumstance existed here, we are unable to dismiss Rose's failure to report Rosinsky's broadcast activities as insignificant. Even though Mr. Rosinsky is now deceased, that does not render moot any failure by the applicant to comply with § 1.65 in reporting matters of potential decisional significance. Accordingly, we will specify a limited § 1.65 issue. See "Harold James Sharp," 56 FCC 2d 251, 35 RR 2d 434 (Rev. Bd. 1975).

19. *Section 1.526 Issue.*[20] According to an uncontroverted affidavit submitted by Longwood,[21] on May 2, 1977, Rose's public file contained no amendments or other documents filed by the applicant after submission of its original application. Hence, information as to changes in the applicant's principals, finances and ascertainment efforts was not available to the public at that time. In view of the nature and extent of the missing information, we cannot dismiss this omission as unimportant. At the same time, however, the cited conduct appears to represent an isolated incident and there is no evidence suggesting an intent to conceal. Consequently, while we will specify a § 1.526 issue, we will do so on a comparative basis only. See "Julie P. Miner (KDXU)," 51 FCC 2d 1163, 33 RR 2d 159 (Rev. Bd. 1975).

20. *Ascertainment Issues.* In its opposition pleading, Rose clarifies several aspects of its January 1977 survey of community leaders, provides additional community leader interviews, and sets forth more specific information concerning the communities surround-

[15] First year expenses are itemized as follows:

Down payment on equipment	$75,000
Equipment payments	115,000
Miscellaneous expenses	10,000
Working capital	515,400

[16] The subscriptions are in the following amounts:

Phil Jackson	$60,450
Mark All	6,600
Byron Swanson	6,600
Alice Leone Malicoat	6,600
William Howlett	6,600
Rosemary Norton	6,600
Richard Brownstein	6,600
David Nero	6,600

[17] While Fort Vancouver also raises questions as to the accuracy of Rose's cost estimates, its allegations are not adequately supported. Thus with respect to the applicant's programing proposal, an affidavit mentioned in the text of Fort Vancouver's petition is not attached to its pleading. Moreover, petitioner has provided no specific evidence of Rose's costs for equipment installation and studio renovation.

[18] Section 1.65 of the Commission's Rules makes applicants responsible for the continuing accuracy and completeness of information furnished in a pending application. See also note 11, *supra.*

[19] As for Longwood's request for a § 1.514 issue premised on Rose's failure to provide income statements for all principals, we note that Rose has supplied the required information in its opposition pleadings to Longwood's petition to designate issues.

[20] Section 1.526 requires applicants to maintain a public file containing, *inter alia,* their application and all amendments thereto.

[21] Fort Vancouver also requests a § 1.526 issue against Rose. However, its allegations are supported by an unsworn statement rather than by the affidavit of a person with personal knowledge of the facts thereof. See § 1.584 of our rules.

ing Vancouver which it will serve on a secondary basis.[22] Hence, no further consideration of petitioners allegations in these areas is warranted. Two other matters do require specific comment, however. In response to a Commission inquiry, Rose divided its community leader interviews into four categories: Vancouver, Portland, Vancouver-Portland metropolitan area, and surrounding communities. Both Longwood and Fort Vancouver criticize these classifications as confusing and inexact. While there is some merit in this criticism, it appears to us that in any area such as this one—where people commonly reside in one community and work in another and where services and organizations operate on a regional as well as local basis—precise placement of leaders in communities may be impossible. Therefore, in the absence of evidence of substantial error or bad faith on Rose's part, we will accept the applicant's classifications.[23] Further, while Fort Vancouver faults Rose for failing to interview leaders of the local school district, the applicant has contacted student leaders as well as educators, which, in our view, is an adequate sampling of the education community. And, similarly, while Rose's demographic data indicates a number of persons of foreign stock residing in the community, we cannot, in the absence of specific evidence to that effect, conclude that so imprecisely defined a group constitutes a significant element in Vancouver. Accordingly, we do not believe that ascertainment issues against Rose are warranted.

21. *Real Party in Interest and Ineptness Issues.* As evidence of a possible undisclosed interest in Rose, Longwood cites the fact that the applicant's $400,000 bank loan was to be personally guaranteed by a Mr. Phil Sokolof, who is not an officer, director or stockholder of the company. The affidavit of Mr. Sokolof, however, claims as the basis for his undertaking a long-standing relationship to Sol Rosinsky, Rose's former president, rather than a desire to participate in the proposed operation. We have no reason to question Sokolof's statement, and as Rose is no longer relying on the bank loan, we will not specify a real party in interest issue.[24] Similarly, we do not believe that an ineptness issue is warranted. We have held in the past that such issues will be specified only where an applicant's conduct disclose a pattern of carelessness and inadvertence involving relevant matters of major significance. See, e.g., "Federal Broadcasting System, Inc.," 62 FCC 2d 861, 39 RR 2d 1041 (Rev. Bd. 1977). Our treatment of the Rose application in this document clearly demonstrates, we believe, that conduct of this nature does not exist here.

22. Finally, we are not convinced by Fort Vancouver that a comparative public affairs scheduling issue is appropriate. In "United Broadcasting Company," 59 FCC 2d 1412, 37 RR 2d 1169 (Rev. Bd. 1976), review denied FCC 77-141, 39 RR 2d 1217 (1977), the Review Board specified such an issue, citing the petitioner's ascertained need for better communication between citizens and local government and its proposal, in light thereof, to present the primary portion of its public affairs programing at times convenient to its audience as contrasted with its opponent's policy of broadcasting public affairs programing between 3:30 and 4 a.m. Here, however, Fort Vancouver's allegations do not present so striking a difference in scheduling. Rather, the thrust of petitioner's argument seems to be that Rose will broadcast several public affairs programs on Sunday while it will present mid-week prime-time programing. At the same time, though, petitioner provides no specific evidence demonstrating that the size and variety of the listening audience at each time period will differ in any significant degree and no difference is apparent from the proposals themselves. *Cf.* "The Outlet Co.," 53 FCC 2d 611, 33 RR 2d 1379 (1975); "RKO General, Inc.," 52 FCC 2d 582, 33 RR 2d 632 (1975). Hence, we do not believe that a substantial question has been raised.

Issues Against Viking Vancouver, Inc.

23. *Financial Issues.* By way of background, the Viking Vancouver application, as originally filed with the Commission, called for stockholder loans of $400,000 and $8,750 in existing capital to meet unspecified construction and operating expenses. Subsequently, the application was amended to reflect a merger between Viking Vancouver and Dudley Communications, Ltd. (approved by Commission Order, B82770, released June 3, 1977) and an agreement by Don T. Dudley, in connection with the merger, to lend the new applicant (which carried the Viking Vancouver name) $200,000. In addition, Viking Vancouver established proposed costs of approximately $440,000 to construct the proposed station and operate for 3 months without reliance on revenue—the expenses total $1,043,000 when the 12-month standard is employed. In their petitions to specify issues, both Longwood and Fort Vancouver challenged Don T. Dudley's ability to meet his commitment to the applicant. Essentially, conceding the validity of these challenges,[25] Dudley, in Viking Vancouver's opposition pleading, denied ever intending to make the $200,000 loan personally, contending instead that other principles were always expected to provide the necessary funds. At the same time, Viking Vancouver supplied new and larger commitments from three of its original principles.[26]

24. To meet its first year costs, Viking Vancouver, in its June 20, 1977, opposition pleading, proposes to rely on existing capital of $8,817 and stockholder loans totalling $1,325,000 (consisting of maximum loan commitments of $400,000, $200,000, and $725,000 from Martin Yadin, Norman Schrott, and Robert S. Landsman, respectively). None of the stockholders balance sheets reflect the existence of sufficient net liquid assets in excess of current liabilities to honor their commitments. Mr. Yadin's balance sheet reflects the availability of approximately $299,725 in cash, government bonds, cash surrender value of life insurance and value of certain rental parcels of real estate to meet his $400,000 commitment.[27] Mr. Schrott's balance sheet establishes the availability of approximately $247,477 in cash, securities, real estate and the cash surrender value of life insurance. The balance sheet also reports $57,663 in liabilities and, since the current portion of these liabilities has not been segregated, it must be assumed that the total amount is current. Therefore, Mr. Schrott has established the availability of only $189,814 to meet his $200,000 commitment. In addition to the above, Viking Vancouver also relies upon a commitment from Robert S. Landsman to lend the applicant up to $725,000. For the following reasons we have discounted this promise. First, to the extent that Landsman's balance sheet shows assets

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[22] While this material would have been more appropriately contained in an amendment to the Rose application, we have afforded it full consideration herein. See footnote 8, supra.

[23] The errors in leader identification cited by Fort Vancouver seem to us too minor to reflect adversely on Rose's ascertainment effort. Similarly, to the extent that Rose's survey contains interviews with persons who cannot be considered community leaders, we have ignored these interviews in assessing its survey effort.

[24] Compare "Heitmeyer v. FCC," 68 U.S. App. D.C. 180, 95 F. 2d 91 (1937); "WLOX Broadcasting Co. v. FCC," 104 U.S. App. D.C. 194, 260 F. 2d 712, 17 RR 2120 (1958).

[25] Dudley's financial statement shows current liabilities in excess of liquid assets and provides no appraisal of or agreement to sell fixed assets.

[26] As with the other applicants, we are considering Viking Vancouver's latest proposal as its application of record. See footnote 8, supra.

[27] Matlee K. Yadin has submitted a statement agreeing to permit her husband to sell or encumber joint property. To the extent that Yadin relies on the value of partnership property, we have disregarded this property because the nature of the partnerships have not been explained and Yadin's ability to sell or encumber the property has not been established.

owned jointly with his wife, no willingness on her part to permit the disposal of such property has been shown. See "CBS Inc. (WCAU-TV)," 49 FCC 2d 1214, 32 RR 2d 271 (Rev. Bd. 1974). Second, although Landsman claims as an asset interests in two Maryland partnerships, he has provided no specific information as to the net worth of each partnership, making it impossible to determine whether either can supply the necessary funds. Finally, with respect to both these interests and Landsman's interests in two limited partnerships, Longwood's question as to whether Landsman can legally use partnership property to fulfill his private obligations has not been resolved by Viking Vancouver, leaving us with significant doubts on this score.[28] Because the above assets represent the bulk of Landsman's property, we cannot conclude that he has established his ability to meet his commitment to Viking Vancouver.[29] Since Viking Vancouver has established the availability of only $498,356 to meet a first year requirement of $1,043,000, a limited financial issue will be specified.

25. *Misrepresentation Issue.*[30] As previously noted (see paragraph 23, supra), Don T. Dudley has essentially admitted that he submitted to the Commission a $200,000 loan commitment which he, and Viking Vancouver, never intended that he would honor. Hence, we must conclude, a serious question is raised as to whether the applicant made misrepresentations with reference to its financial qualifications.[31] At this stage of the proceeding we cannot say with certainty that Viking Vancouver had no other motive to misrepresent and, in any event, the Commission's right to expect candor from its applicants is not limited to situations where deliberate falsehoods would necessarily be advantageous.

26. *Section 1.526 Issue.* Uncontroverted affidavits establish that in the spring of 1977, Viking Vancouver's public file did not include such significant information as an amendment it its application effectuating the merger with Dudley Communications, Ltd. Hence, a comparative § 1.526 issue will be specified. See paragraph 19, supra.

27. *Ascertainment Issues.* Both Longwood and Fort Vancouver urge that Viking Vancouver has not adequately described its proposed community of license. Specifically, they argue, the applicant has provided no data concerning the age, race or sex of the city's population and has submitted little or no information as to the city government, public service organizations, or higher education. While we do not disagree with this assessment, to the extent that Viking Vancouver may have interviewed leaders of the groups cited by petitioners, its failings with respect to its demographic showing can be dismissed as insignificant. Cf. "National Organization for Women v. FCC," supra. We turn, then, to an examination of the applicant's community leader survey.

28. Viking Vancouver's survey of community leaders consists of two separate efforts: (1) Interviews with 61 persons conducted by a principal in the original Viking Vancouver application; and (2) interviews conducted by Dudley Communications, Ltd., for its application and subsequently added to the Viking Vancouver application in connection with the applicants' merger. In describing the background of this second survey, Viking Vancouver states that it was conducted by the four Dudley principals who later acquired interests in the existing applicant.[32] The thrust of the challenge to the second set of interviews is that only one of the four interviewers, Don T. Dudley, was a principal of Dudley Communications, Ltd., at the time the interviews were conducted while the other three interviewers, Schofield, Woodruff, and Cousins, were neither present nor prospective management-level employees of the applicant. Further, Longwood asserts that in the absence of a statement identifying which leader interviews were conducted by Dudley, all of the interviews must be rejected in light of question and answer 11(a) of the "Primer."[33] Before reaching the merits of the allegations surrounding the Dudley Communications community leader interviews, we first observe that, in general, we can see no basis in fact or law to treat bona fide prospective principals of an applicant differently from bona fide prospective management-level employees for purposes of ascertainment. Accordingly, we now interpret the term "principal" in question and answer 11(a) of the "Primer" to include both present principals and those with an agreement with the applicant to acquire an equity interest.[34]

29. With regard to the merits of the allegations against the second set of interviews, we note that a review of the original Dudley Communications application reveals that three of the four persons who conducted that survey, Schofield, Woodruff and Cousins, were not listed as principals, management-level or prospective management-level employees of the applicant. However, in an unsigned and undated statement submitted in Viking Vancouver's opposition to the Longwood and Fort Vancouver petitions, Don T. Dudley asserts that in July 1976 he reached an agreement with Woodruff and Cousins that "they would join, as owners, whatever entity I put together to pursue permanent authority of the former KISN facilities." Dudley also states that Woodruff and Cousins were not listed in the original application because they had not completed their "disclosure questionnaires" by the time the application was filed. Assuming, arguendo, that Woodruff and Cousins were, in fact, bona fide prospective principals of Dudley Communications at the time they conducted community leader surveys, Viking Vancouver has failed to clarify Schofield's status. Therefore, since Viking Vancouver has not specified which of the four interviewers conducted which interviews, and in light of its failure to clarify Schofield's status at the critical time, we must disregard the entire second survey as invalid.[35]

30. Turning to the applicant's first survey submission, our review of the community leaders interviewed shows contacts with leaders of the elderly, of women, of local government, of public service organizations, and of educational institutions. Therefore, we will dismiss as insignificant the omission or cursory treatment of these groups in Viking Vancouver's demographic

[28] While Longwood seeks an inquiry into whether Landsman misrepresented his ability to obtain funds through his various partnership interests, it has not demonstrated conclusively that Landsman has no such ability, much less provided specific evidence suggesting that Landsman claimed an ability to secure funds with knowledge that he would be legally unable to do so.

[29] To the extent that Viking Vancouver can correct the defects in Landsman's financial showing through an appropriate postdesignation amendment, it will be able to reply upon his commitment.

[30] For the reasons set forth in paragraph 2, supra, we have not considered herein Fort Vancouver's suggestion that Don T. Dudley may have converted for his own benefit the assets of a partnership with which he was associated.

[31] This is so, we believe, notwithstanding the fact that at the time Dudley's alleged commitment was submitted to the Commission, Viking Vancouver did believe that it only had to meet a 3-month financial showing and that under such a showing, Dudley's loan was not essential to the establishment of the applicant's financial qualifications.

[32] The four individuals are Don T. Dudley, Robin Schofield, Roderick Woodruff and Claudia Cousins. See paragraph 29, infra, for a discussion of their status in Dudley Communications.

[33] Question and answer 11(a) provides that community leader interviews are to be conducted by principals and/or management-level or prospective management-level employees of an applicant. "Primer," supra, 27 FCC 2d at 683, 21 Rr 2d at 1543.

[34] We caution, however, that a bona fide prospective principal would, in most cases, have an understanding or agreement with the applicant concerning the acquisition of equity in the applicant and that such agreements should be reported to the Commission either in the application as filed or as amended. See §§ 1.514 and 1.65 of the Rules.

[35] While Fort Vancouver contends that the second survey was conducted in part by an advertising agency, the statements included in its supporting affidavits are at best ambiguous on this point.

showing. A different conclusion, though, is required with respect to minorities. In its demographic data, the applicant states simply that Vancouver is 98 percent white. No mention is made of the significance of the remaining two percent of the population nor of the possibility of "minority" groups which could be classified as "white." Moreover, no leaders from such groups are included in the survey. Consequently, we are unable to assess Viking Vancouver's efforts in this area and will authorize an appropriate inquiry at hearing. Similarly, we will permit an inquiry into the applicant's failure to interview leaders of manufacturing, which is shown to be a source of substantial community employment, and leaders of youth and students.[36]

31. Two other aspects of Viking Vancouver's ascertainment showing require specific attention. First, as Fort Vancouver correctly notes in its petition, Viking Vancouver's most recent programming proposal is essentially the same as the proposal submitted by Dudley Communications, Ltd. in its original application. Thus, we must assume, this proposal reflects the results of Dudley's community leader and general public surveys. We have, however, already rejected Dudley's community leader survey (see paragraph 29, supra), leaving Viking Vancouver to rely exclusively upon its own community leader survey and the Dudley general public survey incorporated into its application pursuant to the merger agreement. Whether the applicant's programming proposal represents an evaluation of these surveys—the former one in particular—is a question which under the circumstances we believe warrants further inquiry at hearing.

32. Similarly, we cannot determine from the information before us whether Viking Vancouver has complied with questions and answers 6 and 7 of the "Primer," supra, 27 FCC 2d at 682-83, 21 RR 2d at 1542-43, which require applicants to ascertain community problems outside of their proposed cities of license. According to its ascertainment showing, the applicant proposes to serve Vancouver and nearby areas of Clark County, Washington and Portland, Oregon and portions of its Standard Metropolitan Statistical Area. No listing of the communities in this area other than the two cities is provided, though, and only Vancouver and Portland community leaders appear to have been interviewed. While such an effort might be considered adequate if Viking Vancouver were directing its programming solely to the two cities, its suggestion of a broader service area raises a sufficient question as to the adequacy of its survey to require specification of an appropriate issue.[37]

33. Except as indicated above, the applicants are qualified to construct and operate as proposed. In view of the foregoing, however, and in light of the fact that the proposals are mutually exclusive, the applications must be designated for hearing on the issues set forth below.

34. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Longwood Broadcasting Company is legally qualified to engage in broadcasting in the State of Washington.

2. To determine whether Fort Vancouver Broadcasting, Inc. interviewed leaders of the elderly in connection with its ascertainment effort.

3. To determine with respect to Fort Vancouver Broadcasting, Inc.: (a) The source and availability of additional funds over and above the $600,000 indicated; and (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine whether Rose Broadcasting Company failed to report to the Commission all broadcast interests and activities of Sol S. Rosinsky in violation of § 1.65 of the Commission's rules, and, if so, the effect thereof on the applicant's qualifications to be a Commission licensee.

5. To determine whether Rose Broadcasting Company made available to the public a complete copy of its application and related documents as required by § 1.526 of the Commission's rules, and, if not, the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

6. To determine with respect to Rose Broadcasting Company: (a) The source and availability of additional funds over and above the $537,728 indicated, and (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

7. To determine with respect to Viking Vancouver, Inc.: (a) The source and availability of additional funds over and above the $498,000 indicated; and (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

8. To determine whether Viking Vancouver, Inc. misrepresented in its application the proposed financial contribution of Don T. Dudley to its operation, and, if so, the effect thereof on the applicant's qualifications to be a Commission licensee.

9. To determine whether Viking Vancouver, Inc. made available to the public a complete copy of its application and related documents as required by § 1.526 of the Commission's rules, and, if not, the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

10. To determine with respect to the efforts of Viking Vancouver, Inc. to ascertain the needs of its proposed community of license:

a. Whether the applicant interviewed leaders of minority groups, of manufacturing, and of youth and students;

b. Whether the applicant's programing proposal reflects an evaluation of its ascertained needs and problems;

c. Whether the applicant adequately ascertained community problems outside its proposed city of license.

11. To determine which of the proposals would, on a comparative basis, best serve the public interest.

12. To determine, in light of the evidence adduced pursuant to the above issues, which (if any) of the applications should be granted.

35. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

36. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

37. *It is further ordered,* That the petitions to specify issues filed by Fort Vancouver Broadcasting, Inc.; the petitions to designated issues filed by Longwood Broadcasting Company, Inc.; and the motion to strike Rose Broadcasting Company's amendment, filed by Longwood Broadcasting Company, are granted to the extent indicated above and are denied in all other respects.

38. *It is further ordered,* That the petitions for leave to amend filed by Fort Vancouver Broadcasting, Inc. on May

[36] Viking Vancouver's study indicates that Vancouver has a significant student population. Viking Vancouver interviewed no students per se, and its interviews with representatives of the local school system and the local college are not a substitute for contacts with student leaders.

[37] For reasons set forth in paragraph 10 supra, we will not specify a § 1.514 issue against Viking Vancouver for failure to disclose net income received by stock subscribers.

24, August 3 and October 12, 1977 and April 24, 1978, and by Longwood Broadcasting Company on June 10, July 7, September 27, October 12 and November 23, 1977, are granted, and the related amendments, along with the amendment filed by Rose Broadcasting Company on March 9, 1978 are accepted; and the amendment filed by the Rose Broadcasting Company, January 25, 1978, is accepted to the extent indicated above, and is otherwise rejected.

39. *It is further ordered,* That the second petition to designate issues against Viking Vancouver, Inc., filed by Longwood Broadcasting Company, June 11, 1977, and Viking Vancouver, Inc.'s oppostion thereto; the supplement to opposition to petition to designate issues filed by Longwood Broadcasting Company; the supplement and addendum to opposition to petition to specify issues, and the supplement to addendum to opposition to petition to specify issues filed by Rose Broadcasting Company, are accepted.

40. *It is further ordered,* That the petition for leave to amend filed by Fort Vancouver Broadcasting, Inc., on February 26, 1978; the motions for leave to supplement petitions to designate issues against Fort Vancouver Broadcasting, Inc. and Rose Broadcasting Company, filed by Longwood Broadcasting Company on June 22, 1977; and Longwood Broadcasting Company's motion for leave to supplement its petitions to designate issues, filed October 18, 1977, are denied.

41. *It is further ordered,* That the amendment filed by Fort Vancouver Broadcasting, Inc. on February 26, 1978, and the further supplements to petitions to designate issues filed by Longwood Broadcasting Company on June 22 and October 18, 1977, are dismissed.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-22339 Filed 8-9-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 78-29]

SEATRAIN GITMO, INC. AND SEATRAIN INTERNATIONAL, S.A. V. PUERTO RICO MARITIME SHIPPING AUTHORITY AND PUERTO RICO PORTS AUTHORITY

Filing of Complaint

Notice is hereby given that a complaint filed by Seatrain Gitmo, Inc. and Seatrain International, S.A. against Puerto Rico Maritime Shipping Authority and Puerto Rico Ports Authority was served August 2, 1978. The complaint alleges that respondents by means of certain agreements or understandings have excluded complainant from public terminal facilities at Isla Grande, San Juan, P.R. in violation of sections 15, 16 First and 17 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before February 2, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-22358 Filed 8-9-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corp., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of City National Bank, Fort Worth, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 31, 1978.

Board of Governors of the Federal Reserve System, August 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-22277 Filed 8-9-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 2, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CPSC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before August 10, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CONSUMER PRODUCT SAFETY COMMISSION

The CPSC requests clearance of a new reporting requirement which would require manufacturers (including importers) of citizens band base station antennas, outdoor television receiving antennas, and their supporting structures to provide the CPSC with samples of the labels, warning statements, and instructions that the manufacturers are using to comply with 16 CFR, part 1402 (43 FR 28392, June 29, 1978). This rule (part 1402) was issued by the CPSC to help insure that consumers are warned of the hazard of electrocution that exists if these products are allowed to contact powerlines while the antennas are being put up or taken down. The CPSC estimates that about 250 persons per year are electrocuted in accidents involving all types of communications antennas and that most of these involve TV and CB base station antennas. The rule requires manufacturers and importers of these products to (1) provide instructions on how to avoid the hazard of contacting electric powerlines with the antenna or supporting structure while putting it up or taking it down, (2) labels on the antennas and supporting structures warning of this hazard and referring the reader to the instructions, and (3) statements on the packaging or parts container, and at the beginning of the instructions, warning of this hazard and referring the reader to the instructions. In the event of a change in the warning statements or instructions, or if a new model is introduced, the manufacturers are required to

submit samples of the changed items to the CPSC. The first report is required to be submitted by October 27, 1978. Subsequent reports are required to be submitted 30 days after a change or introduction of a new model that requires the report. The CPSC estimates that respondents will number approximately 150 and that reporting burden will average 2 hours per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 78-22349 Filed 8-9-78; 8:45 am]

[6820-27]

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

NATIONAL FIRE CODES

Proposed Revision of Standards

AGENCY: Office of the Federal Register, GSA.

ACTION: Request for comments and proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise its fire safety standards. The Office of the Federal Register (OFR), as a service to the public, requests public comment on revisions proposed by NFPA technical committees. The OFR also requests proposals from the public to amend existing NFPA standards. This request for proposals from the public is a new feature of the NFPA system which is designed to increase public participation in the standards-making process.

DATES: Comments on the technical committee proposals are due on or before November 16, 1978. Proposals from the public to amend existing NFPA standards are due on or before the dates listed in Supplementary Information—Request for Proposals.

ADDRESS: Send comments and proposals to the Assistant Vice President for Standards, 470 Atlantic Avenue, Boston, Mass. 02210. Copies of the 1979 Annual Technical Committee Reports are available from the Publications Department, 470 Atlantic Avenue, Boston, Mass. 02210. The reports will be available at the Office of the Federal Register, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Martha Girard, 202-523-5240.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register (OFR) approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

REQUEST FOR COMMENTS

Revisions of existing fire safety standards and adoption of new standards are reported by the technical committees at the NFPA's fall meeting in November or at the annual meeting in May of each year. The NFPA invites public comment on its technical committee reports.

Action at the NFPA Annual Meeting in May, 1979 is being proposed on the NFPA standards listed below:

1979 ANNUAL MEETING

TECHNICAL COMMITTEE REPORTS

NFPA Number and title	Type of Action
18 Wetting agents	R
37 Internal Combustion Engines	O-P
53M Fire Hazards in Oxygen-Enriched Atmospheres.	O-P
58 Liquefied Petroleum Gases	O-P
59 Liquefied Petroleum Gases at Utility Gas Plants.	O-P
70E Electrical Safety Requirements for Employee Work Places.	N-O
80 Fire Doors and Windows	O-P
97M Glossary of Terms Relating to Heat Producing Appliances.	O-P
150 Fire Safety in Race Track Stables	N-O
198 Care, Maintenance and Use of Fire Hose (see proposed NFPA 1962).	W
220 Building Construction	O-P
224 Homes and Camps in Forest Areas	O-C
251 Fire Tests of Building Construction and Materials.	O-P
252 Fire Tests of Door Assemblies	O-P
255 Test of Surface Burning Characteristics of Building Materials.	O-P
409 Aircraft Hangars	O-P
419 Roof-top Heliport	O-C
422M Aircraft Fire Investigators Manual	R
501A Mobile Home Installations	O-C
501D Recreational Vehicle Parks and Campgrounds.	O-C
703 Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials.	O-P
1901 Automotive Fire Apparatus	O-C
1931 Fire Department Ground Ladders	O-C
1961 Fire Hose (existing 196)	O-P
1962 Care, Maintenance and Use of Fire Hose (replacing 198).	N-O
1972 Structural Fire Fighters' Helmet	N-O

TYPES OF ACTION

Proposed action on official documents:

O-P, partial amendments.
O-C, complete revision.
O-T, tentative revision.

Proposed action on new documents:

N-T, tentative adoption.
N-O offical adoption.

Proposed action on tentative documents:

T-P, partial amendments.
T-C, complete revision.
T-O, official adoption.

Other proposed action:

R, reconfirmation.
W, withdrawal.

Single copies of the 1979 annual technical committee reports are available at no charge from the National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, Mass. 02210. The NFPA will mail the reports during the week of August 28, 1978.

Persons interested in participating in these revisions may submit written data, views, or arguments to the Assistant Vice President—Standards, NFPA, 470 Atlantic Avenue, Boston, Mass. 02210. Commenters should use the forms provided for comments in the Technical Committee Reports. Each person who submits a comment should include his or her name and address, identify the notice, and give reasons for any recommendations. Before taking final action, the NFPA will consider comments which it receives on or before November 6, 1978.

The NFPA will publish in the technical committee documentation copies of all written comments received and the disposition of those comments by the NFPA Committees. The technical committee documentation will be published by March 19, 1979, prior to the annual meeting. The NFPA will automatically send a copy of the technical committee documentation to each commenter. The NFPA will automatically send a copy of the technical committee documentation to each commenter. The NFPA members will adopt or reject the committee reports at the annual meeting. This meeting is on May 14-18, 1979, at the Gateway Convention Center, St. Louis, Mo. NFPA members who are members of record 30 (thirty) days prior to that meeting are eligible to take action.

The NFPA will make copies of the technical committee reports and technical committee documentation, when published, available for review at the Office of the Federal Register, 1100 L Street NW., Washington, D.C.

REQUEST FOR PROPOSALS

At present, the technical committees of the NFPA report revisions of existing standards and adoptions of new standards. The OFR and NFPA, in this notice, announce a new feature of the NFPA system which involves pub-

lishing requests for proposals from the public to amend existing NFPA standards.

After OFR publication of an NFPA request for proposals, interested persons may submit proposed amendments, supported by written data, views, or arguments, to the Assistant Vice President for Standards, 470 Atlantic Avenue, Boston, Mass. 02210. Each person who submits a proposal must include his or her name and address, must identify the notice that requests the proposal, and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA committee as the technical committee report. The NFPA will send a copy of the technical committee report to each person who submits a proposal.

The NFPA will make copies of the technical committee report available for review at the Office of the Federal Register, 1100 L Street NW., Washington, D.C.

The NFPA requests proposals to amend the following standards:

Subject	NFPA number and title	Date
Atomic energy	NFPA 801, Facilities Handling Radioactive; Materials.	Open.
Automatic sprinklers	NFPA 13D, Sprinkler Systems in One- and Two-Family Dwellings.	Dec. 10, 1978.
Carbon dioxide	NFPA 12, Carbon Dioxide Extinguishing Systems	Do.
Chemicals and explosives	NFPA 40, Cellulose Nitrate Motion Picture Film	Jan. 12, 1979.
	NFPA 44A, Code for the Manufacture, Transportation, and Storage of Fireworks.	Do.
Combustible metals	NFPA 48, Storage, Handling and Processing of Magnesium.	Do.
	NFPA 481, Production, Processing, Handling and Storage of Titanium.	Do.
	NFPA 482M, Zirconium	Do.
Dry chemical extinguishing systems.	NFPA 17, Dry Chemical Extinguishing Systems	Dec. 10, 1978.
Dust explosion hazards	NFPA 61A, Manufacturing and Handling Starch	Jan. 12, 1979.
	NFPA 61C, Prevention of Fire and Dust Explosions in Feed Mills.	Open.
	NFPA 61D, Prevention of Fire and Dust Explosions in the Milling of Agricultural Commodities for Human Consumption.	Do.
	NFPA 66, Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts.	Do.
	NFPA 651, Manufacture of Aluminum or Magnesium Powder.	Do.
	NFPA 655, Prevention of Sulfur Fires and Explosions.	Do.
Electrical equipment maintenance	NFPA 70B, Electrical Equipment Maintenance	Jan. 12, 1979.
Electrical metalworking machine tools.	NFPA 79, Electrical Metalworking Machine Tools	Do.
Fire department equipment	NFPA 1904, Fire Department Aerial Ladders and Elevating Platforms.	Nov. 1, 1978.
	NFPA 1921, Fire Department Portable Pumping Units.	Do.
Fire prevention code committee	NFPA 1, Fire Prevention Code	Open.
Foam	NFPA 11C, Mobile Foam Apparatus	Jan. 12, 1979.
Health care facilities	NFPA 56C, Laboratories in Health-Related Institutions.	Open.
Libraries, museums and historic buildings.	NFPA 910, Protection of Library Collections from Fire.	Jan. 12, 1979.
	NFPA 911, Protection of Museum Collections from Fire.	Do.
Lightning protection	NFPA 78, Lightning Protection Code	Sept. 1, 1978.
Mining facilities	NFPA 120 (Existing NFPA 653) Coal Preparation Plants.	Do.
	Proposed NFPA 121, Surface Mining	Do.
Mobile homes and recreational vehicles.	NFPA 501C, Mobile Homes	Open.
National electrical code	NFPA 70, National Electrical Code	Oct. 2, 1978.
Protective signaling systems	NFPA 72C, Remote Station Protective Signaling Systems.	Sept. 1, 1978.
Public fire service communications	NFPA 1221, Public Fire Service Communications	Oct. 1, 1978.
Rail rapid transit systems	Proposed NFPA 130, Fixed Guideway Transit Systems.	Sept. 1, 1978.
Safety to life	NFPA 101, Life Safety Code	Jan. 8, 1979.
Standpipes and outside protection	NFPA 14, Installation of Standpipe and Hose Systems.	Dec. 10, 1978.

FRED J. EMERY,
Director,
Office of the Federal Register.

[FR Doc. 78-22176 Filed 8-9-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of September 1978:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

September 11-13; 9:30 a.m. Open—September 11—Conference rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Closed—September 12-13—Conference room 14-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md. Contact Mrs. Zelia Diggs, Room 11-101, Parklawn Building, telephone 301-443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants in aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: On September 11 the meeting will be open for discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On September 12 and 13, the Council will conduct a final review of grant applications for Federal assistance and these sessions will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in section 552b(c)(6), title 5, United States Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. appendix I).

The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Council members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-4573.

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

September 21-22; 9:30 a.m. Conference rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Closed—September 21, 9:30 a.m.-noon. Open—Otherwise. Contact Ms. Mary Kielfkopf, Room 10A-23, Parklawn Building, telephone 301-443-6618.

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention, and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda: From 9:30 a.m. to noon, September 21, the meeting will be closed for final review of grant applications for Federal assistance in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of title 5, United States Code 552b(c)(6), and section 10d of Pub. L. 92-463 (5 U.S.C. appendix I).

From 1:30 p.m. on September 21 until adjournment on September 22 the meeting will be open to the public for a discussion of issues in the field of drug abuse, orientation to the programs of the Institute, development of priorities for action by the Council, and administrative announcements.

The NIDA (Information Officer who will furnish summaries of the meeting and rosters of the Council members is Mr. Kenneth Howard, Program Information Officer for Drug Abuse, NIDA, Room 10A-56, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-6500.

Dated: August 7, 1978.

MICHELE W. HARVEY,
Acting Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-22321 Filed 8-9-78; 8:45 am]

[4110-88]

RAPE PREVENTION AND CONTROL ADVISORY COMMITTEE

Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463 (5 U.S.C. appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare on July 24, 1978, of the Rape Prevention and Control Advisory Committee. The authority for this committee is continuing and a charter will be filed not later than May 7, 1979, in accordance with section 14(b)(2) of said act.

Dated: August 4, 1978.

GERALD L. KLERMAN,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-22320 Filed 8-9-78; 8:45 am]

[4110-92]

Office of Human Development Services

[Program Announcement No. 13612-781]

ADMINISTRATION FOR NATIVE AMERICANS

Availability of Grant Funds

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of availability of grant funds for research projects for the native American programs.

SUMMARY: The Administration for Native Americans (ANA) announces that applications are being accepted for research grants under section 805 of the Native American Programs Act of 1974, title VIII, Headstart, Economic Opportunity, and Community Partnership Act of 1974. Regulations governing this program are published in the Code of Federal Regulations in 45 CFR 1336.

DATES: The closing date for the applications is September 5, 1978.

SCOPE OF THIS ANNOUNCEMENT

This program announcement identifies general program objectives and the funding priorities of research projects for fiscal year 1978.

PROGRAM PURPOSE

The purpose of the ANA research program, consistent with its legislative mandate, is to provide the necessary information for planning and program development; to design new approaches and methods, and to identify the needs and resolve the problems that hinder the attainment of social and economic self-sufficiency of native Americans. A concomitant purpose of the research effort is to strengthen the advocacy role of ANA in improving the quality and availability of social services to native Americans by Federal, State, and local agencies.

PROGRAM COAL AND OBJECTIVES

The goal of the current research program is to generate objective socioeconomic data and information about native Americans, including comprehensive data on present and future needs and development problems as well as the quality and availability of social services. The objectives of the program are three-fold: (1) To collect/acquire and analyze relevant social and economic data about native Americans, where such data are currently lacking; (2) to identify the patterns of needs for, access to, and gaps in, social services and developed assistance; and (3) to identify potentially successful approaches and methods of improving the quality of, and overcoming the barriers to, service delivery for native Americans.

Project grant applications should address one or more of the above objectives. ANA has identified two project areas for priority funding under the present program announcement. These areas are identified below. Please note that priority projects are each identified by a project number in parenthesis after the project. Supplemental project descriptive information for the priority projects will be included in the application kits and can be obtained from ANA as described below. However, prospective grantees are requested to use the unique identifier for the project in which they are interested. Priority projects are being solicited in the following areas:

1. Review of native American research projects conducted during the past decade; a state-of-the-art assessment. The purpose is: (a) To compile and classify the existing research projects and findings in the fields of social and economic development and social services related to native Americans; (b) to identify and analyze the major findings and trends, and analyze their significance and implications; (c) to identify major information gaps and research needs in light of what is already known; and (d) to develop a more effective strategy for the utilization of research findings (ANA 78-R-01).

2. Identification of gaps in necessary services for native American communities. The purpose is: (a) To identify a minimum set of services that should be available to native American communities (normative model); (b) to determine those services in the minimum set that are not being provided to these communities (gaps); (c) to identify existing resources that could fill these gaps; and (d) where existing resources are inadequate or unavailable, to synthesize alternative approaches for filling the service gaps. The alternative strategies are to be tailored to the particular combination of factors peculiar to the different types of native American communities (i.e., large reservations, small reservations, rural nonreservation and urban communities) (ANA 78-R-02).

ELIGIBLE APPLICANTS

Any public or private nonprofit agency may apply for a grant under this program announcement. These include, but are not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaskan Native

villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving native Hawaiians, and Indian organizations in urban and rural nonreservation areas.

Available Funds

The Administration for native Americans expects to award approximately $330,000 in fiscal year 1978 for new projects under this research program. It is expected that two (2) grants will be awarded pursuant to this announcement, one in each priority project area. The range of grant awards is expected to be between $100,000 and $140,000 for the first priority project area, and between $170,000 and $210,000 for the second priority project area. The projects are expected to last for one year each, and will be supported for the same period. The initial grant, therefore, sustains the Federal share of the budget for the entire project period.

Grantee Share of the Project

Grantees receiving financial assistance for research projects under the Native American Programs Act of 1974, must provide twenty (20) percent of the total cost of the approved projects. The grantee share may be in cash or in-kind, and be project related and allowable under the Department's applicable cost principles published in 45 CFR Part 74 (see 45 FR 26274, September 19, 1973.)

The Application Process

Availability of application forms. In order to be considered for a grant under the research program of the Administration for Native Americans, an application must be submitted on the forms supplied and the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information for the applicant may be obtained from: Division of Research, Demonstration, and Evaluation, Administration for Native Americans, Room 357G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 202901, Attention: 13612-781 telephone 202-426-4055.

Application submission. One signed original and two copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions.

Application consideration. The Commissioner for the Administration for Native Americans determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Native Americans. The results of the review assist the Commissioner in the consideration of competing applications The Commissioner's consideration also takes into account comments of the HEW regional offices, and the headquarters ANA staff. Comments may also be requested from appropriate specialists can consultants inside and outside the Federal Government. After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, unsuccessful applicants are notified in writing of this decision. Successful applicants are notified through the issuance of a notice of grant awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

1. That the proposed project objectives are identical with, and adequately address the essential concerns and expectations of, at least one of the ANA priority project areas, as stated in this program announcement and related supplemental project descriptions (20 points).

2. That the proposed technical approach, if well executed, is capable of achieving the objectives of the project; specifically (25 points):

(a) That the application clearly defines the problems to be studied, adequately reviews the relevant literature on the subject, and formulates a clear and appropriate conceptual framework (10 points);

(b) That the application clearly specifies appropriate hypothesis and variables (5 points), and

(c) That the application clearly describes a suitable, scientifically sound plan for data collection and/or analysis (10 points).

3. The project implementation plan is comprehensive and adequate for the successful implementation of the project (20 points):

(a) That the application specifies a sound plan for task accomplishment over the proposed project period and staff loadings by task (10 points); and

(b) That the proposal contains a suitable plan for dissemination and utilization of its project findings which concretely specifies who will disseminate what, to whom, for what purpose, and how the information so disseminated is expected to be used. It clearly specifies the deliverable products to be derived (10 points).

4. That the applicant organization has adequate and appropriate personnel and management resources to accomplish project objectives (20 points):

(a) That the proposed project staff are, or will be, well qualified to carry out the project activities (8 points);

(b) That the allocation of responsibilities and time of senior project staff assures adequate management of the project (5 points); and

(c) That the applicant organization has the necessary facilities, resources, and experience to carry out the tasks of the proposed project effectively (a brief and focused record of the applicant organization in conducting related activities should be provided) (7 points).

5. That the budget is given in detail with justifications and explanations. Estimated costs are commensurate with the level of effort needed to accomplish project objectives, and that the cost of the project is reasonable considering the anticipated results (10 points).

6. That the contribution of any collaborative agencies or organizations are assured in writing and included with the application (5 points).

Closing Dates for Receipt of Applications

The closing date for receipt of applications under this program announcement is September 5, 1978. Applications may be mailed or hand delivered to: Receiving Office, Division of Grants and Contracts Management, Office of Human Development Services, DHEW, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201. Attention: 13612-781. Hand-delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if: (a) The application is at the HDS Receiving Office on or before the closing date, or

(b) The application is postmarked on or before the closing date as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or by an original receipt from the U.S. Postal Service.

Late applications are not accepted, and applicants are notified accordingly.

(Catalog of Federal Domestic Assistance Program No. 13-612, Native American Programs.)

Dated: July 27, 1978.

A. David Lester,
Commissioner, Adminstration for Native Americans.

Approved: August 4, 1978.

Arabella Martinez,
Assistant Secretary for Human Development Services.

[FR Doc. 78-22305 Filed 8-9-78; 8:45 am]

[4110-08]

National Institutes of Health

REPORT ON BIOASSAY OF ACETOHEXAMIDE FOR POSSIBLE CARCINOGENICITY

Availability

Acetohexamide (CAS 968-81-0) has been tested for cancer-causing activity with rats and mice in the carcinogenesis program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of acetohexamide for possible carcinogenicity was conducted by administering the test chemical in feed to Fischer 344 rats and B6C3F1 mice.

Groups of 35 rats of each sex were administered acetohexamide in the diet at one of two doses, either 10,000 or 20,000 ppm, for 103 weeks and then observed for 2 to 4 additional weeks. Matched controls consisted of 15 untreated rats of each sex. All surviving rats were killed at 105 to 107 weeks.

Groups of 35 mice of each sex were administered acetohexamide at one of two doses for 103 weeks and then observed for 4 or 5 additional weeks. Time-weighted average doses were 6,359 or 12,718 ppm. Matched controls consisted of 15 untreated mice of each sex. All surviving mice were killed at 107 or 108 weeks.

Mean body weights of the dosed rats and mice of both sexes were lower than those of the corresponding matched controls throughout the study, and the depressions in weight were dose related. Except for the female mice, sufficient numbers of animals survived long enough to be at risk for development of late-appearing tumors.

It is concluded that under the conditions of this bioassay, acetohexamide was not carcinogenic for either Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: August 1, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-22014 Filed 8-9-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF TOLAZAMIDE FOR POSSIBLE CARCINOGENICITY

Availability

Tolazamide [CAS 1156-19-0] has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of the hypoglycenic drug tolazamide for possible carcinogenicity was conducted by administering the test chemical in feed to Fischer 344 rats and B6C3F1 mice.

Groups of 35 rats and 35 mice of each sex were administered tolazamide at one of two doses, either 5,000 or 10,000 ppm, for 103 weeks. Matched controls consisted of 15 rats and 15 mice of each sex. All surviving rats and mice were killed at 104 or 105 weeks.

Survival rates for the dosed rates of each sex were higher than those for the matched controls, and were adequate for the development of late-appearing tumors. Survival rates for the mice were lower than those for the rats, particularly for the dosed females, (matched controls 67 percent, low-dose 34 percent, high-dose 32 percent). However, a large number of these deaths in the dosed females occurred after 90 weeks on study, and survival of both males and females was adequate for the development of late-appearing tumors.

All observed tumors were of types commonly found in the strains of animals used, and there were no statistically significant increases in the incidence of tumors in the dosed animals as compared with controls.

It is concluded that under the conditions of this bioassay, tolazamide was not carcinogenic for Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: August 1, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-22013 Filed 8-9-78; 8:45 am]

[4110-85]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of June 1978 the following entity has been determined to be a qualified health maintenance organization (HMO) under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-(d)).

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. Health Maintenance of Oregon, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 619 Southwest 11th Street, Portland, Oreg. 97205. Service area: Clackamas, Marion, Multnomah, Polk, and Washington Counties, Oreg. Date of qualification: June 9, 1978.

Files containing detailed information regarding qualified HMO's will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, Third Floor, Rockville, Md. 20857.

Questions about the review process or request for information about qualified HMO's should be sent to the same office.

Dated: August 3, 1978.

JAMES F. DICKSON,
Acting Assistant
Secretary for Health.

[FR Doc. 78-22350 Filed 8-9-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6696-A through AA-6696-D]

ALASKA NATIVE CLAIMS SELECTION

Publication

On October 30, and December 17 and 18, 1974, the St. George Tanaq Corp., for the Native village of St. George, filed selection applications AA-6696-A through AA-6696-D, as amended, under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611

(Supp. V, 1975)), for the surface estate of certain lands in the Pribilof-Aleutian Island area.

In accordance with section 3(e)(1) of the Alaska Native Claims Settlement Act, the tracts of land mutually identified in the Cooperative Agreement and Memorandum of Understanding dated December 22, 1976, by the Department of Commerce and the village corporations of St. George Tanaq and Tanadgusix have been determined to be the smallest practicable tracts used by the Department of Commerce in its administration of lands on St. Paul and St. George Islands. The tracts of land are described in case file AA-8452.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 106,308.10 acres, is considered proper for acquisition by St. George Tanaq Corp. and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 2031 of the U.S. School Reserve situated at Kashega, Alaska.

Containing 2.10 acres.

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 53 S., R. 78 W.
Secs. 4 to 9, inclusive, all;
Secs. 15, 16 and 17, all;
Secs. 22 and 27, all.

Containing approximately 6,976 acres.

T. 53 S., R. 81 W.
Secs. 5 to 8, inclusive, all;
Secs. 17 to 20, inclusive, all;
Sec. 30, all.

Containing approximately 5,610 acres.

T. 41 S., R. 129 W.
Secs. 26, 27 and 28 (fractional), excluding ANCSA Sec. 3(e) determination AA-8452;
Sec. 29 (fractional), excluding ANCSA Sec. 3(e) determination AA-8452 and U.S. Survey 4801, lots 1, 2 and 3;
Sec. 30 (fractional), excluding ANCSA Sec. 3(e) determination AA-8542;
Sec. 31, excluding ANCSA Sec. 3(e) determination AA-8452;
Secs. 32 and 33, all;
Secs. 34 and 35 (fractional), all.

Containing approximately 3,757 acres.

T. 42 S., R. 129 W.
Secs. 3 and 4 (fractional), all;
Secs. 5, 6 and 7, all;
Secs. 8, 9, 17, 18 and 19 (fractional), all.

Containing approximately 3,781 acres.

T. 41 S., R. 130 W.
Sec. 19 (fractional), all;
Secs. 25 and 26 (fractional), excluding ANCSA Sec. 3(e) determination AA-8452;
Secs. 27 to 32 (fractional), inclusive, all;
Secs. 33, 34 and 35, all;
Sec. 36, excluding ANCSA Sec. 3(e) determination AA-8452.

Containing approximately 6,095 acres.

T. 42 S., R. 130 W.
Sec. 1, excluding ANCSA Sec. 3(e) determination AA-8452;
Secs. 2 and 3, all;
Sec. 4 (fractional), excluding ANCSA Sec. 3(e) determination AA-8452;
Sec. 5 (fractional), all;
Sec. 9 (fractional), excluding ANCSA Sec. 3(e) determination AA-8452;
Sec. 10, excluding ANCSA Sec. 3(e) determination AA-8452;
Secs. 11 to 14, inclusive, all;
Sec. 15 (fractional), all;
Sec. 16 (fractional), excluding ANCSA Sec. 3(e) determination AA-8452;
Secs. 22, 23 and 24 (fractional), all.

Containing approximately 6,479 acres.

T. 41 S., R. 131 W.
Secs. 23 to 26 (fractional), inclusive, all;
Sec. 36 (fractional), all.

Containing approximately 1,345 acres.

Portions of land on Umnak Island within the following protracted description:

T. 78 S., R. 128 W.
Secs. 2 to 10, inclusive;
Secs. 15 to 23, inclusive;
Secs. 27 to 30, inclusive, excluding Quitclaim Deed AA-5458;
Secs. 33 and 34, excluding Quitclaim Deed AA-5458.

Containing approximately 9,854 acres.

T. 79 S., R. 128 W.
Secs. 4 and 5, excluding Quitclaim Deed AA-5458;
Secs. 7 and 8, excluding Quitclaim Deed AA-5458;

Containing approximately 244 acres.

T. 78 S., R. 129 W.
Sec. 24;
Sec. 25, excluding Quitclaim Deed AA-5458;
Sec. 34;
Sec. 35, excluding Quitclaim Deed AA-5458;

Containing approximately 1,858 acres.

T. 79 S., R. 129 W.
Sec. 2, excluding Quitclaim Deed AA-5458;
Sec. 3;
Secs. 7 to 10, inclusive;
Secs. 11 and 12, excluding Quitclaim Deed AA-5458;
Secs. 13 to 22, inclusive;
Secs. 29 and 30.

Containing approximately 9,806 acres.

T. 79 S., R. 130 W.
Sec. 7;
Secs. 10 to 15, inclusive;
Secs. 17 to 30, inclusive;
Secs. 33 to 36, inclusive.

Containing approximately 15,318 acres.

T. 80 S., R. 130 W.
Secs. 2, 3 and 4;
Secs. 7, 8, 9 and 18.

Containing approximately 2,514 acres.

T. 79 S., R. 131 W.
Sec. 5;
Secs. 8, 9 and 10;
Secs. 13 to 17, inclusive;
Secs. 19, 20 and 21;
Secs. 30 to 33, inclusive.

Containing approximately 9,586 acres.

T. 80 S., R. 131 W.
Secs. 5 to 8, inclusive;
Secs. 12 and 13;
Secs. 17 and 18.

Containing approximately 3,145 acres.

Portions of land on Unalaska Island within the following protracted description:

T. 77 S., R. 122 W.
Sec. 3;
Secs. 6 to 10, inclusive;
Secs. 17 and 18.

Containing approximately 3,792 acres.

T. 77 S., R. 123 W.
Secs. 1, 2 and 3;
Secs. 8, 9 and 10;
Secs. 12 to 17, inclusive;
Secs. 20 to 24, inclusive;
Secs. 28, 29, 31 and 32;
Sec. 33, excluding U.S. Survey 809 Tracts A and B and U.S. Survey 2031;
Secs. 34, 35 and 36.

Containing approximately 9,596 acres.

T. 78 S., R. 123 W.
Secs. 1 to 4;
Secs. 10, 11 and 12.

Containing approximately 4,415 acres.

T. 77 S., R. 124 W.
Secs. 26 to 28, inclusive;
Sec. 31;
Secs. 33 to 36, inclusive.

Containing approximately 2,135 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V. 1975)); and

2. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V. 1975)), the following public easements referenced by easement identification number (EIN) on the easement maps in case file AA-6696-EE are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C4) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as the beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, for example, impassable to-

pography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States prior to the creation of such obstruction.

b. (EIN 3 C4) An easement sixty (60) feet in width for an existing road from the north boundary of Sec. 6, T. 78 S., R. 128 W., Seward Meridian, southerly along the south side of Umnak Island to Stepanof Cove in Sec. 32, T. 79 S., R. 131 W., Seward Meridian, for access to public lands and waters. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 4a C4) An easement sixty (60) feet in width for an existing road from road easement EIN 3 C4 in Sec. 32, T. 78 S., R. 128 W., Seward Meridian, northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

d. (EIN 4b C4) An easement sixty (60) feet in width for an existing road from road easement EIN 3 C4 in Sec. 11, T. 79 S., R. 129 W., Seward Meridian, northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

e. (EIN 4c C4) An easement sixty (60) feet in width for an existing road from road easement EIN 3 C4 in Sec. 8, T. 80 S., R. 130 W., Seward Meridian, northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

f. (EIN 5 C4) Easements to serve public facilities on St. George Island referenced by the Memorandum of Understanding dated December 22, 1976, between the United States Department of Commerce, National Marine Fisheries Service, National Oceanic and Atmospheric Adminstration, and the village corporations of St. George Tanaq and Tanadgusix.

LIST OF RESERVED EASEMENTS

Utilities

H. Powerline to water pumps.
I. Fresh water line.
h. Fuel lines.

Roads

T. East Rookery Road.
U. Zapadni Road.
V. Zapadni Rookery Road.
w. Zapadni Dock Road.
X. Barrow/Sanitary Fill Road.
Y. Staraya Artil Road.

Other

r. Vehicle Boneyard.

The road easements are to be controlled by applicable State or Federal law or regulation.

g. (EIN 6 C4) An easement for an existing access trail twenty-five (25) feet in width from Kashega Bay in Sec. 33, T. 77 S., R. 123 W., Seward Meridian, southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN 7 C4) An easement for an existing access trail twenty-five (25) feet in width from Kashega Bay in Sec. 33, T. 77 S., R. 123 W., Seward Meridian, easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(EIN 9C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al.* v. *Andrus* and implementation of the Secretary's new easement policy.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Grazing lease A-060872 to Milton and Beverly Holmes on Unalaska Island within T. 77 S., Rs. 122, 123, and 124 W., Seward Meridian, and T. 78 S., R. 123 W., Seward Meridian, under the act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471, 471a and 471o);

4. The naval airspace reservation of Executive Order No. 8680 dated February 14, 1941.

5. The terms and conditions of the Cooperative Agreement and the Memorandum of Understanding between the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service and the village corporations of St. George Tanaq and Tanadgusix, dated December 22, 1976. A copy of the Cooperative Agreement and the Memorandum of Understanding shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the Cooperative Agreement and the Memorandum of Understanding is located in Bureau of Land Management easement case file for St. George Tanaq Corp., serialized AA-6696-EE. Any person wishing to examine these documents may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

6. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions if any, of the lands hereinabove granted, as are prescribed in said section; and

7. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, the Aleut Corp., St. George Tanaq Corp., and other Aleut village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for St. George Tanaq Corp., serialized AA-6696-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

St. George Tanaq Corp. is entitled to conveyance of 115,200 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act. Upon this initial conveyance of 106,308.10 acres described herein, a total of 8,891.90 acres will remain to be conveyed to the corporation before the village reaches full 12(a) entitlement. The remaining entitlement will be conveyed at a later date.

Pursuant to section 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to the Aleut Corp. when conveyance is granted to St. George Tanaq Corp. for the surface estate and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks,

in the Anchorage Times. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until September 11, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If St. George Tanaq Corp. or the Aleut Corp. objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served are:

St. George Tanaq Corp., St. George Island, Alaska 99660.

The Aleut Corp., 833 Gambell Street, Anchorage, Alaska 99501.

SUE A. WOLF,
Chief, Branch of Adjudication.

[FR Doc. 78-22340 Filed 8-9-78; 8:45 am]

[4310-84]

[Colorado 22617-A]

ROCKY MOUNTAIN NATURAL GAS CO., INC.

Pipeline Application

AUGUST 1, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Co., Inc., P.O. Box 700, Glenwood Springs, Colo. 81601, has applied for a right-of-way for a 2⅜-inch o.d. natural gas pipeline, approximately 0.471 mile long, across the following public lands in Mesa County:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 104 W.,
Sec. 31 and 32.

The proposed lateral pipeline will enable the applicant to convey natural gas from the Palmer Oil and Gas No. 32-3 well in the East Bar X Gas Field to their existing gathering line.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Team Leader, Canon City-Grand Junction Team, 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.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 78-22326 Filed 8-9-78; 8:45 am]

[4810-84]

[M 40954]

MONTANA

Amended Application

AUGUST 2, 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 Montana Power Co. of Butte, Mont., filed an amended application for a right-of-way to construct a 6-inch pipeline for the purpose of transporting natural gas across the following described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 33 N., R. 18 E.,
Sec. 5, lot 1 and SE¼NE¼.
T. 34 N., R. 18 E.,
Sec. 27, NW¼NW¼; and
Sec. 32, SE¼NE¼.
T. 35 N., R. 19 E.,
Sec. 5, lots 1 and 2, and SW¼NE¼, SE¼NE¼, N½SW¼, and SW¼SW¼; and
Sec. 4, SE¼SE¼.

The proposed pipeline will convey natural gas from the Battle Creek field across 1.94 miles of public land in Blaine County, Mont.

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, Bank Electric Building, Drawer 1160, Lewistown, Mont. 59457.

EDGAR D. STARK,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-22327 Filed 8-9-78; 8:45 am]

[4310-84]

[NM 33835]

NEW MEXICO

Application

AUGUST 2, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for one 4½-inch and one 6⅝-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 27 E.,
Sec. 13, S½SE¼;
Sec. 23, NE¼SE¼;
Sec. 24, N½NE¼, SW¼NE¼, SW¼NW¼, and NW¼SW¼.
T. 17 S., R. 28 E.,
Sec. 18, lots 3, 4, and NE¼SW¼.

These pipelines will convey natural gas across 1.785 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be ap-

proved, 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. 78-22328 Filed 8-9-78; 8:45 am]

[4310-84]

[Wyoming 64373]

WYOMING

Application

AUGUST 3, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Co. of Casper, Wyo. filed an application for a right-of-way to construct a 3-inch pipeline and related facilities for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 92 W.,
Sec. 25, SW¼NW¼ and N½SW¼;
Sec. 26, SE¼NE¼.

The proposed pipeline with related facilities will transport crude oil produced from the Frisby Federal No. 1 Well Extension located in the NE¼SW¼ sec. 25, to a point in the SE¼NE¼ of sec. 26, T. 47 N., R. 92 W., in Washakie 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, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-22291 Filed 8-9-78; 8:45 am]

[4310-84]

[W-64663]

WYOMING

Application

AUGUST 2, 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 Panhandle Eastern Pipe Line Co. of Brighton, Colo., filed an application for a right-of-way to construct, operate, maintain, repair, and remove a gathering system consisting of 4-inch and 6-inch pipelines and related facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 97 W.,
Sec. 7, S½NE¼ and NE¼SE¼;
Sec. 8, W½SW¼;
Sec. 17, SW¼NE¼, SE¼NW¼ and W½W½;
Sec. 18, lot 6, S½NE¼
Sec. 19, lot 6, N½NE¼ and SW¼NE¼;
Sec. 20, W½W½;
Sec. 29, NW¼NE¼ and N½NW¼.

The proposed pipelines will transport natural gas from the Davis Hay Reservoir Nos. 21, 22, 23, and 24 wells and the Cities Service Hay Reservoir No. 20 well to a point of connection with existing pipeline facilities all located within 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, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-22290 Filed 8-9-78; 8:45 am]

[4310-84]

NEW ORLEANS OCS OFFICE

Receipt of Coral Application

Notice is hereby given that the following application for a permit has been received under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

Applicant: Dauphin Island Sea Lab, P.O. Box 386, Dauphin Island, Ala. 36528, 205-861-2141.

DESCRIPTION OF PROPOSED OPERATIONS

It is the purpose of this proposed scientific research program to collect coral samples in order to characterize the biological zonation and species composition of the coral reef fauna and flora. Coral will be removed carefully and selectively by hammer and chisel. During the permit year the total amount of coral collected will not exceed 25 kilograms dry weight.

The proposed area of operations will be on the OCS in the Florida Middle Ground depicted on OCS Official Protraction Diagram NH 16-12, or about 28°30′ N. and 84°20′ W.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the New Orleans Outer Continental Shelf Office, 500 Camp Street, Suite 841, New Orleans, La. 70130. Any such information designated by applicant as proprietary, and not subject to public inspection may be excluded.

Interested persons may comment on this application by submitting written data, views, or arguments to the Manager, New Orleans OCS Office at the above address. All relevant comments received on or before September 11, 1978, will be considered.

Dated: August 2, 1978.

JOHN L. RANKIN,
Manager, New Orleans Outer Continental Shelf Office.

[FR Doc. 78-22292 Filed 8-9-78; 8:45 am]

[4310-84]

ENVIRONMENTAL STATEMENT SUPPLEMENT ON PHOSPHATE LEASING IN OSCEOLA NATIONAL FOREST, NORTH CENTRAL FLORIDA

Eastern States Office—Bureau of Land Management; Intent To Prepare a Supplement to an Environmental Impact Statement

Pursuant to 102(2)(c) of the National Environmental Policy Act of 1969 and directive from the Secretary of the Interior, the Eastern States Office of the Bureau of Land Management (BLM), will have lead responsibility in preparation of a supplement to the Final Environmental Impact Statement on Phosphate Leasing on the Osceola National Forest, Florida.

The original statement, concerning the proposed issuance of phosphate preference right leases on 52,000 acres in the Osceola National Forest in north central Florida, was issued in May 1974. Since that time, the Secretary of the Interior has ordered that more study be made of the effects of the proposed action on hydrology and endangered species. The U.S. Geological Survey (USGS) and the U.S. Fish and Wildlife Service (USFWS) submitted studies on these topics early this

year. The supplement will assess this and any other new or updated information which has surfaced on these issues of concern since the original statement was completed.

An interagency team, composed of members from BLM, U.S. Forest Service, USGS, USFWS, and Bureau of Mines convened in Tallahassee, Fla., on August 8 to begin work on the supplement. The draft document is scheduled to be made available for public comment in late November and the final supplement is scheduled to be filed in mid-April 1979.

Frank Gregg, Director of the BLM, is the responsible official. Lowell Udy is the Director of Eastern States. Claude Martin, Associate Director of Eastern States, is the team leader for the Osceola supplement. Dave Daley and Don Hughes are, respectively, USFS Project Coordinator and USFS Environmental and Technical Coordinator for the supplement.

Comments on this notice of intent should be sent to Lowell Udy, Bureau of Land Management, Eastern States Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

LOWELL J. UDY
Director, Eastern States.

[FR Doc. 78-22289 Filed 8-9-78; 8:45 am]

[4310-31]

Geological Survey

GRAYS RANGE-WOOLEY RANGE, IDAHO

Known Leasing Area (Phosphate)

Pursuant to authority contained in the act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretary's Order 2948, Federal lands within the State of Idaho have been classified as subject to the competitive phosphate leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 211).

The name of the area, the effective date, and the total acreage involved are as follows:

(12) IDAHO

Grays Range-Wooley Range (Idaho) Known Leasing Area (Phosphate); October 15, 1975, 11,267.77 acres

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Western Region, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, Calif. 94025.

Dated: August 3, 1978.

W. A. RADLINSKI,
Acting Director,
U.S. Geological Survey.

[FR Doc. 78-22293 Filed 8-9-78; 8:45 am]

[4310-70]

National Park Service

LAKE POWELL FERRY SERVICE, INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Lake Powell Ferry Service, Inc., authorizing it to continue to provide concession facilities and services for the public at Glen Canyon National Recreation Area for a period of twelve (12) years from January 1, 1979, through December 31, 1990.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Glen Canyon National Recreation Area, 337 North Navajo Drive, Page, Ariz. 86040.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1973, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 11, 1978.

Interested parties should contact the Director, National Park Service, Attention: Chief, Concessions Management Division, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 7, 1978.

ROBERT STANTON,
Acting Associate Director,
National Park Service.

[FR Doc. 78-22337 Filed 8-9-78; 8:45 am]

[4310-10]

Office of the Secretary

PRIVACY ACT OF 1974

Systems Notice

Notice is hereby given that the Department of the Interior has under consideration (3) amended system notices describing record systems which will be maintained and will be subject to the Privacy Act of 1974, 5 U.S.C. 552a. The three systems are:

(1) Youth Conservation Corps (YCC) and Young Adult Conservation Corps (YACC) Enrollee and Corpsmember Records—Interior, Office of the Secretary—25.

(2) Youth Conservation Corps (YCC) Enrollee and Young Adult Conservation Corps (YACC) Corpsmember Payroll Records File—Interior, Office of the Secretary—26.

(3) Youth Conservation Corps (YCC) Enrollee and Young Adult Conservation Corps (YACC) Corpsmember Medical Records—Interior, Office of the Secretary—27.

The system notices, as amended, are published below.

Comments on the amended notices may be submitted to the Departmental Privacy Act Officer, Office of Administrative and Management Policy, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. All comments received on or before September 11, 1978, will be considered. Copies of any comments received may be inspected in Room 5316 at the above address.

Dated: August 3, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

System Names: Youth Conservation Corps (YCC) and Young Adult Conservation Corps (YACC) Enrollee and Corpsmember Records—Interior, Office of the Secretary—25; Youth Conservation Corps (YCC) and Young Adult Conservation Corps (YACC) Corpsmember Payroll Records File—Interior, Office of the Secretary—26; and Youth Conservation Corps (YCC) Enrollee and Young Adult Conservation Corps (YACC) Corpsmember Medical Records—Interior, Office of the Secretary—27.

Narrative Statement

Purpose: The purpose of this notice is to amend systems of records in order to add new program authority, and to maintain the data necessary to accomplish the purpose of the Youth Conservation Corps and Young Adult Conservation Corps and to insure that all records are accurate and complete.

Authority: Pub. L. 93-408 and Pub. L. 95-93.

Probable and/or Potential Effect on the Privacy of People: We foresee no adverse effect on the privacy of enrollees and corpsmembers given careful security precautions are used for these systems or records. These records will contain information which is very personal and could have a serious effect on the privacy and personal lives of the enrollees and corpsmen. Medical, performance evaluation, personal history and application records will be kept under this system.

The Effect on States and the Principle of the "Separation of Powers." We foresee no effect on this principle or on the States.

Security Provided for the System: Records are kept in locked files and access is limited to authorized staff. The proposed system provides as complete protection as can be provided to the individual while conforming to the requirements of the law.

Interior/AJC-25

System name:

Youth Conservation Corps (YCC), *and Young Adult Conservation Corps (YACC)* Enrollee and Corpsmember Records—Interior, Office of the Secretary—25.

System location:

(1) All USDI Federal Camp Directors Offices. Address of YCC *and YACC* Camp Directors may be obtained each year by writing to the System Manager. (2) Administrative Services Center, Bureau of Reclamation, Salt Lake City, Utah 84147.

Categories of individuals covered by the system:

Enrolees (YCC) *and corpsmembers (YACC)* of USDI Federal YCC *and YACC programs.*

Categories of records in the system:

(1) Current enrolees *and corpsmembers* USDI Application Forms *and Employment and Training Administration Form 27;* USDI Medical History Forms; Personal and Statistical Information. (2) Optional: Evaluation of enrolee's *and corpsmember's* performance by camp staff; Accident, injury, and treatment forms. (3) Past enrollees *and corpsmembers:* List of names and addresses. (4) Current alternates (YCC) *or applicants (YACC):* USDI Application Forms *and Employment and Training Administration Form 27.*

Authority for maintenance of the system:

Pub. L. 93-408 *and Pub. L. 95-93.*

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The primary uses of the records are (a) the identification of current and past enrollees *and corpsmembers* and current alternates *or applicants;* (b) for the selection of alternate upon enrolee withdrawal from program (YCC), *or hiring of additional or replacement corpsmembers (YACC);* (c) to provide enrollee *or corpsmember* participation record for school credit. Disclosures outside of the Department of the Interior may be made (1) to the U.S. Department of Agriculture in connection with joint administration of YCC *and YACC* programs, *and to the Department of Labor in connection with joint administration of the YACC program;* (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to any inquiry from a congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Fedral, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage:

Maintained in personnel jackets.

Safeguards:

Stored in metal filing cabinets with three-way combination locks or key locks.

Retention and disposal:

Complete files are maintained until the end of the *service or training.* At termination, *personal and statistical information is removed from enrollee file jacket.* A list of the names and addresses is retained. Disposal schedule is pending. The application forms of current alternates are destroyed at the termination of the current program *year.*

System manger(s) and address:

Director, *Office of Youth Programs,* Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

Notification procedure:

System Manager and camp directors. Camp Director will only be able to provide information from records maintained at the camp. See 43 CFR 2.60.

Record access procedures:

System Manager or camp directors. See 43 CFR 2.71.

Contesting record procedures:

A petition for amendment should be addressed to the System manager and must meet the content requirements of 43 CFR 2.71.

Record source categories:

Individual on whom the record is maintained, medical doctor, school or other official.

Interior/AJC-26

System name:

Youth Conservation Corps (YCC) Enrollee *and Young Adult Conservation Corps (YACC) Corpsmember* Payroll Records File—Interior, Office of the Secretary—26.

System location:

Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City Utah 84147. Records for the YCC are joint records of the U.S. Department of Interior, Office of Youth Programs and the U.S. Department of Agriculture, forest Service. *Records for the YACC are joint records of the U.S. Department of the Interior, Office of Youth Programs, the U.S. Department of Agriculture, Forest Service, and the U.S. Department of Labor.*

Categories of individuals covered by the system:

Youth accepted into the YCC program *and young adults accepted into the YACC program.*

Categories of records in the system:

Personnel, pay, statistical and termination data compiled by camp officials.

Authority for maintenance of the system:

Pub. L. 93-408 *and Pub. L. 95-93.*

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The primary uses of the records are (a) the identification of current and past enrollees *and corpsmembers;* (b)

for payroll purposes for current enrollees *and corpsmember;* (c) to develop demographic characteristics of enrollee *and corpsmember* population for statistical purposes. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State, and local government agencies, nongovernmental organizations and individuals; (2) to the Internal Revenue Service and to State, Commonwealth, Territorial and local government for tax purposes; (3) to the Civil Service Commission in connection with the Civil Service Retirement System; (4) to another Federal agency to which an employee has transferred; (5) to the U.S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (7) from the records of an individual in response to an inquiry from a congressional office made at the request of that individual; (8) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (9) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Current and past personal and statistical information on magnetic tape and printouts.

Retrievability:

Tape reels are coded by number.

Safeguards:

Tapes are stored in a tape file and vault while printouts are stored in a locked metal filing cabinet.

Retention and disposal:

Current payroll information is purged from magnetic tapes at the termination of the program after being transferred to a sedle magnetic tape which is retained permanently. Other material disposal regulations are pending.

System manager(s) and address:

(1) Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250. (2) Director, Office of Youth Programs, U.S. Department of the Interior, Washington, D..C. 20240.

Notification procedure:

Inquiries regarding the existence of records should be addresed to the System Managers. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures:

A request for access may be addressed to the System Managers. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.71.

Contesting record procedures:

A petition for amendment should be addressed to the System Managers and must meet the content requirements of 43 CFR 2.71.

Record source categories:

Individual on whom the record is maintained, camp personnel.

System name:

Youth Conservation Corps (YCC) Enrollee *and Young Adult Conservation Corps (YACC) Corpsmember* Medical Records—Interior, Office of the Secretary—27.

System location:

Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147.

Categories of individuals covered by the system:

Enrollees *and corpsmembers* of past Interior Federal YCC *and YACC* programs.

Categories of records in the system:

(1) U.S.D.I. Medical History Forms. (2) Accident, injury and treatment forms. (3) Parental permission portion of the U.S.D.I. Application forms for YCC enrollees.

Authority for maintenance of the system:

Pub. L. 93-408 *and Pub. L. 95-93.*

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The primary uses of the records are (a) for the adjudication of FEC medical claims, and (b) the adjudication of tort claims. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Agriculture in connection with joint administration of the YCC program, *and to the U.S. Department of Agriculture and the U.S. Department of Labor in connection with joint administration of the YACC program;* (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation of for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage—manual records.

Retrievability—by individual name.

Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51.

Retention and disposal—pending.

System manager(s) and address:

Director, Office of Youth Programs, Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

Notification procedure:

Inquiries regarding the existence of records should be addressed to the System Manager. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories:

Individual on whom the record is maintained, medical doctor, and camp official compiling accident or medical treatment information.

[4710-14]

INTERNATIONAL JOINT COMMISSION

GREAT LAKES POWER CORP., LTD.

Public Hearing

The International Joint Commission will hold a public hearing on September 6, 1978 in Sault Ste. Marie, Ontario, to consider the request of Great Lakes Power Corp., Ltd. for permission to proceed with redevelopment of its hydroelectric generating facilities in the St. Marys River at Sault Ste. Marie, Ontario, in accordance with the Commission's 1914 order of approval.

International Joint Commission, Wednesday, September 6, 1978, 9 a.m. to 12:30 p.m., 2 p.m. to 4 p.m., at the holiday Inn, Saulte Ste. Marie, Ontario.

Notice of receipt of this request was published by the Commission in the United States FEDERAL REGISTER, the Canada Gazette, and in newspapers in the area during the last week of April 1978; comments on the redevelopment proposal from governments and all interested persons were invited.

At the hearings, opportunity will be given to anyone, whether on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission. The hearing is international and citizens of both Canada and the United States are welcome to participate.

While not mandatory, written statements are desirable to supplement oral testimony and to insure accuracy of the record. When a written statement is presented, 30 copies should be provided, if possible, for distribution to the news media and for Commission purposes.

Dated: August 7, 1978.

DAVID G. CHANCE,

Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, Ontario K1P 5M1.

WILLIAM A. BULLARD,

Secretary, U.S. Section, International Joint Commission, 1717 H Street NW., Room 203, Washington, D.C. 20440, Stop No. 86.

[FR Doc. 78-22318 Filed 8-9-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

ARGON RESEARCH CORP.

Importation and Manufacture of Controlled Substances; Amended Notice of Objections, Requests for Hearing, and Hearing

On May 25, 1978, at 43 FR 22461, notice was given that Argon Research Corp., 336 West Liberty Street, Reno, Nev. 89501, had made application to the Drug Enforcement Administration to be registered as an importer of the following basic class controlled substances: Imported raw opium, opium plant form, and concentrate of poppy straw, all listed in schedule II of the Controlled Substances Act of 1970; and that Argon Research Corp. had also made application for registration as a bulk manufacturer of opium extracts, opium fluid extracts, opium powders, opium granulated, opium tinctures, codeine, and thebaine; and opportunity was given for the filing with the Drug Enforcement Administration of comments and objections to said applications and for the filing of requests for hearing with respect to them.

On June 27, 1978, at 43 FR 27909, notice was given that Argon Research Corp. had requested modification of its application to the Drug Enforcement Administration for registration as a bulk manufacturer to include the schedule II controlled substance morphine.

Requests for hearing have been filed by Mallinckrodt, Inc., wih respect to both the original application for registration as a bulk manufacturer and to that application as modified, and for hearing with respect to the application for registration as an importer.

Mallinckrodt asserts that the registration of Argon Research Corp. as a bulk manufacturer and as an importer, as applied for, is not consistent with the public interest as defined in the Controlled Substances Act and applicable regulations, and with the U.S. international obligations.

Penick Corp. filed comments and indicated that, in its view, the public interest is being adequately served at the present time, and there is no need for the registration of additional persons to import or manufacture the controlled substances in question, and that it has no knowledge of any past experience of Argon Research Corp. in the manufacture or importation of controlled substances.

Burroughs Wellcome Co. filed comments to the effect that the current and foreseeable demand for finished alkaloids is adequately met by present production capacity and that there does not appear to be any need for additional processors. The company also asserted that, if a shortage of opium raw materials should occur in the future, the registration of additional importers and processors of these raw materials could result in less efficient and more costly production of finished alkaloids. Burroughs Wellcome Co. also asserts that proliferation of importers and processors seems to be counterproductive to the regulatory philosophy of maintaining effective surveillance and minimizing the possibility of diversion.

Comments submitted by Merck and Co., Inc., included the following: That there is adequate supply and adequate competition with respect to the controlled substances in question and that, consequently, the applications of Argon Research Corp. do not meet the criteria for registration under section 303(a) of the Controlled Substances Act; and that Argon Research Corp. must demonstrate to the Drug Enforcement Administration that all criteria relative to its applications for registration as set out in the Controlled Substances Act and the regulations have been satisfied. Merck asserts that Argon is an inexperienced, unequipped, and unknown company which does not seem to possess the manufacturing and processing facilities required for the activity for which it seeks registration. Merck believes that any determinations made by the Drug Enforcement Administration with respect to Argon Research Corp.'s applications should be made in a forum where opposing views can also be expressed and weighed.

Accordingly, notice is hereby given pursuant to 21 CFR 1301.43 and 1311.42 that a hearing will be held on the aforesaid applications for registration commencing at 10 a.m. on Thursday, September 14, 1978, in Room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., the proceedings on that day to be limited to a preliminary discussion to identify proper parties and issues, and to determine procedures and set dates and locations for further proceedings. Any person entitled to participate in said hearing and desiring to do so should file a notice of appearance pursuant to 21 CFR 1301.54 and 1316.48 on or before September 11, 1978. A person who has filed a request for a hearing need not also file a notice of appearance. The hearing scheduled for August 29, 1978, per notice published at 43 FR 31441, is hereby canceled.

Dated: August 4, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-22308 Filed 8-9-78; 8:45 am]

[4510-23]

MINIMUM WAGE STUDY COMMISSION

WORK PLAN AND PRIORITIES

Public Meeting

The third meeting of the Minimum Wage Study Commission will be held on August 22, 1978, at 10 a.m. in room 550, 2000 K Street NW., Washington, D.C. The meeting is open to the public.

The agenda for the meeting will be concerned with discussion of the work plan and priorities, and a continuation of its deliberations on the extent to which the exemptions from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938 may apply to employees of conglomerates.

Telephone inquiries and communications concerning this meeting should be directed to: Mr. Dennis G. Condie, Acting Administrative Officer, Room G-340, General Services Administration Building, 18th and F Street NW., Washington, D.C. 20405, telephone 202-566-1792.

GERALD M. FEDER,
Chairperson.

[FR Doc. 78-22319 Filed 8-9-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON RELIABILITY AND PROBABILISTIC ASSESSMENT

Meeting

The ACRS Subcommittee on Reliability and Probabilistic Assessment will hold an open meeting on August 25, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to review the NRC Office of Nuclear Regulatory Research programs in risk assessment.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977 (42 FR 56972), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

FRIDAY, AUGUST 25, 1978: 8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the executive session, the Subcommittee may hear presentations by and hold discussions with representatives of the NRC staff, and their consultants, pertinent to the agenda items. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and to formulate a report and recommendations to the full Committee.

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 therefore can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Robert L. Wright, Jr., telephone 202-634-3314, between 8:15 a.m. and 5 p.m., e.d.t.

Dated: August 8, 1978.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc. 78-22494 Filed 8-9-78; 9:37 am]

[7590-01]

[Docket No. 50-316]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-74, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (the licensees), which revised the technical specifications for operation of the Donald C. Cook Nuclear Plant Unit No. 2 (the facility), located in Berrien County, Mich. The amendment is effective as of the date of its issuance.

The amendment waives the requirements of the technical specification governing the operation of the containment ventilation system for the duration of a maintenance outage scheduled to commence on about July 20, 1978. In addition this license amendment reflects the Commission's recent amendment of 10 CFR 73.55; full implementation of the physical protection provisions of 10 CFR 73.55 will be accomplished in accordance with the revised regulation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the January 13, 1978, application for amendment as supplemented by letters dated February 3, 1978, and April 27, 1978, (2) Amendment No. 7 to Facility Operating License No. DPR-74, 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 Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. 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 of Division Operating Reactors.

Dated at Bethesda, Md., this 20th day of July 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-22310 Filed 8-9-78; 8:45 am]

[7590-01]

[Docket Nos. 50-338SP and 50-339SP; Amendment to operating license NPF-4]

VIRGINIA ELECTRIC AND POWER CO., (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order Regarding Conference

1. The Atomic Safety and Licensing Board, established by the Chairman, Atomic Safety and licensing Board panel, on July 3, 1978, to rule on petitions and/or request for leave to intervene, hereby schedules a conference with Virginia Electric and Power Co. (VEPCO), the staff of the United States Nuclear Regulatory Commission (NRC Staff), Citizens' Energy

Forum, Inc. (CEF), and Potomac Alliance (Potomac), or their counsel, to consider the petitions for leave to intervene, together with timely supplements thereto, by CEF and Potomac, the conference being scheduled at the Council Chambers, 2nd floor, City Hall, 7th and Main Streets, Charlottesville, Va. at 10 a.m., Friday, September 8, 1978.

2. The Board will consider any supplement of CEF's or Potomac's petition for leave to intervene to be timely if the supplement is filed no later than fifteen (15) days prior to September 8, 1978. The time provided at 10 CFR 2.714(c) for filing an answer to a petition for leave to intervene is deemed to be applicable for filing an answer to any timely supplement thereto: *Provided,* That if a petitioner herein has filed two or more timely supplements of different dates, a consolidated answer to all of its supplements may be filed on or before the last due date for an answer: *And provided further,* That in any event the members of the Board actually receive the answer before the time of the scheduled conference. To overcome delays in mailing, answers may be mailed or delivered to the members of the Board in care of its chairman at 1001 Connecticut Avenue NW., Washington, D.C. 20036.

3. Any petition for leave to intervene, as may be supplemented in a timely manner, shall set forth with particularity the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors in 10 CFR 2.714(d), and the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. See 10 CFR 2.714(a)(2).

4. Further, any such petition, as may be supplemented in a timely manner, must include a list of the contentions which petitioner seeks to have litigated in the matter and the bases for each contention set forth with reasonable specificity. See 10 CFR 2.714(b).

5. Without prejudging CEF's or Potomac's petition for leave to intervene, as may be supplemented in a timely manner, the Board regards the conference scheduled by this order as "the first prehearing conference" within the meaning of that term as used at 10 CFR 2.714 (a)(3) and (b).

6. At the conference, the Board will offer VEPCO, NRC Staff, CEF, and Potomac, or their counsel, the opportunity to support, oppose, or otherwise comment on VEPCO's conditional motion seeking consolidation of CEF and Potomac under 10 CFR 2.715a in the event both CEF and Potomac are permitted to intervene.

7. To avoid possible misunderstanding, the Board notes that limited appearances under 10 CFR 2.715 are not appropriate at the scheduled conference and will not be permitted then. Should a hearing be scheduled in the special proceeding, the opportunity for making limited appearances later will be provided for.

8. Notices of appearance as provided for under 10 CFR 2.713(a) are due to be filed in this special proceeding on or before the time of the scheduled conference.

Dated at Washington, D.C., this 4th day of August, 1978.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[FR Doc. 78-22312 Filed 8-9-78; 8:45 am]

[7590-01]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO., SURRY POWER STATION, UNIT NOS. 1 AND 2

Order for Modification of License

I. Virginia Electric and Power Company (the Licensee), is the holder of Facility Operating License Nos. DPR-32 and DPR-37 which authorizes the operation of two nuclear power reactors known as Surry Power Station, Unit Nos. 1 and 2 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactors are pressurized water reactors (PWR) located at the Licensee's site in Surry County, Va.

II. On August 24, 1977, the Commission authorized the installation of flow-limiting orifices in the discharge of the outside recirculation spray pumps for the facility and imposed limitations by order on certain operating parameters for the facility. These limitations were designed to assure adequate flow and net positive suction head (NPSH) for the containment recirculation spray pumps during design basis loss of coolant accident (LOCA) conditions. One of these limitations was a maximum service water temperature of 85° F.

By letter dated September 12, 1977, the licensee submitted the results of more complete analyses regarding the available NPSH for the low-head safety injection pumps for interim operation of the plants. The methods used to calculate the containment pressure, containment sump temperature, and available NPSH were reviewed for the North Anna plant and found to be acceptable. The same methods were used in the calculations for Surry. Also in its letter of September 12, 1977, the licensee requested that the current limitation on the service water temperature and the outside recirculation spray (ORS) pump flowrate be changed from 85° F and 2000 g.p.m. to 87° F and 2250 g.p.m., respectively. In addition, an associated increase in the minimum allowed refueling water storage tank (RWST) volume from the current Technical Specification value of 350,000 gallons to 385,200 gallons and a decrease in the maximum containment air partial pressure from 9.3 to 9.2 p.s.i.a. were proposed. The licensee provided additional information in November 1977, to supplement its analyses. These analyses show the effect of the proposed changes on the available NPSH for the low-head safety injection and containment recirculation spray pumps (outside and inside) and on the containment pressure. We have reviewed the licensee's analyses and have performed our own analyses using the data provided.

The results of our analyses indicate that the peak containment pressure will not exceed the design pressure and that there will be adequate available NPSH for all pumps referred to above, without significant reduction in margin, at the proposed limiting conditions of 87° F and 2250 g.p.m. The increased volume in the RWST will remove additional containment heat and will therefore tend to decrease containment pressure under LOCA conditions.

For the foregoing reasons, it is concluded that (1) increasing the maximum service water temperature limit to 87° F, (2) increasing the ORS pump flowrate to 2250 g.p.m., (3) increasing the RWST minimum allowed volume to 385,200 gallons, and (4) decreasing the maximum allowed containment partial pressure from 9.3 to 9.2 p.s.i.a., will still provide adequate containment cooling following a postulated loss of coolant accident to assure that continued operation will not impose an undue risk to public health and safety.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Swem Library, College of William and Mary, Williamsburg, Va.: (1) Letter from Licensee dated September 12, 1977, and (2) this Order for Modification of License, I the Matter of Virginia Electric and Power Co., Surry Power Station Unit Nos. 1 and 2, Docket Nos. 50-280 and 50-281.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered,* That Facility Operating Licenses Nos. DPR-32 and DPR-37 are hereby amended by revising our

August 24, 1977, Order for Modification of License to include the following limits on operation, effective immediately:

Maximum Service Water Temperature—87° F.

Containment Temperature—100° F-125°.

Containment Air Partial Maximum Pressure—9.2 p.s.i.a. at 87° F service water temperature and 45° F r.w.s.t. temperature. This value will vary in a manner similar to existing Technical Specification 3.8.

Minimum Refueling Water Storage Tank Volume—385,200 gallons.

Outside Recirculation Spray Pump Flowrate—2250 g.p.m.

For the Nuclear Regulatory Commission.

Dated in Bethesda, Md., this 29th day of June 1978.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors Office of Nuclear Reactor Regulation.

[FR Doc. 78-22311 Filed 8-9-78; 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)

Order Scheduling Prehearing Conference

AUGUST 3, 1978.

The Atomic Safety and Licensing Board (Board) on July 19, 1978, published a "Notice of Hearing on Amendment to Facility Operating License" which stated that a hearing will be held to consider the request of Wisconsin Public Service Corp., et al. (the licensees) for an amendment to Operating License No. DPR-43, which currently authorizes the licensees to possess, use, and operate the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. (43 FR 31077). The proposed amendment would authorize an increase in the spent fuel storage capacity of the plant.

In a telephone conference call initiated by the board chairman on July 31, 1978, it was agreed by all parties that their schedules will have no conflict with a prehearing conference on September 6 and 7, 1978, in Kewaunee, Wis. It is expected at that time it will be possible to establish schedules for determination of the contentions which will be litigated in this proceeding and for the evidentiary hearing to follow. Prior to the prehearing conference, the parties or their representatives shall conduct such informal conferences as may be practicable to expedite the proceeding and in particular to advance the purposes of the prehearing conference before the Board.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, a prehearing conference in the present proceeding shall convene at 10 a.m., local time, on Wednesday, September, 6, 1978, in Kewaunee County Courthouse, 613 Dodge Street, Kewaunee, Wis. 54216.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Md., this 3d day of August, 1978.

ROBERT M. LAZO,
Chairman.

[FR Doc. 78-22313 Filed 8-9-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. DCA-78-AR-042]

RAILROAD ACCIDENT—NEW CARROLLTON, MD.

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time), September 6, 1978, in the Samuel Chase-Charles Calvert Rooms of the Sheraton Inn Washington-Northeast, 8500 Annapolis Road, New Carrollton, Md. 20784.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving the rear end collision of ConRail train No. 400 and Amtrak train No. 60, which occurred June 9, 1978, at Seabrook, Md.

Dated: August 4, 1978.

ELMER GARNER,
Hearing Officer.

[FR Doc. 78-22345 Filed 8-9-78; 8:45 am]

[4910-58]

[N-AR 78-32]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

PIPELINE ACCIDENT REPORT

The National Transportation Safety Board announces the availability of its formal report on the investigation into the rupture of a high-pressure gas main last December 1 in downtown Atlanta, Ga. The 12-inch, cast-iron gas main, owned by the Atlanta Gas Light Co., was ruptured by an 8-inch, steel I-beam pile, which was driven through the pipe at a construction site.

The Board's report, No. NTSB-PAR-78-3, indicates that within minutes, natural gas at 10-psig pressure migrated through the ground, entered sewer lines and electric conduit systems, and spread into nearby buildings, the gas did not ignite, but thousands of people were evacuated from nearby office buildings. A valve was closed at 2:45 p.m. to shut off the flow of gas to the ruptured main, and the area was declared safe at 4 p.m., 4 hours after the rupture occurred.

According to the Safety Board, the probable cause of the accident was the failure of the construction contractor to use information available to him on his blueprint which resulted in the rupture of the 12-inch, cast-iron, high-pressure gas main by the contractor's 8-inch, steel I-beam pile when it was driven through the pipe. Although the contractor requested gas line locations via the one-call notification system and although the gas company located and marked some of its lines, the gas company failed to mark all of the gas lines in the area. Contributing to the accident was the failure of the gas company to meet onsite with the contractor to specify which gas lines were to be located.

As a result of its investigation of this accident, the Safety Board on July 6 issued seven recommendations—two to the George Hyman Construction Co. (P-78- 18 and 19), one to the city of Atlanta (P-78-20), two to the Atlanta Gas Light Co. (P-78- 21 and 22), one to the American Society of Mechanical Engineers Gas Piping Standards Committee (P-78-23), and one to the Materials Transportation Bureau (Office of Pipeline Safety Operations, U.S. Department of Transportation (P-78-24). (See 43 FR 30150, July 13, 1978.)

RAILROAD ACCIDENT REPORT

Also released last week by the Safety Board was the report of its investigation of the derailment of a Louisville & Nashville freight train last November 9 at Pensacola, Fla.

As indicated by the report, No. NTSB-RAR-78-4, two SD-45 locomotive units and 35 cars of the freight train derailed when entering a 6°04′ curve. The adjacent tank heads of the 18th and 19th cars were punctured during the derailment by a loose wheel and axle assembly; this released anhydrous ammonia into the atmosphere. Two persons died and 46 were injured as a result of the derailment and the release of anyhydrous ammonia which forced the evacuation of about 1,000 persons. Property damage was estimated to be $724,000.

The Safety Board determined that the probable cause of this accident was the overturning of the high rail in the 6° curve which caused track gage to widen. The high rail tipped because it was not able to withstand the lateral forces generated by the 6-axle locomotive units because of the tight gage of the track, and the forces generated because of the placement of a lightly

loaded long car and an empty short car directly behind the locomotive with large trailing tonnage. The cause of the fatalities and injuries was the release of anhydrous ammonia through punctures in the tank cars. Head shields would have prevented such punctures, the Board stated.

Investigation disclosed that a lightly loaded long car and an empty short car were coupled together behind 6-axle locomotive units in a large tonnage train—a questionable train makeup characteristic. An examination of the track also disclosed that the train was operating in an area of track with less than standard gage where tipping of the outside rail in a curve and widening of track gage occurred, causing the derailment. This track, even with the less than standard gage, complied with the standards for Class 3 track.

In view of its findings during investigation, the Safety Board on July 31 recommended that the Federal Railroad Administration—

Include in its review of the current FRA track safety standards, investigation and testing to determine if the 4-foot 8-inch minimum gage allowed in curved track according to 49 CFR 213.53 is appropriate for 6-axle locomotive units and cars. (R-78-43)

Promulgate regulations to require locomotives used in trains on main tracks outside of yard limits to be equipped with operating event recorders. (R-78-44)

Investigate and test to determine the adequacy of the total uncontrolled lateral motion allowed in 49 CFR 230.220 when related to lateral forces developed on rails by 6-axle locomotive units or by 6-axle cars in curves of more than 2°. (R-78-45)

Promulgate regulations to require railroads to limit the length and tonnage of trains carrying hazardous materials to train makeup principles developed under the track-train dynamic program. (R-78-46)

Promulgate regulations to require railroads to provide pertinent hazardous materials emergency information on waybills and to make this information available to public emergency personnel. (R-78-47)

The Safety Board has requested priority action on each of the above "Class II" recommendations.

Highway Safety Recommendation Letters

About 2:19 p.m. on July 21, 1977, a dump truck loaded with 17 tons of stone was eastbound on U.S. Route 50 near Chantilly, Va., when it violated a red traffic signal at an intersection and struck a northbound automobile on Virginia Route 28. The automobile's four occupants were killed.

U.S. Route 50 is a heavily traveled, 4-lane, divided highway, and is a major truck route. The speed limit in both directions is reduced from 55 mph to 45 mph through the intersection with Virginia Route 28, which is a 2-lane, undivided highway with a speed limit of 55 mph through this area. The intersection is signalized with overhead, 12-inch signals mounted on spanwire. Single-point vehicle detection is provided on each through approach and in the left-turn slots on U.S. Route 50. The actuated controller is capable of varying the cycle length and green and red intervals within the cycle in response to traffic demand. Clearance is provided on U.S. Route 50 by a 6-second yellow interval.

As the driver approached the intersection, the traffic signal changed from red to green to yellow in a short time period, probably near the 15½ seconds minimum possible. The driver stated that the signal had changed rapidly and that he thought it was malfunctioning. The 18-year-old truck-driver had been issued a chauffer's license "Class A" endorsement 5 weeks before the accident. With this license and endorsement he is allowed to drive for an employer in intrastate commerce and to drive a vehicle with three or more axles with an actual weight of more than 40,000 pounds. The loaded dump truck was in this category. Virginia law allows persons to drive such vehicles if they are 16 years old or older, possess an operator's license, and obtain a Class A endorsement.

Issues addressed by the Safety Board during its investigation were: (1) Was the minimum green interval for U.S. Route 50 set at the proper interval for safe operations; (2) if the clearance interval provided positive clearance; (3) whether the driver had adequate experience in the type of vehicle he was driving; (4) Virignia's driver licensing law compared with Highway Safety Program Standard No. 5, Driver Licensing, as recommended by the National Highway Traffic Safety Administration; and (5) the Virginia age requirement for commercial driving license compared with that required by Federal Motor Carrier Safety Regulations for interstate drivers.

As a result of its investigation of this accident, the Safety Board on August 1 issued safety recommendation letters to:

National Highway Traffic Safety Administration—Actively encourage and aid the States to adopt a driver licensing system which conforms with the Model Classified Driver Licensing System developed by the American Association of Motor Vehicle Administrators. (H-78-53)

Conduct research to establish the relationship between accident exposure rates, types of trucks, and the ages of truck-drivers. (H-78-54)

Federal Highway Administration—Sponsor regional seminars to inform and train personnel responsible for traffic signal design and operation regarding the research results promulgated in reports FHWA RD-7731 and DOT FH-11-8783. (H-78-55)

Secretary of Transportation, Commonwealth of Virginia—Virginia Division of Motor Vehicles—Seek a change in the driver license legislation to require an applicant for a Class A endorsement to take a road test in the type of vehicle he will drive, by deleting the provision that allows the applicant to obtain the endorsement by stating in his application that he has driven at least 500 miles in the vehicle of the classification which he intends to operate and for which he seeks to be licensed. (H-78-56)

Virginia Department of Highways and Transportation—Analyze the green interval settings for the signals at this intersection to assure that the allotted times adequately consider the high speed of the approaches, the heavy truck traffic, and the roadway geometrics. Make any changes necessary and report its findings to the National Transportation Safety Board. (H-78-57)

Provide second or all-way red clearance intervals after the expiration of the yellow clearance intervals for through traffic on U.S. Route 50 and Virginia State Route 28 to provide more positive intersection clearance. The lengths of the yellow and all-red intervals should be set in accordance with the latest research data available within the guidelines promulgated in the Manual on Uniform Traffic Control Devices. Make any changes necessary and report its actions to the National Transportation Safety Board. (H-78-58)

Investigate the feasibility of using multipoint detection at this location and, if found desirable, install the necessary equipment (H-78-59)

Analyze the safety and operating characteristics of other signalized intersections under its jurisdiction to determine if the above recommendations have statewide applicability and to make changes as necessary to insure safer operation. (H-78-60)

Each of the above recommendations is designated "Class II, Priority Action."

Pipeline Safety Recommendation Letters

The Safety Board has completed its investigation of the natural gas explosion, followed by fire, which destroyed a house in Cherokee, Ala., July 30, 1977. One person in the house suffered third-degree burns, was hospitalized, and died 4 days later.

Investigation of the accident revealed that natural gas, leaking from a broken 2¼-inch cast-iron gas main, migrated into the house through a recently backfilled sewer trench and was ignited by a cigarette lighter. The sewer laterals were perpendicular to and below the gas main. Earth settlement of the sewer backfill, aided by recent heavy rainfall, caused the failure of the cast-iron main, which was owned by the Cherokee Water & Gas Board (Cherokee).

A recorded increased rate of gas flow and concurrent pressure drop shown on a 7-day chart at the Alabama-Tennessee Natural Gas Co.'s Cherokee City Gate Station indicated that the main broke at 9 p.m. on July 29, 1977. Metering pressure was 4 psig below normal. In the 12 hours between the break and the explosion, approximate-

ly 200 Mcf (thousand cubic feet) of gas escaped through a ¼-inch fracture.

The city of Cherokee has a small single-gate station pressure regulating distribution system serving 211 residential and commercial customers. The average summer load is only 12 Mcf/day, and the leak under discussion occurred during a minimal load period. The Board notes that Federal regulations (49 CFR 192.741) require all but single-gate pressure-regulating distribution systems to telemeter or record gas pressure in the system. On systems that are supplied by a single-gate pressure-regulating station, Federal regulations are ambiguous and leave it up to the operator as to whether telemetering or pressure gages are necessary in the system. However, in either case, the standards do not require that a pipeline operator continuously monitor the gas pressure to insure early detection of any problems.

As a result of its investigation of this accident, the Safety Board on July 31 issued the following recommendations to—

Gas Piping Standards Committee of the American Society of Mechanical Engineers—Develop guidelines for the installation and operation of pipeline monitoring alarms on applicable single-feed systems, such as Cherokee, which will promptly alert operators to emergency conditions such as linebreaks which are evidenced by abnormally high gas flow rates or pressure reductions. (P-78-43)

Materials Transportation Bureau, U.S. Department of Transportation—Amend 49 CFR 192.741 to require that pipeline monitoring equipment be installed on single-gate pressure regulating distribution systems and the information be transmitted to a continuously manned location. (P-78-44)

Both recommendations are designated "Class III, Longer Term Action."

Responses to Safety Recommendations

Aviation

A-75-1.—The Federal Aviation Administration on July 14 responded to A-75-1 which recommended amending the airport certification regulation (14 CFR Part 139) to insure that mass casualties resulting from an aircraft accident can be adequately handled and satisfactorily treated.

FAA reports that an amendment to Part 139, expanding medical service requirements, was published in the Federal Register March 17, 1977. The amendment specified that airport operators would have until October 18, 1977, to comply with this requirement. FAA states that its regions have written that airport operators are in compliance with the amendment. No further action on this recommendation is planned at this time.

A-77- 30 and 31.—FAA's letter of July 11 is in response to the Safety Board's May 22 request for reconsideration of FAA's position as stated in its initial response of August 4, 1972. The recommendations pertain to Enstrom helicopter accidents and incidents caused by material failure.

According to FAA, more than 500 Enstrom helicopters are in service. Records of 20 sprag clutch failures over a 5-year period show that 9 of these failures occurred on one helicopter used by one operator; the remaining 11 failures were experienced by seven operators. FAA has reviewed the design of the clutch and the manufacturing quality control procedures and considers them satisfactory.

FAA believes that there may be inadequate or improper maintenance performed and/or improper operation involved with the failures. FAA is reviewing the Enstrom Maintenance Manual for adequacy with respect to the inspection, overhaul, and replacement of the clutch, and the Enstrom Flight Manual for adequacy of operating techniques. Also, FAA is reviewing the design and manufacturing quality control of the drive belts. FAA expects to complete its reviews and initiate any required corrective action within 90 days.

FAA notes that its August 4, 1977, response to A-77-31 advised that certification data had been reviewed and was considered satisfactory, and that the tail rotor spindle life limits had been added to the critical parts list as recommended. FAA plans no further action at this time.

A-77- 54 and 55.—These recommendations were issued to FAA after it was determined that three Bell Model 206B helicopter accidents within 14 months had been caused by the failure of the main rotor hub tension/torsion strap assembly, P/N 206-010-105-3, which resulted in immediate separations of the main rotor hub and blade installation from the rotorcraft.

In response, FAA on July 14 reported that Airworthiness Directive 78-11-02, issued last May 16 and effective July 3, reduces the service life of the main rotor blade tension/torsion straps, P/N 206-010-105-3, P/N 206-010-105-5, or 201-011-127-1 and the associated inboard strap fittings to 600 hours total time in service. the AD also requires removal of the straps from service by January 1, 1979, regardless of time in service. FAA believes that the reduction of the service life of these straps and mandatory replacement with the "MOCA"-covered tension/torsion straps, P/N 206-011-147 -1 and -5, and P/N 206-011-147 -3 and -7, which have a 1,200-hour service life and no calendar life restrictions, will solve the problem.

Railroad

R-72-11.—On January 23, 1978, the Safety Board inquired of the Federal Railroad Administration as to the current status of an FRA study of the feasibility of requiring an automatic dropout of all breakers feeding a section of track if for any reason any circuit breaker drops out and cannot be restored to service within a predetermined time period. This study had been cited by FRA in response to recommendation R-72-11, issued following investigation of the electrocution of a juvenile trespasser on the Penn Central Co.'s tracks at Washington, D.C., May 14, 1971. In this accident, a police officer was injured as he attempted to rescue the juvenile trespasser.

In its July 11 reply to the Board's January 23 inquiry, FRA reports that the study, "Electrified Railroad Safety," has been completed in preliminary format and is being reviewed by FRA's Office of Rail Safety Research. Based on the preliminary report, FRA does not anticipate promulgating regulations to cover the operation of catenary and third-rail electric power supply systems when power is interrupted unintentionally or when circuit breakers are actuated by an unknown cause, as recommended in R-72-11.

FRA refers to its reply of August 23, 1972, which indicates that railroads may experience as many as 30 or 40 unexplained power interruptions a day. "Requiring power to remain off until each source of interruption is identified would cripple rail operation where dependent on electrified systems," FRA states. FRA also notes that any rescue technique utilized by a prudent, careful individual would first involve determining that all electrical equipment is deenergized before attempting any rescue operations.

R-74- 26 and 27.—FRA's letter of July 5, replies to the Safety Board's November 8, 1977, request for information concerning FRA studies mentioned in the December 11, 1974, response to recommendations R-74- 26 and 27. The recommendations, issued following investigation of the collision of a Missouri Pacific train with a standing locomotive at Petulla, Tex., December 1, 1973, asked FRA to promulgate regulations to provide for safe train operation in nonsignalized territory based, in addition to speed, on risks involving misalined switches, collisions, broken rails, and other route obstructions (R-74-26), and that FRA require positive indications of both normal and reversed switch positions on main tracks not equipped with automatic block signals (R-74-27).

With particular reference to R-74-27, FRA notes that its studies have been the subject of several letters to

the Safety Board since the December 11, 1974, response—notably, letters dated May 13, 1975, and December 24, 1975. Further, FRA notes that at the October 27, 1977, NTSB/FRA quarterly meeting on railroad safety recommendations, FRA was requested to review its responses to R-74-27. This FRA has done and its July 5 letter provides its revised response:

FRA believes the redundancy which would occur if FRA required installation of a signaling device with positive indications of both the normal and reverse switch positions is not essential to the basic safety of train operation. Furthermore, this redundancy requirement cannot be justified on the basis of cost-benefit analysis.

The primary failure mode in this type of accident can be attributed either to noncompliance with established carrier operating rules or to acts of vandalism, neither of which can be completely negated by additional costly signaling devices. Undoubtedly you are aware of similar collisions occurring in ABS territory in which equipment identical to that proposed in this recommendation is used. In many instances vandals had reversed switches in advance of closely approaching trains, or in some cases, had tampered with the contracts in the switch circuit controller to clear the signal in advance of a reversed switch.

FRA does not believe the situations described by NTSB warrant the promulgation of a national requirement for the installation of the recommended signaling devices at every main line switch.

R-75- 4 and 5.—Letter of July 14 from FRA replies to the Board's February 8, 1978, request as to the status of Amtrak's passenger car program. These recommendations, directed to Amtrak, concerned crashworthiness improvements in railroad passenger cars. FRA reports that it has been advised by Amtrak that the problem of crashworthiness in all new specifications for equipment as well as the refurbishment of older equipment has been addressed. Crashworthiness features of Amtrak's new equipment (Amfleet, Superliners, and Turboliners) include:

1. Increased strength of collision posts to meet 49 CFR 230.457(4) (300,000 lbs. at an angle of 15°).
2. Comprehessive strength of cars has been designed and tested to be greater than 800,000 lbs.
3. Truck-to-body attachment has been designed to have strength of not less than 250,000 lb.
4. The trucks are designed for increased life without failures—truck fatigue tests are specified for minimum of one million cycles.

In additional to these major items, Amtrak reports adding the following items to its specifications to increase crashworthiness:

1. Carpeted floors, panels, ceilings, and end bulkheads.
2. Padding on underside of baggage racks.
3. Flush-mounted heater guards.
4. Elimination of sharp corners, both in the car body and fixtures.
5. Window size has been reduced to 1,100 square inches.
6. Added high-strength requirements for attachment of seats and other interior equipment.
7. Elimination of protruding seat checkholders and reading light switches.
8. Emergency lights which illuminate when trainline electric power is interrupted.
9. Emergency exit windows.
10. Emergency exit handles on all mechanically closed side doors.
11. Replacement of window shades by drapes.

FRA reports that its personnel have verified that these features have been incorporated where feasible into new and older cars during overhaul programs in order to improve the safety features of the conventional car fleet.

R-77-18 and R-77-24.—FRA's letter of July 11 replies to the Safety Board's inquiry of June 16 questioning FRA's position on the December 16, 1977, ruling of the U.S. Court of Appeals that rapid transit systems are not railroads and, therefore, not under FRA jurisdiction. The Board's inquiry also referenced two rapid transit related recommendations previously issued to FRA: R-77-18 asking for provision of safe passageways between rapid transit cars and R-77-24 calling for establishment of rapid transit operating standards.

FRA's July 11 letter states that in accordance with recent Departmental policy, FRA will not appeal the Court's decision. Instead, the Urban Mass Transportation Administration (UMTA) has been charged with total responsibility for all rapid transit related activities, including the safety function, and future inquiries on such matters should be addressed to UMTA.

Also, FRA refers to its letter of last February 21 which advised the Safety Board of action taken at FRA's request by nine major rapid transit companies to provide safe passageways between cars and which expressed FRA's belief that regulatory action on this subject was unwarranted. FRA now states; "Recommendation R-77-18 should not be classified inactive status, as FRA has taken complete and final action."

On May 17, 1978, after the Departmental decision concerning UMTA's expanded role in rapid transit safety, FRA states that it transmitted to UMTA all operating rules and training submissions received by the Office of Safety from various rapid transit systems. These had been submitted at FRA's request to enable FRA to determine the need for operating and procedure standards for rapid transit systems, as recommended in R-77-24. FRA says that UMTA's Office of Safety and Product Qualification now is reviewing the collected data.

The Safety Board on July 26 acknowledged FRA's July 11 letter. Referring to R-77-18, the Board states that although the issue of safe passageways between cars did not result in regulatory action, FRA's coordinated efforts with the American Public Transit Association created an awareness and response in the rapid transit industry that may prove very helpful. Concerning R-77-24, the Board states that its various rapid transit accident investigations clearly point out that the industry is in need of established standards for track, signals, and equipment, as well as operating procedures. The evaluation of industry operating rules and training and testing of employees was a logical approach by FRA, and the Board will pursue the subject further with UMTA.

R-77-29.—On July 14, FRA provided comments on this recommendation, issued after investigation of the derailment of a Burlington Northern train in Belt, Mont., November 26, 1976. The recommendation asked FRA to revise 49 CFR 213.237, Inspection of Rail, to insure the discovery of internal defects in all track, Classes 3 to 6, inclusive, before those defects develop into failures.

In response, FRA states that, as a result of the recent FRA review of the Track Safety Standards, numerous amendments were recommended, but the proposed amendments will not necessarily insure the discovery of all internal defects, Classes 3 to 6, inclusive, before they develop into failures. FRA reports that it is undertaking a number of projects which will specifically address internal rail defects. Some preliminary results are expected within the next 12 months on these projects:

Rail Flaw Occurrence Study.
Engineering Analysis of Stresses in Rails.
Operation of Test Track and Rail Inspection Equipment.
Rail Material Failure Properties and Behavior Characteristics.
Ultrasonic Synthetic Aperture Real-Time Imaging System.
Rail Inspection Systems Analysis and Technology Survey.
Ultrasonic Wheel Probe Development.
Supplement of Rail Materials Failure Properties and Behavorial Analysis.
Rail Flaw Occurrence Study.
Rail Reliability Analysis.
Investigation of Residual Stresses in Rails.

FRA notes that further consideration will be given to the Track Safety Standards, § 213.237 included, at the public hearing to be held by FRA in October 1978. This 2-day public hearing will be used to receive comments from all concerned parties. Based on these comments, the continuing review by FRA, and research results, further amendments may be proposed.

R-77- 32 through 35.—FRA's letter of July 5 is in response to recommen-

dations issued following investigation of the derailment of an Amtrak train on the Burlington Northern near Ralston, Nebr., December 16, 1976. The recommendations asked FRA to: Develop methods and criteria for track inspectors to determine when timber crossties are impaired by inservice dynamic forces so that they do not adequately hold track spikes (R-77-32); amend track geometry standard 213.53 Gage, to establish a maximum rate-of-change in track gage (R-77-33); amend track structure standard 49 CFR 213.109(b-2) Crossties, to obtain a standard, effective inservice evaluation of the subjective assessment of "A timber crosstie is considered to be defective when it is * * * impaired to the extent it will not hold spikes" (R-77-34); and determine if timber cross- tie track spiking requirements as contained in track structure standard 49 CFR 213.127 are adequate for the tonnage and speed of present locomotives and trains (R-77-35).

FRA reports that it has entered into a cooperative venture with the U.S. Department of Agriculture Forest Products Lab at Madison, Wis., to do some preliminary testing of crossties. The tests will involve both old and new ties and are designed to determine the ability of crossties to withstand lateral loads. FRA plans to expand this investigative effort to include the effectiveness of various spiking patterns to resisting tie plate translation and rail rollover. Changes in the standards will be recommended if results indicate.

FRA also states that while it is not now aware of any technical basis for amending track standards 213.53 Gage, or 213.109(b-2) Crossties, these, along with all other track safety standards, comprise a major review topic of FRA's railroad safety inquiry—a 2-day public hearing tentatively scheduled for October 18 and 19, 1978, the purpose of which is to obtain information from the public to evaluate and improve the safety regulatory program. FRA intends to amend inadequate regulations and discard obsolete ones at this time.

The Safety Board, in acknowledging FRA's July 5 response, indicates that it will continue to hold recommendations R-77- 32 through 35 in an open status and will appreciate receiving further responses when FRA has completed its scheduled review of track safety standards in October 1978. The Board's acknowlegment is dated July 26.

R-78- 11 through 13.—FRA's July 5 letter concerns recommendations issued last March 9 after the Safety Board had determined that several recent derailments were probably caused by the breaking of wheels due to overheating. In each case the broken wheels contained a high carbon content designated as 70T, or UI, and were manufactured by the Southern Wheel Co. between May 7, 1958, and December 31, 1969.

FRA's response addresses recommendations R-78- 11 and 12; response to recommendation R-78-13 will be provided after FRA has completed its review. The first two recommendations asked FRA to use emergency powers to prohibit the use of cars equipped with Southern Wheel Co. high carbon wheels from carrying hazardous materials or from being placed in trains moving hazardous materials (R-78-11), and to use emergency powers to expedite the replacement of Southern Wheel Co. high carbon wheels 70T and UI (R-78-12).

In response, FRA reports that on March 27, 1978, it published Emergency Order No. 7 (43 FR 12691) Removal of High Carbon Cast Steel Wheels from Service; Interim Restictions on Their Use. On April 25, FRA published an amendment of Emergency Order No. 7 (43 FR 17472) to allow more flexibility in the timing and method of destroying "70T U-1 wheels" after they have been removed from cars. On May 17, FRA published another amendment of Emergency Order No. 7 (43 FR 21334) to exclude certain wheels that are not part of the general purpose car fleet from its provisions and to extend the monthly reports deadline. FRA's response spells out the nine provisions of the amended emergency order, which, FRA states, fulfill the intent of the recommendations.

Provision 9 of the order contains these compliance requirements: Each railroad shall report in writing to the FRA by the last day of each calendar month through January 1979, this information: (a) The total number of cars inspected during the preceding month under this emergency order; (b) the total number of cars on which "70T U-1 wheels" were found and the number of wheels removed and destroyed; and (c) the total number of cars on which "70T U-1 wheels" were found but were not removed and the number of wheels not removed.

The Safety Board on July 26 acknowledged FRA's response and expressed appreciation for the prompt action in issuing Emergency Order No. 7 so as to eliminate the use of the high carbon wheels. The Board particularly approved of the provision which requires the destruction of the wheels to prevent their inadvertent use.

R-78- 17 and 18.—Another letter of July 5 from FRA addresses recommendations which were issued following investigation of the January 26, 1978, collision of two Illinois Central Gulf Railroad (ICG) commuter trains in Chicago, Ill. The recommendations asked FRA to review the design of the ICG Highliner car brake system and brake systems used industrywide to determine whether particular operations, such as prolonged use of a "snow brake," will result in degradation of braking capability, and to institute any necessary corrective actions (R-78-17); and to investigate the effects of all forms of moisture on the braking effectiveness of high-friction composition brake shoes when compared with alternative brake shoe materials (R-78-18).

FRA reports that it has reviewed the ICG Highliner car brake system design and attaches to its response a copy of the review which summarizes the corrective actions undertaken by ICG, the New York Air Brake Co., and FRA which, FRA believes, will correct the deficiencies in the braking system and its operation on ICG Highliner cars.

FRA states that in fiscal 1978, its Office of Research and Development plans to review the snow brake system designs in use throughout the industry, as recommended in R-78-17, and to investigate the high-friction composition brake shoe effectiveness when subjected to various forms of moisture, as recommended in R-78-18. This program, to be initiated in fiscal 1979, will establish these factors concerning each carrier's passenger equipment: (1) Snow brake capability, (2) application time of the snow brake, (3) proper brake shoe force with prolonged snow brake use, and (4) brake shoe life with the snow brake applied.

FRA states that if corrective action is indicated, it will be taken at the completion of the program.

R-78- 37 through 40.—Letter of June 30 from Amtrak concerns recommendations issued in connection with the June 9, 1978, collision of Amtrak's "Montrealer" and a ConRail commuter train at Seabrook, Md. The four "Class I Urgent Action" recommendations, issued June 23, asked Amtrak to correct defective cab signal systems on commuter cars and other locomotives using similar systems so that the systems will function as intended (R-78-37); to issue instructions for safe operation of these trains (R-78-38); to equip all trains operating on the northeast corridor with an automatic train control system (R-78-39); and, until an automatic train control system can be implemented on all trains, require that all "stop and proceed" signals on the northeast corridor be regarded as "stop and stay" signals by all trains equipped with locomotives and by self-propelled cars not equipped with automatic train control systems (R-78-40).

Amtrak's response indicates that these recommendations have been thoroughly reviewed by its operating people, and bulletin orders have been

put into effect on the northeast corridor implementing recommendations R-78-38 and R-78-40. Further, Amtrak is working closely with Safety Board staff investigators and the manufacturer of the cab signal system to develop all of the factors involved in this accident. A meeting with all owners and operators of equipment similar to that involved in this accident and operated in the northeast corridor was set for July 12.

Further, Amtrak reports that on June 28 a directive was received from FRA's Deputy Associate Administrator of Safety, the directive requiring posting of a notice in the operating cab of all GRS-equipped locomotives and self-propelled cars. Amtrak said that this will be accomplished by July 1, 1978.

On August 3, the Safety Board acknowledged receipt of Amtrak's response and asked to be provided with a copy of Amtrak bulletin orders applicable to recommendations R-78-38 and R-78-40. Concerning R-78-37 and R-78-39, the Board wishes to be advised of the results of the Signal System Study and what design changes may be contemplated.

NOTE.—The above notice reports on Safety Board documents recently released and recommendation response letters received. Single copies of the accident reports and the Board's recommendation letters in their entirety are available to the general public without charge. Copies of the full text of the responses to recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction.

All requests to the Board for copies must be in writing, identified by report or recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Dated: August 7, 1978.

MARGARET L. FISHER,
Federal Register, Liaison Officer.

[FR Doc. 78-22346 Filed 8-9-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-5225]

CAPITAL OPPORTUNITIES FOR MINORITY ENTERPRISES, INC.

Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by Capital Opportunities for Minority Enterprises, Inc. (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1977).

The officers and directors are as follows:

Vernal Claiborne, 2651 South Western Avenue, Los Angeles, CA, President and Director;

Ralph A. Callendar, 6644 Wooster Avenue, Los Angeles, CA 90056, Secretary/Treasurer and Director;

Harold Jackson, 5821 Halm Street, Los Angeles, CA 90056, Director.

The applicant will maintain its principal place of business at 3701 Stocker Street, Los Angeles, Calif. 90008. It will begin operations with $2,450,000 of capital derived from the sale of 2,450 shares of stock at $1,000 per share to Dr. Ralph A. Callendar with funds obtained by a grant from the World Society for the Performing Arts Foundation located at 2029 Century Park East, Los Angeles, Calif. 90067.

The applicant will conduct its operations on a national basis from its headquarters in Los Angeles, Calif.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, not later than August 25, 1978, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, Calif.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 3, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-22272 Filed 8-9-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area 1498, Amdt. 1]

MINNESOTA

Declaration of Disaster Loan Area

The above-numbered Declaration (See 43 FR 33984) is amended in accordance with the President's declaration of July 8, 1978, to include Clearwater County in the State of Minnesota. The Small Business Administration will accept application for disaster relief loans from disaster victims in the above-named county, and adjacent counties within the State of Minnesota and extends the filing date until September 14, 1978, for physical damage and April 16, 1979, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 26, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-22273 Filed 8-9-78; 8:45 am]

[8025-01]

REGIONAL IV ADVISORY COUNCIL EXECUTIVE BOARD MEETING

Public Meeting

The Small Business Administration Region IV Advisory Council Executive Board will hold a public meeting at 9 a.m. to 12 Noon on Wednesday, September 6, 1978, in the Regional Office Conference Room, Room 502, 1375 Peachtree Street, NE., Atlanta, Ga., to discuss such business as may be presented by members and the staff of the Small Business Administration or others attending.

For further information, write or call Wiley S. Messick, Regional Director, U.S. Small Business Administration, 1375 Peachtree Street NE., Atlanta, Ga. 30309, 404-257-4999.

Dated: August 4, 1978.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-22271 Filed 8-9-78; 8:45 am]

[4710-07]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/85]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on the carriage of dangerous goods of the Shipping Coordinating Committee's (SHC) Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 9:30 a.m. on Wednesday, Aug. 30, 1978, in Room 8334 of the Nassif Building, 400 7th Street SW., Washington, D.C.

The purpose of the meeting is to:

Discuss United States positions on matters to be considered at the 29th Session of the Sub-Committee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO);

Discuss the progress of IMCO activities of a continuing nature, such as implementation of the International maritime Dangerous Goods (IMDG) Code.

Requests for further information on the meeting should be directed to Capt. William N. Spence, U.S. Coast Guard (G-MHM/83), Washington, D.C., telephone 202-426-2296.

The chairman will entertain comments from the public as time permits.

Dated: August 1, 1978.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

[FR Doc. 78-22294 Filed 8-9-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-106]

QUALIFICATION OF SCHLUMBERGER TECHNOLOGY CORP. AS A CITIZEN OF THE UNITED STATES

Notice is given that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Schlumberger Technology Corp. of 5000 Gulf Freeway, Houston, Tex., incorporated under the laws of the State of Texas, did on May 22, 1978, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on June 23, 1978, issued to Schlumberger Technology Corp. a certificate of compliance on Form CG-1262, as provided for in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire 3 years from June 23, 1978, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: August 4, 1978.

H. H. BELL,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 78-22323 Filed 8-9-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. LVM 77-01; Notice 4]

AVANTI MOTOR CORP.

Petition for Exemption from Average Fuel Economy Standards

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

ACTION: Notice of receipt of a petition for exemption from average fuel economy standards.

SUMMARY: This notice announces the receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition submitted by Avanti Motor Corporation (Avanti). The petition requests that the NHTSA exempt model years 1979 and 1980 passenger automobiles manufactured by Avanti from the generally applicable passenger automobile average fuel economy standards for those model years and establish lower, alternative standards, for those vehicles. In accordance with agency procedures, this notice summarizes the petition, describes the options available to the NHTSA in responding to the petition, and invites written public comment thereon.

COMMENT CLOSING DATE: September 5, 1978.

ADDRESS: Comments on the Avanti petition should refer to Docket No. LVM 77-01 and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 7th Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas Pritchard, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-755-9383.

SUPPLEMENTARY INFORMATION: Part A of Title III of the Energy Policy and Conservation Act (Pub. L. 94-163) amended the Motor Vehicle Information and Cost Savings Act (hereinafter referred to as "the Act") by adding a new Title V. That title provides for the implementation of a program for improving the fuel economy of new automobiles sold in the United States.

Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles at 18.0 miles per gallon (m.p.g.) for 1978, 19.0 m.p.g. for 1979, and 20.0 m.p.g. for 1980. They then steadily rise to a level of 27.5 m.p.g. for 1985 and thereafter. Under 49 CFR Part 523, Vehicle Classification, published at 42 FR 38362, July 28, 1977, passenger automobiles include station wagons, sedans, coupes, and sport cars.

Section 502(a) of the Act provides that a low-volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards if those standards are more stringent than the maximum feasible average fuel economy achievable by the low volume manufacturer, and if the NHTSA establishes alternative standards for the low-volume manufacturer at the manufacturer's maximum feasible level. A low-volume manufacturer under the Act is one which manufactures (within or without the United States) fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (hereinafter "the affected model year"), and which manufactured fewer than 10,000 passenger automobiles in the

second model year preceding the affected model year. In its determination of the maximum feasible average fuel economy, the NHTSA is required by the Act to consider—

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

Part 525 of Title 49, Code of Federal Regulations establishes the format and content requirements for petitions requesting exemption from the generally applicable passenger automobile average fuel economy standards and describes the procedures that the NHTSA follows in acting on these petitions (42 FR 39374, July 28, 1977). Section 525.8 of that rule states that the NHTSA will publish a notice announcing receipt of a petition. This notice is published in response to that section.

Publication of this notice of receipt of a petition does not represent any agency decision or other exercise of judgment concerning the merits of Avanti's petition.

This agency has already published a notice announcing receipt of a complete petition from Avanti for the 1978 model year at 42 FR 64168; December 22, 1977. In that notice, NHTSA indicated that the information in the petition was still incomplete with respect to the 1979 and 1980 model years, and that a notice of receipt would be published when complete information was submitted. Avanti subsequently submitted the necessary information.

Avanti's Petition

Avanti has projected that it will produce only one vehicle configuration during each of the affected model years (i.e., 1979 and 1980). A vehicle configuration is a classification of automobiles that includes all automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine, emission control system, transmission type (e.g., manual, automatic, or semi-automatic), and axle ratio. This description of a vehicle configuration is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR 600.002-77(a)(24). The average retail price of an Avanti is about $16,000 in the 1978 model year. The engines and transmission for these automobiles are purchased from General Motors. Avanti itself produces the rest of the automobile.

Avanti anticipates producing 190 automobiles in the 1979 model year and 200 automobiles in the 1980 model year. Its maximum production capacity in each of those years will be 250 automobiles. The combined city/highway fuel economy of the Avanti configuration in the 1978 model year is 16.1 miles per gallon (mpg). This level has been determined by NHTSA to be avanti's maximum feasible average fuel economy for the 1978 model year (43 FR 28204, June 29, 1978). Avanti projects that its 1979 model year average fuel economy will be identical to the level confirmed as its 1978 average fuel economy by the Environmental Protection Agency, 16.1 mpg. For the 1980 model year, Avanti projects an increase of 1.0 mpg to raise its average fuel economy to 17.1 mpg.

Avanti argues that its projected fuel economy level in each of the 1979 and 1980 model years is its maximum feasible average fuel economy for that year. With respect to the 1979 model year, Avanti indicates that it attempted to order a smaller engine and a lower axle ratio from General Motors, but that these components have not been received in time for incorporation in Avanti's 1979 automobiles. However, these components will be used on Avanti's 1980 automobiles, which will permit a fuel economy gain. Specifically, Avanti will reduce its engine size from 350 cubic inches to 305 cubic inches, and reduce its axle ratio from 3.07 to 2.72.

The petition also states that a change in the Environmental Protection Agency's test procedures for fuel economy measurement will improve Avanti's average fuel economy, because of the aerodynamic design of its vehicle.

Avanti states that it is trying to effect weight reductions on its vehicles for the affected model years, but its use of a fiberglass body already makes it a very light vehicle. The petition states that Avanti will buy lighter components from its suppliers, as lighter components become available from those suppliers. The company is also considering the use of 6-cylinder, 231-cubin-inch engines in its automobiles, but states that this step is dependent upon its competitors equipping their vehicles with comparable engines. Avanti states that its competitors are the Cadillac, Mercedes-Benz, Jaquar, Lincoln Continental, and Chrysler New Yorker.

NHTSA Options

The NHTSA will carefully evaluate the Avanti petition and all comments received theron. Following this evaluation, the NHTSA could find that Avanti plans to use all reasonably available means and strategies for improving its average fuel economy and that its projected average fuel economy for each affected model year is its maximum feasible average fuel economy for that model year. Alternatively, the NHTSA could find that Avanti has some additional means and strategies available to it to improve its average fuel economy above the projected level for one or both of the affected model years, and make a determination of the maximum feasible average fuel economy that could be achieved for each affected model year if those means and strategies were implemented.

If Avanti's maximum feasible average fuel economy for any affected model year is determined by this agency to be equal to or greater than the generally applicable standard, the petition will be denied for that model year. If Avanti's maximum feasible average fuel economy for any affected model year is determined to be lesas than the generally applicable standard, the petition may be granted for that model year.

If Avanti's petition is granted for any affected model year, the NHTSA will establish an alternative average fuel economy standard applicable to Avanti during that model year. The Act permits the NHTSA to establish that standard in one of three ways: (1) A standard may be established specificaly for Avanti (2) classes, based on design, size, or other factors, may be established for the automobiles or exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

Copies of the Avanti petition, as well as supporting materials, other information, and any comments received, are available for public inspection in the docket section between 8 a.m. and 4 p.m., Monday through Friday.

Comments on the Avanti petition are invited from the public. These comments must be in writing, refer to Docket No. LVM 77-01, be submitted to the address for comments, and must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion. It is requested, but not required, that five copies of the comments be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments received after the closing date will be considered to the extent practicable. Comments received too late for consideration in developing a proposed decision on this petition will be considered in reaching a final decision.

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

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-22011 Filed 8-9-78; 8:45 am]

[4910-59]

[Docket No. IP77-11; Notice 2]

RENAULT USA, INC.

Denial of Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice denies the petition by Renault USA, Inc., of Englewood Cliffs, N.J., to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.124, Motor Vehicle Safety Standard No. 124, Accelerator Control Systems. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on October 14, 1977, and an opportunity afforded for comment (42 FR 55321).

Standard No. 124 requires that whenever a component of the accelerator control system is disconnected at a single point, the throttle shall return to the idle position within 1 second on any vehicle whose gross vehicle weight rating is 10,000 pounds or less. Renault has determined that an unknown number of its passenger cars may fail to meet this requirement with the primary return spring removed. The vehicles in question are part of a total population of approximately 13,000 Renault 5, 12, 15, and 17 models manufactured from January 1975 to May 1977. Deterioration in throttle return performance appears caused by gumming that occurred as a consequence of ocean shipment, which resulted in the failure "by a small margin to return fully to the idle position or return within the required 1 second interval."

Renault argued that the noncompliance is inconsequential for several reasons. Its primary argument is that the design of the throttle plate opener system is such that—

> With the engine running, the carburetor spiral spring is itself sufficient to bring the throttle control linkage back to the position imposed by the throttle plate opener. As a result, at speeds above 21 mph and even at speeds above 17 mph returning from a higher speed, there is no difference between the situation in which the carburetor spiral spring only is operative.

Renault also stated that there have been no customer complaints or warranty problems associated with the condition. NHTSA's investigatory file number of this case is CIR 1619.

No comments were received on the petition.

The NHTSA has given careful consideration to Renault's views. The nonconformace in question manifests itself when the vehicle has slowed to 17 mph; at a higher speed "the driver would not notice any difference in engine performance" and at a lower speed, "he would have no difficulty overcoming the higher idle speed with brake application or clutch disengagement." Failure of the primary throttle return spring is evidenced to the driver by "a 'soft' feeling throttle pedal, there being less throttle return spring force opposing the driver's foot."

This means that the nonconformance is not merely theoretical but can occur at a discrete speed under normal operating conditions. The agency believes that it is essential that critical vehicle systems operate as they are designed to, and that the accelerator system perform as expected, especially when the driver removes the actuating force. The ability of the driver to control a vehicle is directly related to the proper functioning of the accelerator control system in panic conditions. Any delay or confusion under these conditions could increase the potential for death and injury.

Therefore, the NHTSA has determined that Renault, Inc., has not met its burden of persuasion that the noncompliance with Standard No. 124 is inconsequential as it relates to motor vehicle safety, and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 2, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-22010 Filed 8-9-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ADVISORY COMMITTEE ON THE INTERNATIONAL MONETARY SYSTEM

Continuation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. app. I, supp. II) the Department of the Treasury announces the continuation of the following advisory committee:

Title: The Advisory Committee on the International Monetary System, formerly known as the Advisory Committee on Reform of the International Monetary System.

Purpose: The committee, composed of representatives for industry, banking, labor and the academic community, as well as former Government officials, discusses major issues concerning the effective functioning of the international monetary system now and in the future, and potential areas for improvement, advising the Secretary of the Treasury on these questions in the International Monetary Fund and in other forums.

Statement of public interest: Formal negotiations on reform of the international monetary system conducted within the International Monetary Fund were concluded on April 30, 1976 with the adoption of a decision by the IMF Board of Governors approving the proposed second amendment to the Articles of Agreement of the Fund. The second amendment entered into force on April 1, 1978. Implementation of the new legal structure provided in the amended articles in coming years will require careful consideration of a variety of issues related to the appropriate long-term evolution of the United States positions to be taken on decisions by the IMF Executive Board in implementing the amended articles. It is important that the Secretary of the Treasury continue to be able to receive the advice and recommendations of the advisory committee in this period. the depth and breadth of the members' experience in international monetary affairs cannot be duplicated from sources within the Treasury nor from another existing advisory committee.

Authority for this committee will expire August 21, 1980 unless the Secretary of the Treasury formally determines that continuance is in the public interest.

Dated: August 4, 1978.

ANTHONY M. SOLOMON,
Under Secretary for Monetary affairs.

[FR Doc. 78-22303 Filed 8-9-78; 8:45 am]

[4810-22]

PRIVACY ACT OF 1974

Proposed Revision to System of Records

In 42 FR 49099 (Sept. 26, 1977), the Department of the Treasury published a notice of its systems of records in compliance with the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a (e)(4)).

Notice is hereby given that the Department of the Treasury has submitted a proposed revision to three systems of records (Treasury/BEP 00.014

Employees Daily Production Record—Treasury/BEP; Treasury/BEP 00.019 Identification Files—Treasury/BEP; and Treasury/BEP 00.027 Personnel Movement Control Record—Treasury/BEP) pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, which provides supplemental guidance to Federal Agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records as required by the Privacy Act of 1974.

Any person interested in commenting on the following proposed revisions may do so by submitting comments in writing to the Assistant Secretary (Administration), Room 3424, Main Treasury Building, Washington, D.C. 20220.

These systems shall be amended as proposed without further notice on October 24, 1978, unless comments are received on or before October 10, 1978, which would result in a contrary determination which requires republication for further comments.

A modified system report was filed with the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget on August 4, 1978.

Dated: August 4, 1978.

PATRICIA M. HARVEY,
Deputy Assistant Secretary (Administration).

Treasury/BEP 00.014

System name:

Employees Production Record—Treasury/BEP.

System location:

Bureau of Engraving and Printing; 14th and C Streets SW., Washington, D.C. 20228.

Categories of individuals covered by the system:

All incumbent Bureau of Engraving and Printing employees.

Categories of records in the system:

Contains employee's name, dates, work hours, record of production, history of work assignments, training, work performance, and progress reports.

Authority for maintenance of the system:

5 U.S.C. 301, 4103, 4304.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Bureau management personnel for evaluation of employee's level of productivity, promotion evaluation, and reference material for future assignments. For additional routine uses, see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and production books.

Retrievability:

Indexed by name, cross-referenced by project number.

Safeguards: Maintained in locked cabinets or desks; access is limited to personnel having a need to know.

Retention and disposal:

Retained six years; destroyed by shredding.

System managers and address:

Chief, Office of Audit; Chief, Office of Administrative Services; Chief, Office of Financial Management; Chief, Office of Industrial Relations; Chief, Office of Industrial Services; Chief, Office of Currency and Stamp Printing; Chief, Office of Engraving; Chief, Office of Security; Chief, Office of Securities Processing; Chief, Office of Engineering; Chief, Office of Research and Technical Services. Address: Bureau of Engraving and Printing; 14th & C Streets SW., Washington, D.C. 20228.

Notification procedure:

Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th & C Streets SW., Washington, D.C. 20228. Attn: Privacy Law Information.

Record access procedures:

See notification above.

Contesting record procedures:

See notification above.

Record source categories:

Information furnished by employee, developed by supervisor, or by referral documents.

Treasury/BEP 00.019

System name:

Identification Files—Treasury/BEP

System location:

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, D.C. 20228.

Categories of individuals covered by the system:

Incumbent employees, separated Bureau employees, visitors to the Bureau, contractor and service company employees (incumbent and separated).

Categories of records in the system: Category:

Request for issuance of badge or pass, badge and pass photograph, employee identification badge or pass, employee identification badge and pass record card, control record for issuance of badges and passes, record of lost badges, record of funds collected for issuance of badges or passes, and receipts for funds released to appropriate authority, record of destruction of badges and passes. Types of information: The following information is retained as it applies to each individual issued a pass and/or badge in the present system: name, date of birth, place of birth, physical description, work area assignment, name of firm or Government agency, requesting data for pass/badge, signatures of persons receipting for passes and badges, badge and pass numbers, date of issue, to whom issued and area or firm, dates and method of destruction, date, place, and circumstance of loss of pass/badge.

Authority for maintenance of the system:

31 U.S.C. 427, Executive Order 11652, and implementing Treasury and Bureau regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Category of users: Bureau of Engraving and Printing management officials, Bureau of Engraving and Printing security personnel, Federal, State, and local law enforcement or investigative agencies. For additional routine uses, see appendix AA. Purpose of each use: Identification of personnel, determine status of personnel, limit access of personnel to specified Bureau security areas, and control access to the Bureau.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Ledgers, paper tapes, tabulating cards and listings, cross-referencing badge numbers, file folders, looseleaf binders, and envelopes.

Retrievability:

Numerical by pass/badge number, alphabetically by last name, appropriate index by subject.

Safeguards:

Maintained in locked cabinets in locked room; access limited to Office of Security staff.

Retention and disposal:

Retention period—Seven years after separation for employees and no longer for others; destroyed by shredding.

System manager and address:

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, D.C. 20228.

Notification procedure:

Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th and C Streets SW., Washington, D.C. 20228. Attention: Privacy Law Information.

Record access procedures:

See notification above.

Contesting record procedures:

See notification above.

Record source categories:

The individual concerned, his supervisor, or an official of the individual's firm or agency.

Treasury/BEP 00.027

System name:

Security Access Control System (SACS)—Treasury/BEP.

System location:

Bureau of Engraving and Printing; 14th and C Streets SW, Washington, D.C. 20228.

Categories of individuals covered by the system:

Bureau of Engraving and Printing employees, official visitors to the Bureau, contractor and service company employees.

Categories of records in the system:

Record contains name, office, division, branch, unit, badge number, picture, words shift code, work area code personnel category, time and location of each passage through a security control point.

Authority for maintenance of the system:

31 U.S.C. 427, Executive Order 11652, and implementing Treasury and Bureau regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by management and security employees for identification of personnel and for limiting access to and movement within controlled Bureau Security areas. Also used by management and security employees as an investigative aid to determine ingress/egress times at security control points.

For additional routine use, see appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Mini-computer, ledgers, paper tapes, tabulating cards and listings, cross-referenced badge numbers, file folders, looseleaf binders, and envelopes.

Retrievability:

Numerical by pass badge number, alphabetically by last name, appropriate index by subject.

Safeguards:

Maintained in locked cabinets in a locked room; access limited to Office of Security staff.

Retention and disposal:

Retention period—Seven years; destroyed by shredding.

System manager and address:

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Street SW., Washington, D.C. 20228.

Notification procedure:

Superintendent, Management Services Division, Bureau of Engraving and Printing; 14th and C Sts SW., Washington, D.C. 20228. Attention: Privacy Law Information.

Record access procedures:

See notification above.

Contesting record procedures:

See notification above.

Record source categories:

The individual concerned, his supervisor, or an official of the individual's firm or agency.

[FR Doc. 78-22354 Filed 8-9-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 694]

ASSIGNMENT OF HEARINGS

AUGUST 7, 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. No amendments will be entertained after the date of this publication.

No. MC 36095, Investigation into Lawfulness of Off-Line Limitations Placed on Nonassigned Hopper Cars, now being assigned continued hearing on September 20, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 106603 (Sub-172F), Direct Transit Lines, Inc., transferred to Modified Procedure.

No. MC 112304 (Sub-135F), Ace Doran Hauling & Rigging Co. now being assigned September 12, 1978 (1 day), at Columbus, OH, in a hearing room to be later designated.

No. MC 138469 (Sub-48), Donco Carriers, Inc., now assigned October 17, 1978, at Chicago, IL is canceled and application dismissed.

No. MC 143169 (Sub-1), Harry Brotton & Henry Lucero, DBA Lucero Film Service is assigned for hearing August 15, 1978, at Phoenix, AZ and will be held in Room 235, Second Floor Federal Building and Post Office, and now assigned August 18, 1978 at Phoenix, AZ, and will be held at Room 7210, Federal Building, North Los Angeles Street.

No. MC 1263 (Sub-25), McCarty Truck Line, Inc.; No. MC 2052 (Sub-10), Blair Transfer, Inc.; No. MC 113651 (Sub-205), Indiana Refrigerated Lines, Inc.; No. MC 115180 (Sub-97), Only Refrigerated Transportation, Inc.; No. MC 118142 (Sub-141), M. Bruenger & Co., Inc.; MC 119765 (Sub-43), Eight Way Xpress, Inc.; No. MC 123389 (Sub-33), Crouse Cartage Co.; No. MC 133119 (Sub-108), Heyl Truck Lines, Inc.; No. MC 135874 (Sub-66), LTL Perishables, Inc.; No. MC 139850 (Sub-8), Four Star Transportation, Inc.; No. MC 139999 (Sub-19), Redfeather Fast Freight, Inc., is assigned for hearing September 21, 1978, at Omaha, NE and will be held at Room 615, Union Pacific Plaza, 110 North 14th Street, 14th and Dodge.

No. MC 74321 (Sub-142F), B. F. Walker, Inc., is assigned for hearing September 13, 1978, at St. Paul, MN and will be held at Court Room 584, Federal Building, 316 North Robert Street.

No. MC 129387 (Sub-41), Payne Transportation, Inc., is assigned for hearing September 15, 1978, at St. Paul, MN, and will be held at Court Room 584, Federal Building, 316 North Robert Street.

No. MC 59367 (Sub-116F), Decker Truck Line, Inc., is assigned for hearing September 14, 1978, at St. Paul, MN, and will be held at Court Room 584, Federal Building, 316 North Robert Street.

No. MC 41404 (Sub-130), Argo-Collier Truck Lines, Corp., is assigned for hearing September 18, 1978, at Room 398, U.S. Federal Building, 517 East Wisconsin Avenue, and will be held in Milwaukee, WI.

MC 120257 (Sub-39), K. L. Breeden & Sons, Inc., now assigned August 17, 1978, at Washington, DC, is postponed to September 19, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 109324 (Sub-30) (M1), Garrison Motor Freight, Inc., now assigned October 16, 1978, at Jefferson City, MO (5 days) 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 and MC 107478 (Sub-30), Old Dominion Freight Line—Purchase (Portion) Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC-F-13375 and MC 68860 (Sub-27), Russell Transfer Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy through Assignment from B & P Motor Lines, Inc., MC-F-13392 and MC 106074 (Sub-47), B & P Motor Lines, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy MC-F-13399, Roy Stone Transfer Corp.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee, MC-F-13412, Sherman & 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., now assigned September 19, 1978, at Greensboro, NC, is postponed indefinitely.

No. MC 124947 (Sub-92), Machinery Transports, Inc., now being assigned for continued hearing on the 17th day of August 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 143236 (Sub-11), White Tiger Transportation, Inc., now being assigned for continued hearing on August 15, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

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

[FR Doc. 78-22389 Filed 8-9-78; 8:45 am]

[7035-01]

[No. MC-C-10155]

CLARK TRANSFER, INC., ET. AL.

Petition for Declaratory Order—Interpretation of Certificate

Petitioners' Representative: Warren A. Goff, Robert G. Shepherd, Jr., 2008 Clark Tower, 5100 Popular Avenue, Memphis, TN 38137.

AGENCY: Interstate Commerce Commission.

ACTION: Request for comments on interpretation of certificate.

SUMMARY: Petitioners hold certificates of public convenience and necessity variously authorizing the transportation of "magazines, newspapers, periodicals and/or dated publications." Petitioners request the entry of a declaratory order interpreting these commodity descriptions as also authorizing the transportation of paperback books.

DATES: Comments are due 30 days from the date of publication of this notice in the FEDERAL REGISTER.

ADDRESS: Send comments to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292

SUPPLEMENTAL INFORMATION: Petitioners are motor common carriers experienced in meeting the specialized transportation requirements of the publishing industry. They have transported paperback books for a number of years pursuant to their authority to transport magazines, newspapers, periodicals and/or dated publications. There now appears to be a question as to whether paperback books are properly included within the commodities authorized to be transported by these commodity descriptions.

Petitioners explain that prior to 1960, paperbacks comprised a relatively small portion of magazine publishers' sales. Since that time, paperbacks have become a substantial part of those sales. Petitioners argue that paperbacks are a "technological" outgrowth of the magazine industry. Thus, paperback books should be one of the commodities authorized to be transported by the certificates in question, which were originally designed to serve that particular industry. Magazine publishers, printers and distributors also publish, print and distribute paperback books. All of these commodities are regularly shipped in mixed loads and their transportation characteristics are virtually identical. These items also all have "on sale dates" which often are coordinated with extensive national advertising.

According to petitioners, it is not feasible to separate paperback books from periodicals for shipment because of a special distribution system used by the publishing industry. This "key blank system" calls for the preparation by shipper of only one shipping label for each consignee. This label shows the total number of bundles ("blanks") which the consignee is to receive. The motor carrier delivers the labeled "key bundle" along with the stated number of blanks to each consignee.

QUESTIONS TO BE CONSIDERED

The commodity interpretation sought by petitioners should be based on consideration of a number of questions, including the following:

(1) The descriptives "magazines, newspapers, and periodicals" clearly all have meanings which are specific enough to exclude paperback books. Can these commodity descriptions be considerd to be generic rather than specific, thus including most or all of the commodities shipped by the magazine industry?

(2) Should paperback books be included within the commodity description "dated publications" by virtue of publication and copyright dates contained in them or their "on sale dates", described by petitioners?

(3) If it is found that these commodity descripitons have been interpreted narrowly, would the public interest best be served by an expansion of such authorizations to include paperback books? Is there a significant group of carriers which specialize in the transportation of paperback books under specific or general commodity authority?

(4) Should motor carriers authorized to transport the questioned commodities and specializing in service for the publishing industry be allowed to transport paperback books under the "field of service" doctrine? Under this doctrine, the Commission has allowed specialized carriers to keep pace with technological changes and new product developments in their specialized industry. See e.g. *Jones, Inc., Ext.—Antipolluion Control Commodities,* 118 M.C.C. 253, 271 (1973).

Comments should address these questions but need not be limited to them.

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

[FR Doc. 78-22391 Filed 8-9-78; 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 transporation 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 21, 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 within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-15-78 (Special Certificate—Waste Products), filed July 17, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. 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 products* for recycling and reuse, between points in MT, ID, and WA, on the one hand, and, on the other, points on the international boundary line between the United States and Canada located in MT, ID, and WA, restricted to traffic originating or destined in foreign commerce, in furtherance of recognized pollution control programs sponsored by Edmonton Paper Salvage, Ltd., of Alberta, Canada, and various recycling centers throughout the United States for the purpose of transporting and recycling waste products.

By the Commission.

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

[FR Doc. 78-22387 Filed 8-9-78; 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 21, 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 within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-16-78 (Special Certificate—Waste Products), filed July 28, 1978. Applicant: McNABB-WADSWORTH TRUCKING CO., a Corporation, 305 South Wilcox Drive, Kingsport, TN 37660. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. 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 in the transportation of *waste products* for recycling or reuse, from that part of FL in and south of Citrus, Marion, and Volusia Counties and north of Charlotte, Glades and Martin Counties, to points in NC, SC, VA, TN, and KY, in furtherance of a recognized pollution control program sponsored by Robert Wallick Associates, Inc., of Ocoee, FL, for the purpose of transporting and recycling waste products.

By the Commission.

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

[FR Doc. 78-22386 Filed 8-9-78; 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 21, 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 within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-14-78 (Special Certificate—Waste Products), filed July 25, 1978. Applicant: TEXAS-POLY CARRIERS CORP., P.O. Box 38193, Houston, TX 77088. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, D.C. 20005. 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 products* for recycling or reuse, between points in the United States (except AK and HI) in furtherance of a recognized pollution control program sponsored by Philip Shuman and Sons, Inc., of Depew, NY, for the purpose of transporting and recycling waste products.

By the Commission.

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

[FR Doc. 78-22388 Filed 8-9-78; 8:45 am]

[7035-01]

[Notice No. 136]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 7, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 37070 (Sub-6TA), filed June 13, 1978. Applicant: STEVEN CVETAN AND JOSEPH CVETAN, d.b.a. CVETAN BROS., R.F.D. No. 1, Ringoes, NJ 08551. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Cranbury, NJ, to points in Suffolk County, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper:

Kaiser Agricultural Chemicals, Inc., Prospect Plains Road, Cranbury, NJ 08512. Send Protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 96881 (Sub-20 TA), filed April 26, 1978, and published in the FR issue of June 8, 1978, and republished as corrected this issue. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Electric Company at Little Rock, AR, as an off-route points in connection with carrier's regular route operations at Fort Smith, AR, and Texarkana, AR-TX, restricted against traffic moving to Texarkana, TX, and Shreveport, LA, and their commercial zones, for 180 days. Carrier intends to tack this authority to other authority held by it. Carrier intends to interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206; Central Freight Lines, Inc., and Central Express, Inc., 5601 West Waco Drive, Waco, TX 76710. Send Protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201. The purpose of this republication is to add a line to the territorial description as previously omitted.

MC 96925 (Sub-8TA), filed April 12, 1978, and published in the FEDERAL REGISTER issue of June 5, 1978, and republished as corrected this issue. Applicant: CROWN MOTOR LINES, INC., 2225 Broadway Avenue, Jacksonville, FL 32205. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Melbourne and Florida City, FL, from Melbourne to Florida City over U.S. Hwy 1, and return over the same route, serving all intermediate points; (2) Between Tampa and Miami, FL, from Tampa over State Road 60 to Lake Wales, thence over U.S. Hwys 27 and 27A to Miami, and return over the same route, serving all intermediate points; (3) Between Melbourne and Miami, FL, over Interstate Hwy 95 and the Sunshine State Parkway as an alternate route for operating convenience only; (4) Between Orlando and Miami, FL, over Interstate Hwy 4 and the Sunshine State Parkway as an alternate route for operating convenience only; and (5) All other points in FL on or south of a line beginning at the western terminus of FL Hwy 60, thence along FL Hwy 60 to its junction with Interstate Hwy 4, thence along Interstate Hwy 4 to its junction with FL Hwy 50, thence easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, and thence along FL Hwy 402 to its eastern terminus (except those points in Dade and Monroe Counties south of Florida City, FL) as off-route points in connection with the regular routes above specified, for 180 days. Applicant intends to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: There are approximately 33 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: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202. The purpose of this republication is to show applicant intends to tack or interline.

MC 107403 (Sub-1086TA), filed June 13, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* (in bulk, in tank vehicles), from Cleveland, OH, to points in AR, KY, IA, LA, KS, MO, MS, MI, MN, NE, ND, SD, and TX, for 180 days. Supporting Shipper(s): Unique Paving Materials Corp., 3993 East 93d Street, Cleveland, OH 44105. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 110656 (Sub-10TA), filed April 25, 1978, and published in the FEDERAL REGISTER June 19, 1978, and republished as corrected this issue. Applicant: PARKER MOTOR FREIGHT, INC., 125 Fulton Street, Petoskey, MI 49770. Representative: Rex Eames and Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between junction U.S. Hwy 31 and MI Hwy 37, (near Grawn, MI), and Frankfort, MI; from junction U.S. Hwy 31 and MI Hwy 37, (near Grawn, MI), over U.S. Hwy 31 to junction MI Hwy 115, then over MI Hwy 115 to Frankfort, MI, and return over the same route serving all intermediate points and off-route points within six miles of the described route and six miles of Frankfort, MI, for 180 days. Applicant intends to tack this authority with that held under MC 110656. Supporting shippers: There are approximately 14 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933. The purpose of this republication is to show applicant intends to tack authority.

MC 111302 (Sub-130TA), filed June 12, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, TN 37919. Representative: David A. Petersen, P.O. Box 10470, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sodium aluminate*, (in bulk, in tank vehicles), from the facilities of W. R. Grace Co., in S. Pittsburgh, TN, to the facilities of Reynolds Aluminum Co. in Sheffield, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Grace & Company, Davison Chemical Division, P.O. Box 379, South Pittsburg, TN 37380. Send portests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111401 (Sub-525TA), filed June 13, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, P.O. Box 632, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, NOI* (in bulk, in tank vehicles), from Pace (Pensacola), FL, to Brownsville, TX, in foreign commerce only, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

porting shipper(s): Air Products & Chemicals, Inc., P.O. Box 538, Allentown, PA 18105. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

MC 113666 (Sub-136TA), filed June 13, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler, Road, Freeport, PA 16229. Representative: D. R. Smetanick, 1200 Butler Road, Freeport, PA 16229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry acrylic resin* (in bulk, in tank vehicles), from ports of entry on the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, NY, to Sanford, ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): CY/RO Industries, Berdan Avenue, Wayne, NJ 07470. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 114569 (Sub-223TA), filed April 20, 1978, and published in the FEDERAL REGISTER issue of June 2, 1978, and republished as corrected this issue. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irreguar routes, transporting: (1) *Aluminum billets and extrusions; aluminum doors and windows, glazed and unglazed; fabricated metal products and hardware, accessories, and parts thereof* when moving in connection therewith from the facilities of Capitol Products Corp. located in Hampden Township, Cumberland County, PA, to points in OH, MI, IN, IL, and WI; and (2) *Aluminum scrap, glass in crates, aluminum hardware, vinyl plastics, and fluxing materials* from the points in destination States shown in (1) to the facilities of Capitol Products Corp. in Hampden Township, Cumberland County, PA; and (3) *Glass in crates, aluminum hardware, and vinyl plastics* from points in OH, MI, IL, PA, and WI to the facilities of Capitol Products Corp. in Kentland, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Capitol Products Corp., Box 69, Mechanicsburg, PA 17055. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108. The purpose of this republication is to reflect the origin of Wisconsin (WI) in description (3).

MC 118202 (Sub-89TA), filed April 7, 1978, and published in the FEDERAL REGISTER issue of July 11, 1978, and republished as corrected this issue. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts and materials, equipment and supplies* used in the manufacture of new furniture (1) from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC; (2) from Japser, IN; Clay City, IL; Middleboro and Princeton, KY; Tewksbury, MA; Monore, MI, and Morristown, TN, to Archbold and Stryker, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sauder Woodworking Co., Box 156 Archbold, OH 43502. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to show New York (NY) in lieu of Nevada (NV) as previously published.

MC 119656 (Sub-36TA), filed March 29, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 76996. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen), from the plantsites of the Joan of Arc facilities at or near Hoopeston and Princeville, IL, to points in WI, IN, KY, OH, MI, and from the plantsites of the Joan of Arc facility at or near Mayville, WI, to points in IL, IN, KY, OH, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joan of Arc Co., Inc., Douglas Wiggins Corp., Traffic Manager, 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604. The purpose of this republication is to add the destination of IN to the territorial description and revise the commodity description to restrict against frozen foods.

MC 119689 (Sub-17TA), filed June 13, 1978. Applicant: PEERLESS TRANSPORT CORP., 2701 Railroad Street, Pittsburgh, PA 15222. Representative: Wm. J. Lavelle and Stanley E. Levine, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from the facilities of National Starch & Chemical Corp. at or near Meredosia, IL, to points in PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Starch & Chemical Corp., P.O. Box 6500, Bridgewater, NJ 08807. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 124078 (Sub-818TA) filed June 13, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solution*, from Aurora, IN, to points in OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Flo-Lizer, Inc., P.O. Box 237, Kingston, OH 45644. (Michael W. Aurnou) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124887 (Sub-57TA) filed May 23, 1978, and published in the FEDERAL REGISTER issue of July 18, 1978, and republished as corrected this issue. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Morton, Philadelphia, Forest, and Roxie, MS, to points in AL, GA, FL, NC, and SC, for 180 days. Supporting shipper(s): Stringfellow Lumber Co., P.O. Box 1117, Birmingham, AL 35210. Molpus Lumber Co., P.O. Box 59, Philadelphia, MS 39350. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL

32202. The purpose of this republication is to add another supporting shipper as previously omitted.

MC 124979 (Sub-7TA) filed May 18, 1978, and published in the FEDERAL REGISTER issue of June 29, 1978, and republished as corrected this issue. Applicant: CONRAD BERG d.b.a. C. BERG CO., Saginaw, MN 55759. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients,* dry, in bulk, from Grand Forks, ND to points in MN and ND, for 180 days. Supporting shipper(s): Farmers Union Central Exchange, Inc., a.k.a. Cenex, P.O. Box 43089, St. Paul, MN 55164. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 South Fourth Street, U.S. Court House, Minneapolis, MN 55401. The purpose of this republication is to show ND in lieu of IN as previously published.

MC 129790 (Sub-8TA), filed May 26, 1978. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, 121 Adams Avenue, Albert Lea, MN 56007. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, grill brick and filter screens;* (2) *packaging materials and supplies;* and (3)*commodities* used in the manufacture of commodities listed in (1) above, between Albert Lea, MN, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MS, MI, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SD, TN, VT, VA, WV, WI, and DC, under a continuing contract, or contracts, with Miami Margarine Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miami Margarine Co., 5226 Vine Street, Cincinnati, OH 45217. 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 133085 (Sub-6TA) filed June 13, 1978. Applicant: TRENCO, INC., P.O. Box 697, 2109 Marydale Avenue, Williamsport, PA 17701. Representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Knocked-down aircraft,* in containers, and empty containers on return, with prior or subsequent movement by water, from Lock Haven, PA, to Cleveland, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Piper Aircraft Corp., 820 E. Bald Eagle Street, Lock Haven, PA 17745. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 135082 (Sub-71TA), filed June 13, 1978. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, 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: *Brick and tile and commodities* used in the installation thereof, from Los Angeles, CA, to AZ, NM, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pacific Clay Building Products, 9500 South Norwalk Boulevard, Santa Fe Springs, CA 90670. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 140010 (Sub-14TA), filed May 8, 1978, and published in the FEDERAL REGISTER issue of July 13, 1978, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, GA 30324. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic products* (except in bulk), in vehicles equipped with mechanical refrigeration from the facilities of E. I. du Pont de Nemours & Co., at or near Duart, NC, to Selma, AL, Atlanta, GA, Gaffney, SC, and Jackson, Memphis, and Nashville, TN, under a continuing contract or contracts with E. I. du Pont de Nemours & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc., Wilmington, DE. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309. The purpose of this republication is to add (4) origin points to the territorial description as previously omitted.

MC 140024 (Sub-113TA), filed May 4, 1978, and published in the FEDERAL REGISTER issue of June 30, 1978, and republished as corrected this issue. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the facilities of Norfolk Iron & Metal Co. at or near Norfolk, NE, to points in CO, IL, IN, IA, MI, MN, MO, and WI, for 180 days. No tack-no interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Norfolk Iron & Metal Co., 300 Braasch Avenue, Norfolk, NE 68701. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202. The purpose of this republication is to show MN in lieu of NM as previously published.

MC 142792 (Sub-1TA) filed June 13, 1978. Applicant: DENNIS I. OLSON, d.b.a. TWO WAY TRUCKING, No. 4 Ginger Cove Road, Valeey, NE 68064. Representative: Dennis I. Olson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Mozzarella cheese and other cheeses,* from Newman Grove, NE, to points in MN, WI, IL, IN, MI, OH, PA, DE, NJ, NY, and VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Newman Groce Creamery Co., Albert Henderson, vice president, Fifth Street, Newman Grove, NE 68758. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 143446 (Sub-2TA) filed May 3, 1978, and published in the FEDERAL REGISTER issue of July 11, 1978, and republished as corrected this issue. Applicant: GARY L. McCALLISTER & MONTE A. McCALLISTER d.b.a. McCALLISTER BROS., P.O. Box 1911, Rock Springs, WY 82901. Representative: Ward A. White, Attorney, P.O. Box 568, Cheyenne, WY 82001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bentonite, barite, drilling compounds and completion materials,* in sacks and in bulk, and (2) *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, their products and byproducts, between points in Grand, Sanpete, Utah, Wasatch, Salt

Lake, Davis, and Morgan Counties, UT on the one hand, and, on the other, points in (1) Sweetwater, Carbon, Uinta, Lincoln, and Teton Counties, WY; (2) points in CO located west of U.S. Hwy 85 and north of Interstate Hwy 70, U.S. Hwy 6; and (3) points in ID, for 180 days. Restricted against transportation of complete drilling rigs. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Land and Marine Rental Co., 1912 Elk Street, Rock Springs, WY 82901. Magcobar Division of Dresser Industries, Suite 1600 Metrobank Building, 475 17th Street, Denver, CO 80202. Send protests to: District Supervisor, Paul A. Naughton, Interstate Commerce Commission, Room 105, Federal Building and U.S. Court House, 111 south Wolcott, Casper, WY 82601. The purpose of this republication is to correct the territorial description in part (2) as previously published.

MC 144802 TA filed May 19, 1978, and published in the FEDERAL REGISTER issue of June 29, 1978, and republished as corrected this issue. Applicant: RAYMOND C. ULMER d.b.a. R. U. CARTAGE, 7953 S. Lavergne Avenue, Burbank, IL 60459. Representative: Donald S. Mullins, 474 W. Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tin plate and container ends*, from the plantside of National Can Corp. at Gary, IN, to Loves Park and Rockford, IL. (2) *Scrap steel* from the plantsite of National Can Corp. at Loves Park, IL, to Gary, IN, under a continuing contract or contracts with National Can Corp., for 180 days. Supporting shipper(s): Floyd C. Stone, Area Traffic Manager, Midwest, National Can Corp., 8101 West Higgins Road, Chicago, IL 60631. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604. The purpose of this republication is to correct the contracting shipper's name.

MC 144860 TA filed June 5, 1978, and published in the FEDERAL REGISTER issue of July 20, 1978, as MC 41098 (Sub-860TA), and republished as corrected this issue. Applicant: GLOBAL VAN LINES, INC., No. 1, Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Helicopter aircraft, factory new, and components thereof, in van trailers*, from the plantsite of Sikorsky Aircraft, Division of United Technologies, at Bridgeport, CT, to West Palm Beach, FL, under a continuing contract or contracts with Sikorsky Aircraft, Division of United Technologies, at Bridgeport, CT, for 180 days. Supporting shipper(s): Sikorsky Aircraft Division, United Technologies, North Main Route 110, Stratford, CT 06602. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012. The purpose of this republication is to indicate the correct docket number as MC 144860 TA in lieu of MC 41098 (Sub-860TA) as previously published.

By the Commission.

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

[FR Doc. 78-22390 Filed 8-9-78; 8:45 am]

[7035-01]

[Notice No. 138]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 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 copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 10875 (Sub-43TA), filed June 15, 1978. Applicant: BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, commodities in bulk, and those requiring special equipment, serving the plant site of Champion Parts Rebuilders Inc. (Northeast Division), at or near Beech Creek, PA, as an off route point in connection with applicant's regular routes, for 180 days. Supporting shipper: Champion Parts Rebuilders Inc., Northeast Division, 60 Pennsylvania Avenue, Mill Hall, PA 17750. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 19553 (Sub-40TA), filed June 15, 1978. Applicant: KNOX MOTOR SERVICE, INC., 5680 South 11th Street, Rockford, IL 61125. Representative: Paul J. Maton, 10 South LaSalle Street, RM 1620, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those which, because of size or weight, require special equipment), serving Durant, IA, as an off-route point in conjunction with Knox Motor Service, Inc.'s authorized service operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 103498 (Sub-54TA), filed June 15, 1978. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board*, from the facilities of Johns-Mansville Sales Corp., at or near Natchez, MS to points in AR, TX and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting

shipper(s): Johns-Mansville Sales Corp., Ken-Caryl Ranch, Denver, CO 80217. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC-107515 (Sub-1156TA), filed June 16, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby and Bruce E. Mitchell, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, to transport drugs, medicines, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements, and materials and supplies used in the manufacture and production of, and rejected and/or damaged shipments of the commodities named above (except commodities in bulk), from, the facilities of Eli Lilly Co., at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX on and west of U.S. Hwy 281, (2) materials and supplies used in the manufacture and distribution of comodities named in (1) above, from points in TX on and west of U.S. Hwy 281, to the facilities of Eli Lilly Co., located at or near Indianapolis, Clinton, and Lafayette, IN, for 180 days. Applicant has also filed an underlying ETA seking up to 90 days of operating authority. Supporting shipper: Eli Lilly Co., 1555 S. Kentucky Avenue, Indianapolis, IN 46206. Send protests to: Transportation Assistant Sara K. Davis, Interstate Commerce Commission, 1252 West Peachtree Street NW., Atlanta, GA 30309.

MC 110325 (Sub-82TA), filed June 15, 1978. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Huntington, WV and Charleston, WV, serving no intermediate points: From Huntington over U.S Hwy 60 (also over Interstate Hwy 64) to Charleston, and return over the same route, as an alternate route for operating convenience. Supporting shipper: There is no signed shipper Certificate of Support attached, as this is a carrier application for an alternate route for operating convenience. All the evidence to be adduced will be of the carrier's operating economies and operations. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 116510 (Sub-2TA), filed June 15, 1978. Applicant: KEENAN TRANSIT CO., an IL corporation, 3600 North Avenue, P.O. Box 1038, Melrose Park, IL 60161. Representative: David I. Harfeld, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire and steel rods*, from Bensenville, IL to Plymouth, MI, under a continuing contract or contracts with Nelson Wire Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George C. Velback, Operations Manager, Nelson Wire Co., 1060 East Irving Park Road, Bensenville, IL 60106. Send protests to: Lois M. Stahl Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 117686 (Sub-213TA), filed June 16, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products*, and (2) *Polyurethane bags* in mixed shipments with paper and paper products, from Hodge, LA, to points in IA, KS, MN, NE, ND, SD and WI. Restriction: Restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brian L. Wehde, Manager, Traffic Operations, Great Plains Bag Co., CCC Group, Forest Products Industries, 4515 Fleur Drive, Des Moines, IA 50315. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14 Street, Omaha, NE 68102.

MC 119700 (Sub-35TA), filed June 15, 1978. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from Sterling, IL to points in the States of CO, IA, KS, MN, MS, NE, MO, OK, SD and TX, for 180 days. Supporting shipper: Northwestern Steel and Wire Co., Sterling, IL 61081. Send protests to: District Supervisor Vernon V. Coble, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 120736 (Sub-3TA), filed June 16, 1978. Applicant: UNITED STATES TRANSPORTATION, INC., 8345 Clough Pike, Cincinnati, OH 45244. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Temporary authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and corn products*, in bulk, in tank vehicles, from the facilities of Archer Daniels Midland Co., at Cincinnati, OH, to points in AR, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NY, PA, TN, VA, WV, and WI. Restricted to traffic originating at the above-named facilities and destined to the above-named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Archer Daniels Midland Co., Wilson K. Cassell, Traffic Manager, Liquid Trucking, 4666 Faries Parkway, P.O. Box 1470, Decatur, IL 62525. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

MC 123407 (Sub-476TA), filed June 16, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles* from the facilities of Nucor Steel, a division of Nucor Corp., at or near Darlington, SC, to points in and east of ND, SD, NE, KS, OK, and TX; and (2) *Materials and supplies used in the manufacture of iron and steel and iron and steel articles* (except commodities in bulk) from points in and east of ND, SD, NE, KS, OK, and TX to the facilities of Nucor Steel, a division of Nucor Corp., at or near Darlington, SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shipper: Nucor Steel, a division of Nucor Corp., P.O. Box 29532, Darlington, SC 29532. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 123407 (Sub-477TA), filed June 16, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum wax, and petroleum products in containers* from the facilities of Sun Oil Co. at Tulsa, OK, to points in IL, IA, MI, MN, and WI; and (2) *empty containers* from points in IL, IA, MN, MI, and WI to the facilities of Sun Oil Co. at Tulsa, OK, for 180 days. Supporting shipper: Sun Petroleum Products Co., P.O. Box 2039, Tulsa, OK 74102. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 123872 (Sub-86TA), filed June 16, 1978. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, NC 28601. Representative: Allen E. Bowman, P.O. Box 2607, Hickory, NC 28601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meatpacking houses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Kenosha, WI, to points in GA, NC, SC, KY, VA, and TN (restricted to traffic originating at named origin and destined to named destinations), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Birchwood Meat & Provision, Inc., and Kenosha Beef International, Ltd., P.O. Box 639, Kenosha, WI 53141. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 125335 (Sub-23TA), filed June 14, 1978. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen of Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail discount stores (except commodities in bulk), from points in Boone and Chemung Counties, NY; and Lackawanna, Lehigh, Luzerne, Northampton, and Wayne Counties, PA, to Chicago, Decatur, East Moline, Itasca, and Morton, IL; Detroit, MI; St. Louis, MO; and Dallas and Houston, TX, and points in their respective commercial zones, for 180 days. Supporting shipper: Northeastern Pennsylvania Shipper's Cooperative Association, Inc., Donald E. Ubaldini, Manager, Penn Park Building, Suite 300, Pittston, PA. Send protests to: Charles Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Harrisburg, PA 17108.

MC 139658 (Sub-25TA), filed June 16, 1978. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, GA 31201. Representative: Wm. Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump trucks, from Tampa, FL, to Jerico, SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stoller Chemical Co., 2582 Katy Freeway, Houston, TX 77024. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Atlanta, GA 30309.

MC 140829 (Sub-115TA), filed June 16, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees and related novelties and accessories*, from the facilities of American Tree & Wreath, a Division of American Technical Industries, Inc., at Aurora, IL, to points in the States of IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Maurice J. Elias, General Traffic Manager, American Tree & Wreath, Division of American Technical Industries, Inc., 29 Elm Avenue, Mount Vernon, NY 10550. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 10 North 14th Street, Omaha, NE 68102.

MC 142559 (Sub-30TA), filed June 15, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, (a) from Terre Haute, IN, and Cliffwood, NJ, to points in NC, OH, and VA; (b) from Warner Robins, GA, to points in MO, OH, and VA; and (c) from Shakopee, MN, to points in WI, for 180 days. Supporting shipper: Midland Glass Corp., P.O. Box 557, Cliffwood, NJ 07721. Send prostests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 143465 (Sub-1TA), filed June 16, 1978. Applicant: FOREDECK TRANSPORTATION CO., INC., Whitewood Lane, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *File folders, file guides, labels, index cards, card guides, tabs, tab inserts, plastic windows, links, cupliks, stop clamps, metal fasteners, draw frames, copy holders, plastic desk top accessories, steel filing cabinets, steel and pulpboard storage files, and tables*, from the facilities of Oxford Pendaflex Corp. at Garden City, NY, Moonachie and Parsippany, NJ, to the facilities of Oxford Pendaflex Corp. at Augusta, GA, St. Louis, MO, and Buena Park, CA, under a continuing contract with Oxford Pendaflex Corp., Garden City, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oxford Pendaflex Corp., Clinton Road, Garden City, NY. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 144101 (Sub-3TA), filed June 15, 1978. Applicant: R. R. STANLEY, P.O. Box 95, Mesquite, TX 75149. Representative: Richard T. Churchill, 5001 South Hulen, Suite 106, Fort Worth, TX 76132. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* used by and dealt in by restaurants, including meats, meat products and meat byproducts and articles distributed by meatpacking houses, from the plantsite of Portion-Trol Foods, Inc., Mansfield, TX, to points in CA, OR, WA, AZ, NV, ID, MT, and UT, under a continuing contract or contracts with Portion-Trol Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Portion-Trol Foods, Inc., 812 South Fifth Avenue, Mansfield, TX 76063. Send protests to: Opal M. Jones, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144792 (Sub-1TA), filed June 15, 1978. Applicant: CONTRACT TRANSPORTER, INC., P.O. Box 190, Lexington, NC 27292. Representative: Noah H. Huffstetler III, P.O. Box 2058, Raleigh, NC 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty meal cans*, liquid capacity not to exceed 1 gallon, with or without ends, from the facilities of Lewis Storage Co., Inc., at Greensboro,

NC, to the facilities of Miller Brewing Co. at or near Eden, NC, under a continuing contract or contracts with Reynolds Metals Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reynolds Metals Co., P.O. Box 27003, Richmond, VA 23261. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 144888 (Sub-1TA), filed June 16, 1978. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 92 East Main Street, Somerville, NJ 08876. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. Temporary authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured* and *prepared foods* in cans, jars, bottles, drums and loose, cartoned and uncartoned except in bulk in tank vehicles from points and places in FL, NJ, and NY on the one hand and on the other, points and places in FL, IL, IN, MI, NJ, NY, ND, OH, PA, and TX, under a continuing contract or contracts with Hartog Trading Corp., for 180 days. Supporting shipper: Hartog Trading Corp., 515 Madison Avenue, New York, NY 10022. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 144894TA, filed June 15, 1978. Applicant: BRANTLEY & FISHER TRANSPORT, INC., R.D. No. 2, Box 401H, Absecon, NJ 08201. Representative: James H. Sweeney, P.O. Box 684, Woodbury, NJ 08096. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Nashua, NH to points in CA, IL, IN, MN, ND, MO, TX, FL, and GA, under a continuing contract or contracts with the Bemis Co., Inc., Nashua, NH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bemis Co., Inc., P.O. Box 824, Haines Street Extended, Nashua, NH 03061. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 144904TA, filed June 15, 1978. Applicant: FRONTIER FREIGHT LINES, INC., 225 Blueberry Lane, West Lafayette, IN 47906. Representative: Eugene D. Anderson, 910 17th Street NW., Room 428, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is sold by and used by retail department stores (except commodities in bulk), from Seattle, WA, to points in WA, ID, MT, OR, UT, and NV, under a continuing contract or contracts with the Bon Marche Stores, for 180 days. Supporting shipper: The Bon Marche Stores, 17000 Southcenter Parkway, Seattle, WA 98181. 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 144952 TA, filed June 15, 1978. Applicant: LUCIAN RAY FLANNERY d.b.a. FLANNERY TRUCKING CO., R. R. # 3, Paoli, IN 47454. Representative: James J. Farlow, East Side Square, Paoli, IN 47454. Authority sought to operate as a *contact carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Paoli, IN, to points and places in the States of CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NC, NY, OH, PA, RI, TN, WI, and WV, under a continuing contract or contracts with Brittany Furniture Industries, Inc., for 180 days. Supporting shipper: Brittany Furniture Industries, Inc., West Hospital Road, Paoli, IN 47454. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

PASSENGER CARRIERS

MC 121695 (Sub-1TA), filed June 16, 1978. Applicant: RIMROCK STAGES, INC., 1225 Dublin Street, Billings, MT 59101. Representative: William E. O'Leary, 631 Helena Avenue, Helena, MT 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from Lewis and Clark, Broadwater, Meagher, Golden Valley, and Wheatland Counties, MT, to points and places in the United States and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately six (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof, which may be examined at the field office named below. Send protest to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 144602 (Sub-1TA), filed June 15, 1978. Applicant: CONTINENTAL LIMOUSINE SERVICE, INC., 3123 North Washington Boulevard, Arlington, VA 22201. Representative: Thomas N. Willess, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, when carried in same vehicle with passengers, in special operations, limited to the transportation of not more than 14 passengers in any one vehicle, not including the driver, and further limited to the transportation of prospective recruits of the U.S. Armed Forces and military personnel from the Armed Forces Testing Center, Linthicum Heights, MD, to Armed Forces Recruiting offices located at Alexandria, Arlington, Fairfax, Falls Church, and Woodbridge, VA, Hillcrest Heights, MD, and Washington, DC. Applicant has also filed an emergency temporary authority application seeking up to 90 days of operating authority. Supporting shipper: U.S. Air Force Recruiting Squadron, Bolling Air Force Base, 20332. Send protests to: District Supervisor Wiley C. Hersman, Interstate Commerce Commission, Room 1413, Washington, DC 20423.

By the Commission.

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

[FR Doc. 78-22392 Filed 8-9-78; 8:45 am]

[7035-01]

[Notice No. 139]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there

will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 36918 (Sub-6TA), filed June 14, 1978. Applicant: FASTWAY TRANSPORTATION, INC., P.O. Box 383, 151 Morristown Road, Matawan, NJ 07747. Representative: Thomas F. X. Foley, Esq., Colts Neck Professional Plaza, State Highway 34, Colts Neck, NJ 07722. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, between the plantsite of Hoover Beverage Bottle Division of Hoover Universal, Inc., at New Castle, DE, on the one hand, and, on the other, the facilities of Pepsi Cola distributors and franchise dealers located at Bristol, Fairfield, and Windsor, CT; Boston, Mathuen, Milton, Nattick, Pittsfield, Wakefield, West Lynn, and Worcester, MA; Albany, Auburn, Batavia, Binghamton, Buffalo, Cicero, Elmira, Garden City, Geneva, Glens Falls, Jamestown, Keesville, Newburgh, New York, North Tonowanda, Olean, Patchogue, Rochester, Schenectady, Syracuse, Utica, Watertown, NY; Altoona, Berwick, Erie, Franklin, Geistown, Johnstown, Kecksburg, McKeesport, McKees Rock, Mt. Carmel, Philadephia, Reading, Saxton, St. Mary's, Wilkes-Barre, and Williamsport, PA; and Cranston, RI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hoover Universal, Inc., Route 2, Tri Port Road, Georgetown, KY 40234. Send protests to: John P. Lynn, Transportation Specialist, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 71902 (Sub-92TA), filed June 19, 1978. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe Street, P.O. Box 18547, Oklahoma City, OK 73118. Representative: Eric L. Spitler, 4900 North Santa Fe, P.O. Box 18547, Oklahoma City, OK 73154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers, agricultural and industrial tractors and attachments), in secondary movements in truckaway and driveaway service, from New Orleans, LA, to points in LA, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Chrysler Corporation, 6334 Lynch Road, P.O. Box 1976, Detroit, MI 78288. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 NW., 3d, Oklahoma City, OK 73102.

MC 78687 (Sub-52TA), filed June 14, 1978. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, West Cayuga Street, Moravia, NY 13118. Representative: E. Stephen Heisley, 666 Eleventh Street NW., Suite 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in tank vehicles from the facilities of International Salt Company, at or near Watkins Glen, NY, to Bridgeton, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Salt Company, 30 Bustan Farm Road, Merritt Plaza, Stamford, CT 06905. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

MC 111302 (Sub-129TA), filed June 20, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen, P.O. Box 10470, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diesel fuel* (in bulk, in tank vehicles), from Nashville, TN, to the facilities of Consumers Gasoline Co. and Murphy Oil Co., in Bowling Green, Glasgow, Hopkinsville, Russellville, Oak Grove, Scottsville, and Thompkinsville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Murphy Oil Company, P.O. Box 7633, Nashville, TN; (2) Consumers Gasoline Co., 610 Magazine Street, Nashville, TN. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 123255 (Sub-163TA), filed June 19, 1978. Applicant: B&L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representive: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, container accessories, and materials, equipment, and supplies* used in the manufacture and distribution of glass containers and container accessories (except commodities in bulk), from the facilities of Brockway Glass Company, Inc., located in Washington County, PA, Muskingum County, OH, and Madison County, IN, to points in Johnson, Linn, Clinton, Scott, and Muscatine Counties, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Company, Inc., McCullough Avenue, Brockway, PA 15824. Send protests to: Frank L. Calvary, district Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 124078 (Sub-819TA), filed June 14, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the facilities of River Cement Co., at or near Burnside, LA, to points in AL, FL, GA, MS, and TX, for 180 days. Supporting shipper: River Cement Co., P.O. Box 14545, St. Louis, MO 64178. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124078 (Sub-820TA), filed June 15, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Kingston, NY, to points in CT, MA, NY, NH, NJ, PA, RI, and VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Independent Cement Corp., 65 Wellesley Office Park, Wellesley, MA (Dennis W. Skidmore). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124078 (Sub-821TA), filed June 15, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as above). 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 GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, TN, and VA, for 180 days. Supporting shipper: Cargill, Inc., 2400 Industrial Drive, Sidney, OH 45365 (Harold E. Bernero). Send pro-

tests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124774 (Sub-104TA), filed June 19, 1978. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Drive, P.O. Box 7344, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys, hobby and craft articles, gym sets, wading pools, and children's vehicles*, from points in CT, IN, IA, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VA, WV, WI, AR, IL, KY, MN, MS, MO, and TN, to the facilities of Acme Sales Co. at Des Moines, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Maurice Feldman, President, Mutual Distributing Co., 9700 "J" Street, Omaha, NE 68127. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 125254 (Sub-45TA), filed June 19, 1978. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, container accessories, and materials, equipment, and supplies* used in the manufacture and distribution of glass containers and container accessories (except in bulk, in tank vehicles), between the facilities of Brockway Glass Co., Inc., located at points in Washington County, PA; Muskingum County, OH; and Madison County, IN, on the one hand, and, on the other, points in Johnson, Linn, Clinton, Scott, and Muscatine Counties, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Co., Inc., McCullough Avenue, Brockway, PA 15824. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 125358 (Sub-26TA), filed June 19, 1978. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, MB, Canada. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment, and materials* used in the manufacture, assembly, and repair of automotive buses, from Lagrange County, IN, to Pembina, ND, under a continuing contract, or contracts, with Motor Coach Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Motor Coach Industries, 1149 St. Matthews, Winnipeg, MB, Canada R3G O58. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102

MC 128205 (Sub-52TA), filed June 30, 1978. Applicant: BULKMATIC TRANSPORT CO., 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Chicago, IL, to points and places in IA and WI, for 180 days. Supporting shipper: Keith Myers, president, Urban F. Myers & Co., 2627 West Washington, Chicago, IL 60612. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 133189 (Sub-15TA), filed June 19, 1978. Applicant: VANT TRANSFER, INC., 5075 Northeast Mulcare Drive, Minneapolis, MN 55421. Representative: John B. Van de North, Jr., c/o Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Newport, MN, to points in WI, MI, IL, ND, SD, NE, and IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Simcote, Inc., 1645 Red Rock Road, St. Paul, MN 55164. 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 133655 (Sub-113 TA), filed June 19, 1978. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. 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: *Empty fiber shipping drums, parts, and components*, from the facilities of Continental Forest Industries, the Continental Group, Inc., at Jacinto City, TX, to all points in NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Forest Industries of the Continental Group, Inc., Office Park II, Greenwich, CT 06830. Send protests to: Haskell E. Ballard District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 135236 (Sub-8 TA), filed June 19, 1978. Applicant: SOUTHERN GULF TRANSPORT, INC., P.O. Box 7959, 4277 North Market Street, Shreveport, LA 71107. Representative: J.D. Haynes, P.O. Box 7959, Shreveport, LA 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing granules and roofing filler* (in bulk and bags), from the facilities of 3M Co., at or near Little Rock, AR, to the plantsite of CertainTeed Corp. at or near Dallas, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): CertainTeed Corp., P.O. Box 860, Valley Forge, PA 19482. Send protests to: Connie A. Guillory, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

MC 135518 (Sub-10 TA), filed June 19, 1978. Applicant: EVERETT TRUCKING, INC., P.O. Box 1105, Mt. Vernon, WA 98273. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream toppings, and cones*, from Santa Cruz, CA, to points in OR on and west of U.S. Hwy. 97 and points in WA on and east of U.S. Hwy. 97, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Marianne's Ice Cream, 1020 Ocean Street, Santa Cruz, CA 95060. Send protests to: Hugh H. Chaffee District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 135797 (Sub-126TA), filed June 19, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Hwy 71, Lowell, AR 72745. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or used by retail stores (except foodstuffs and commodities in bulk), from points in TX, AR, MO, IA, MN, and all States east thereof to the facilities of Ardan Wholesale,

Inc., at Cedar Rapids, Davenport, Dubuque, Des Moines, and Sioux City, IA; Arcadia, Bakersfield, Chula Vista, El Cajon, Escondido, Fresno, Modesto, Monterey, San Diego, and Visalia, CA; Peoria and Rockford, IL; Topeka and Wichita, KS; Lincoln and Omaha, NE; Las Vegas and Reno, NV; and Beaumont, Brownsville, El Paso, Odessa, and Texarkana, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ardan Wholesale, Inc., 2320 Euclid Avenue, Des Moines, IA 50310. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 138438 (Sub-28 TA), filed June 19, 1978. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick(s)* from Webster, VA, and its commercial zone, to points in MD and DC, and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Potomac Valley Brick & Supply Co., Rockville, MD 20852. Send protests to: W. C. Hersman District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

MC 138875 (Sub-87TA), filed June 21, 1978. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire retardants and fire fighting equipment and supplies* (except in bulk), from the facilities utilized by Monsanto Co., located at Ontario, CA, and Boise, ID, to points in CA, WA, OR, ID, NE, MT, UT, and CO, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 139089 (Sub-6TA), filed June 19, 1978. Applicant: FREEPORT TRANSPORT, INC., P.O. Box 1275, Freeport Center, Clearfield, UT 84016. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, tubing, and fittings*, from the facilities of Keystone Tubular Service Corp., at or near Chicago, IL, to the facilities of Keystone Tubular Service Corp., at or near Kansas City, MO, under a continuing contract, or contracts, with Keystone Tubular Service Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Keystone Tubular Service Corp., 9535 Cottage Grove Avenue, Chicago, IL (William H. Maund, Traffic Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 139615 (Sub-17TA), filed June 15, 1978. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Youngstown Sheet & Tube Co., at or near East Chicago, IN to points in IA, NE, and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Youngstown Sheet & Tube Co., 3001 Dickey Road, East Chicago, IN 64312. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 140241 (Sub-13TA), filed June 15, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107.. Representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Wrought iron pipe*, from the plantsite and storage facilities of Unarco-Leavitt at Blue Island, Evanston, and Chicago, IL, to points in IA, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Unarco-Leavitt, Division of Unarco Industries, 1717 West 115th, Chicago, IL 60643. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 141867 (Sub-5TA), filed June 19, 1978. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader, 2301 Milwaukee Way, Tacoma, WA 98421. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and related cartons, dividers, covers, supplies, and materials*, used in the manufacture or packaging of glass bottles, between the International Boundary between Canada and the States of MT, IO, and WA, and points in WA, OR, CA, ID, and MT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Domglas, Inc., 2070 Hadwen Road, Mississauga, ON, Canada. Send protests to: Hugh H. Chafee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle WA 98174.

MC 143775 (Sub-6TA), filed June 15, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Charles E. Creager, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Toilet preparations, washing and scouring compounds, health and beauty care products, drugs and display racks*, from the plantsite of Noxell Corp. at Cockeysville, MD, to points in the States of CA, AZ, NV, OR, WA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Noxell Corp., 11050 York Road, Cockeysville, MD 21030. Send protests to: Andrew V. Baylor, District Supervisor, Interstate commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 144140 (Sub-16TA), filed June 14, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., Hwy. 44 W, P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, used plant machinery, conveyor belts, tools, dies, furniture, office equipment, inventories, operating supplies and equipment* (except commodities in bulk and commodities that require special equipment because of size or weight) between the facilities of Westinghouse Electric Corp., at or near Newark, NJ, on the one hand and Coral Springs, FL, on the other, for 180 days. Supporting shipper: Westinghouse Electric Corp., 290 Leger Road, North Huntingdon, PA 15642. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville FL 32202.

MC 144140 (Sub-17TA), filed June 14, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., Hwy 44 W, P.O. Box 374, Eustis, FL 32726. Repre-

sentative: Gene Baugh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* except in bulk from facilities of Citrus World, Inc., Lake Wales, FL to CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Citrus World, Inc., P.O. Box 1111, Lake Wales, FL 33853. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Steet, Jacksonville, FL 32202.

MC 144813 (Sub-1TA), filed June 19, 1978. Applicant: HUNT TEAL TRUCKING, INC., 3324 NW., 32d Street, Miami, FL 33142. Representative: Glen Teal, 3324 NW., 32d Street, Miami, FL 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meat*, from Tampa and Miami, FL, to Rocky Mount, NY, and its commercial zone, Pittsburgh, PA, and its commercial zone, Oneida, NY, and its commercial zone, Canajoharie, N.Y., and its commercial zone, and Bedford, VA, and its commercial zone, for 180 days. Supporting shipper: United Beef Packers, Inc., 1630 NW., 70th Avenue, Miami, FL 33147. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commision, 8410 NW., 53d Terrace, Miami, FL 33166.

MC 144914TA, filed June 19, 1978. Applicant: UNITED CARRIER CORP., 1227 Constitution Road SE., Atlanta, GA 30316. Representative: Richard M. Tettelbaum, Serby & Mitchell, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and metal ingots*, between points in AL (except Dothan and Headland and points in their commercial zones), GA, NC, SC, and TN, on the one hand, and, on the other, points in the United States in and east of LA, AR, KY, IL, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Iron & Metal Co., P.O. Box 4722, Atlanta, GA 30322. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 144918TA, filed June 19, 1978. Applicant: J. P. JENKS, INC., R.D. 3, P.O. Box 585, Geneva, OH 44041. Representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 930, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, both finished and unfinished products, coils, sheets, bars, and tubing*, between the facilities of Midwest Materials, Inc., located at or near Perry, OH, to points in CT, DE, DC, IL, IN, IA, KY, MD, MA, MI, MN, NH, NJ, NY, PA, RI, VT, VA, WV, and WI, for 180 days. Supporting shipper: Midwest Materials, Inc., 3687 Shepard Road, Perry, OH 44081. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

By the Commission.

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

[FR Doc. 78-22393 Filed 8-9-78; 8:45 am]

[1505-01]

[Volume No 97]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

FR Doc. 78-17143, appearing at page 26846 in the issue of Thursday, June 22, 1978, is corrected as follows:

In the middle column, page 26852, "MC-115841 (Sub-No. 652F)" should have read "MC-115841 (Sub-No. 625F)".

[7035-01]

[Volume No. 109]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS.

AUGUST 4, 1978.

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with with the Commission on or before September 11, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 45630 (Sub-5) (republication), filed November 17, 1977, published in the FEDERAL REGISTER issue of January 5, 1978, and republished this issue. Applicant: OSAR TRUCKING CO., INC., 94 Sylvan Avenue, Clifton, NJ 07011. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. A decision of the Commission, Review Board No. 1, decided May 3, 1978, and served May 22, 1978, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Solid carbon dioxide*, in containers, (1) from Burlington, NJ, to points in CT, MA, NY, Philadelphia, PA, and Providence, RI; (2) from Lima and Oregon, OH, and Hopewell, VA, to points in CT, MA, NJ, NY, Philadelphia, PA, and Providence, RI; and (3) from Tewksbury, MA, to points in CT, NJ, NY, Philadelphia, PA, and Providence, RI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate Hopewell, VA as an origin point in part (2) above.

MC 52704 (Sub-148) (second partial republication), filed July 8, 1977, published in the FEDERAL REGISTER issues of August 25, 1977, and March 30, 1978, and republished this issue. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. A decision of the Commission, Review Board No. 3, decided January 31, 1978, and served February 9, 1978, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (1) *Glass containers and container accessories*, between the facilities of Kerr Glass Manufacturing Corp., in Wilson County, NC, on the one hand, and, on the other points in KY, MO, SC, and VA, points in AR on and east of U.S. Hwy 63, points in MS north of MS Hwy 6, points in OK north of Interstate Hwy 40 and east of

U.S. Hwy 183 from the junction of Interstate Hwy 40 and U.S. Hwy 183, points in PA on and west of U.S. Hwy 219 and on and south of U.S. Hwy 30, from its junction with U.S. Hwy 15 to its junction with U.S. Hwy 219, points in MD on and west of U.S. Hwy 522, points in WV on and south of U.S. Hwy 52, and points in FL (other than to Arcadia, Belle, Glade, Daytona Beach, Deland, DeFuniak Springs, Fort Myers, Gainesville, Jacksonville, Jasper, Kissimmee, Live Oak, Lakeland, Maianna, Miami, Orlando, Ocala, Palatka, Pensacola, Panama City, Plant City, Quincy River Junctions, Sarasota, St. Petersburg, Sanford, Stark, Trenton, Tampa, Tarpon Springs, Tallahassee, West Palm Beach, and Winter Haven, FL), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate "WV on and south of U.S. Hwy 52," in lieu of WV on and south of U.S. Hwy 542, in part (1) above.

MC 133689 (Sub-132) (republication), filed June 6, 1977, published in the FEDERAL REGISTER issue of July 21, 1977, and republished this issue. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. A decision of the Commission, by the initial decision of Administrative Law Judge Philip M. Browning, Jr., served January 30, 1978, becomes effective March 17, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Plastic articles* (except commodities in bulk), from Fitchburg, MA, to points in GA, KS, IL, IN, IA, MI, MN, MO, NE, NC, ND, OH, SC, SD, VA, and WI, restricted to traffic originating at the facilities of Gotham Industries, Division of Plascor, Inc., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the destination point by adding MI. Any duplication in this document of authority presently held by carrier does not confer more than one operating right. This certificate may not be joined or tacked with the carrier's other irregular-route authority.

MC 141804 (Sub-43) (republication), filed December 29, 1976, published in the FEDERAL REGISTER issue of February 17, 1977, and republished this issue. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, TN 37072. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68509. A decision of the Commission, by the initial decision of Administrative Law Judge Forest Gordon, served June 2, 1978, becomes effective July 19, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Bicycles and bicycle parts*, (1) from Azusa, Torrance, City of Industry, and Huntington Beach, CA, to points in OH and IN, and Chicago, IL, Minneapolis, MN, Wichita, KS, and Laredo, TX; and (2) from Chicago, Elgin and Elk Grove Village, IL, Grand Rapids, MI, Minneapolis, MN, Wichita, KS, Laredo, TX, Hartford, CT, Moscow, TN, Maysville, KY, and Grafton, WI, and points in IN and OH, to Azusa, Torrance, City of Industry, and Huntington Beach, CA, restricted in (1) and (2) to traffic originating at or destined to the facilities utilized by Huffy Corp., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description and to indicate the supporting shipper's name change from "The Huffman Co.", to "Huffy Corp.".

MC 143471 (Sub-1) (republication), filed September 6, 1977, published in the FEDERAL REGISTER issue of October 20, 1977, and republished this issue. Applicant: SHERIDAN HEIGHTS, INC., d.b.a., DAKOTA PACIFIC TRANSPORT), a corportation (FORMERLY KNECHT TRANSPORT, 301 Mount Rushmore Road, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. A decision of the Commission, Review Board No. 2, decided June 21, 1978, and served July 24, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *Such commodities* (except commodities in bulk), as are used or dealt in by manufacturers or distributors of (a) *building materials and supplies;* (b) *hardware;* (c) *plumbing supplies;* (d) *electrical supplies;* (e) *cement materials;* and (f) *landscaping materials*, between points in CA, CO, ID, IA, MN, MT, NE, NV, ND, OR, SD, UT, WA and WY, under a continuing contract, or contracts, with Knecht Industries, Inc., Building Materials Distributors, Big K Cash & Carry, Mastercraft Factory, Homes by Knecht, Mastercraft Homes, and Knecht Lumber Co., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

MC 143916 (republication), filed October 27, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished this issue. Applicant: MCQUADE HEAVY HAULING, INC., Route 1, Sergeant Bluff, IA 51054. Representative: George L. Hirschbach, P.O. Box 417, 5000 South Lewis Boulevard, Sioux City, IA 41102. A decision of the Commission, by the initial decision of Administrative Law Judge Geraldine R. Keyes, served May 26, 1978, becomes effective July 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Road construction machinery and equipment; boilers, circuit breakers and switches; and commodities* which because of size or weight require the use of special equipment, (1) from Sioux City, IA, to points in MN, WI, IL, MO, KS, NE, SD, ND, MT and WY; and (2) from points in MN, WI, IL, MO, KS, NE, SD, ND, MT and WY, to Sioux City, IA. Restriction: The operations in part (1) above are restricted to traffic originating at Sioux City, IA, and destined to points in the named destination States, and in part (2) above to traffic originating at points in the above-named States and destined to Sioux City, IA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description, and add a restriction.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by special rule 247 of the Commission's general rules of practice (49 CFR § 110.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as

a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 2421 (Sub-16F), filed April 14, 1978. Applicant: NEWTON TRANSPORTATION CO., INC., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table slides*, from Louisville, KY, to those points in NC on and west of U.S. Hwy 29. (Hearing site: Louisville, KY, or Washington, DC.)

MC 4943 (Sub-36F), filed April 17, 1978. Applicant: CENTRAL EXPRESS, INC., 5601 West Waco Drive Waco, TX 76703. Representative: Phillip Robinson, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between Hebbronville and Laredo, TX: from Hebbronville over TX, Hwy 359 to Laredo, and return over the same route, serving no intermediate points; and (2) between San Antonio and Laredo, TX, as an alternate route for operating convenience only, serving no intermediate points and serving the termini for purposes of joinder only: from San Antonio over Interstate Hwy 35 and U.S. Hwy 81 to Laredo, and return over the same route, restricted to the transportation of traffic in (1) and (2) above to points located within TX. (Hearing site: Austin, or Dallas, TX.)

MC 5470 (Sub-144F), filed April 14, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: BRIAN L. TROIANO, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and silicon metals*, in dump vehicles, from Selma, AL, to points in AR, CT, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NJ, NY, OK, PA, SC, TN, and WI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 8457 (Sub-6F), filed April 14, 1978. Applicant: MILWAUKIE TRANSFER & FUEL CO., a corportion, 15462 SE. Railroad, Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 NW. 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight require the use of special equipment, and related *machinery parts* and related *contractor's materials* and *supplies* when their transportation is incidental thereto, between points in Multnomah, Clackamas, and Washington Counties, OR, on the one hand, and on the other, points in WA. (Hearing site: Portland, OR.)

MC 13134 (Sub-50F), filed April 14, 1978. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Ashland, KY, to points in AL, GA, NY, NC, PA, SC, TN, and VA. (Hearing site: Charleston, WV.)

MC 25798 (Sub-312F) (amendment) filed April 3, 1978, and previously noticed in the FEDERAL REGISTER issue of June 22, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except foodstuffs requiring refrigeration), from Pickett, WI, Siloam Springs, AR, and Alton, Hardin, and Quincy, IL, to points in AL, FL, GA, NC, and SC. (Hearing site: Chicago, IL).

NOTE.—This republication indicates that Pickett is located in WI. Common control may be involved.

MC 29886 (Sub-344F), filed: April 14, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53140. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Cranes, draglines, backhoes, shovels*, and *loaders*, and (2) *incidental machinery, attachments, accessories* and parts used in connection with the commodities in (1) above, between points in the United States (except AK & HI), restricted to the transportation of shipments originating at or destined to the facilities of Gleason Equipment, Inc., Gleason Crane Rental, Inc., Gleason Service, Inc. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—*Common control may be involved.*

MC 30837 (Sub-480F), filed April 14, 1978. Applicant: Kenosha Auto Transport Corp. 4314 39th Avenue Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Building Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors and truck chassis*, in initial movements, in driveaway service, from Oshkosh, WI, to points in the United States (including AK but excluding HI.) (Hearing site: Chicago, IL, or Washington D.C.)

NOTE.—Common control may be involved.

MC 35358 (Sub-41F), filed April 14, 1978. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive, Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg. Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, trans-

porting: *Furniture,* in cartons from McKinney, TX, to points in IL, KS, ND, SD, MN, WI, IA, and NE. (Hearing site: Dallas, TX.)

MC 41406 (Sub-75F), filed April 14, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammon, IN 46323. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from the facilities of the Ford Motor Co. at or near Milan, MI to points in WI, IA, MO, IL, IN, KY, OH, MI, WV, PA, NY, NJ, DE, and MD. (Hearing site: Detroit, MI or Chicago, IL.)

MC 42011 (Sub-38F), filed April 14, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115. Representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Clay, coal, gilsonite, soda ash, and sodium bicarbonate* (except in bulk), form MT, ND, SD, UT, and WY, to AR, CA, IL, KS, LA, NM, OK, and TX. (Hearing site: Dallas, or Houston, TX.)

MC 43593 (Sub-8F) (correction), filed April 12, 1978, published in the FEDERAL REGISTER issue of July 20, 1978, and republished this issue. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, PA 19114. Representative: Alan Kahn, 1920 Two Penn Center Plaza. Philadelphia, PA 19102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of K-Mart Corp. in Upper Merion Township, Montogomery County, PA. to points in PA. (Hearing site: Washington, DC, or Philadelphia, PA.)

NOTE.—The purpose of this republication is to correctly reflect the origin territory which was incorrectly published in the FEDERAL REGISTER

MC 43716 (Sub-34F), filed April 14, 1978. Applicant: BIGGE DRAYAGE CO., a corportation, P.O. Box 1657, San Leandro, CA 94577. Representative: Edward J. Hegarty, 100 Bush Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1)(a) *Machinery, equipment, materials, and supplies* used in logging, mining, road building, and construction work, and, (b) replacement, additional, repair, or standby equipment to the commodities authorized in (1)(a) above; (2)(a) *commodities,* the transportation of which, because of size or weight, require special handling or the use of special equipment; and (b) commodities which do not require special handling or the use of special equipment when moving in mixed loads with the commodities in (2)(a) above; (3) *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 (1952); and (4) *construction materials,* between points in CA, on the one hand, and on the other, points in WA. (Hearing site: San Francisco or Los Angeles, CA.)

NOTE.—Applicant intends to tack the authority requested above with MC 43716 (Subs 26, 28, and 31) at points in CA to provide service between points in NV and WA. Applicant concurrently seeks to eliminate the CA gateway in connection with its tacking request.

MC 58035 (Sub-16F), filed April 14, 1978. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: (1) *Electrical household appliances and equipment, kitchen and bathroom appliances and equipment, oral hygiene appliances and equipment, sink and shower fixtures, smoke alarms, food processing machines, and filers,* from the facilities of Teledyne Water Pik located in Larimer County, CO, to points in NJ, NY, MD, PA, DE, MA, OH, VA, CT, RI, WV, and DC; (2) *Materials, equipment, and supplies* used in the manufacture or distribtion of the commodities named in (1) above, from the destination points named in (1) above, to the facilities of Teledyne Water Pik located in Larimer County, CO. (Hearing site: Denver, CO.)

NOTE.—Applicant holds contract carrier authority in MC 142355, therefor dual operations may be involved.

MC 61396 (Sub-347F), filed April 14, 1978. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: John E. Smith, II, 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement* from points in TX to points in AR, AZ, CO, TX, LA, MS, NM, KS, and OK. Restriction: Restricted against traffic originating at the facilities of Alpha Portland Cement Co. at Echo, Orange County, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 66746 (Sub-21F), (correction), filed March 27, 1978, published in the FEDERAL REGISTER of May 25, 1978, and republished as corrected this issue. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Drive, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting, as pertinent: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission), (18) between New Orleans, LA, and the MS-AL State line: for New Orleans over U.S. Hwy 90 (also I-Hwy 10) to the MS-AL State line and return over the same route. Serving all intermediate points on routes (1) through (18) above, and all other points in MS as off-route points. Restriction: Service at points in MS is restricted to those positions of the commercial zones as defined by the Commission physically located in MS. (Hearing site: Tupelo or Jackson, MS.)

NOTE.—Applicant does not seek a duplicating authority. The purpose of the republication is to correctly state part (18) that was previously published on May 25, 1978.

MC 73165 (Sub-437F), filed April 14, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Yard tractors, parts, and accessories* therefore, between Lyons, IL, on the one hand, and, on the other, points in the United States (except AK and HI.) (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

MC 73165 (Sub-438F), filed April 14, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles,* (2) *aluminum ingots, pigs, slabs, and blooms,* and (3) *waste and scrap materials,* between Manvel and Houston, TX, on the one hand, and, on the other, points in the United States in and east of WI, IA, MO, KS, OK, and TX. (Hearing site: Houston or Dallas, TX.)

NOTE.—Common control may be involved.

MC 73165 (Sub-439F), filed April 14, 1978. Applicant: EAGLE MOTOR

LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum articles and aluminum ingots, slabs, blooms, bars, and chopping; copper, copper articles; zinc ingots, slabs, and dust; waste and scrap materials;* between the facilities of Gulf Metals Industries (Gulf Reduction Division) at Houston, TX and Gulf Metals Industries (Southern Division) at East Point, GA, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, and NM. (Restricted against the transportation of commodities in bulk) and (restricted to traffic originating at or destined to facilities of Gulf Metals Industries). (Hearing site: Houston, TX or New Orleans, LA.)

NOTE.—Common control may be involved.

MC 73165 (Sub-441F), filed April 14, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron castings, slag pots, ingot molds, and pipe, pipe couplings, nipples, and rough forgings* from Ohio County, WV to points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA.)

NOTE.—Common control may be involved.

MC 73165 (Sub-445F), filed April 14, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment*, and (2) *parts, accessories, and trailers* for material handling equipment, from Crystal Lake, IL, and Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX or Chicago, IL.)

NOTE.—Common control may be involved.

MC 82841 (Sub-233F), filed April 14, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Aliquippa and Pittsburgh, PA, to points in AR, CO, IL, IA, KS, MN, MO, NE, OK, WI, and TX, restricted to the transportation of shipments originating at the facilities of Jones and Laughlin Steel. (Hearing site: Pittsburgh, PA.)

MC 89716 (Sub-53F), filed April 14, 1978. Applicant: DICK JONES TRUCKING, a corporation, Box 965, Powell, WY 82435. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield motors and oilfield pumps*, between the facilities of TRW Reda Pump Co., at or near Thermopolis, WY, on the one hand, and, on the other, points in NM. (Hearing site: Cheyenne, WY or Denver, CO.)

MC 93840 (Sub-36F), (correction), filed March 30, 1978, published in the FEDERAL REGISTER issue of June 8, 1978, and republished as corrected this issue. Applicant: GLESS BROS., INC., P.O. Box 216, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from the facilities, of Map-Ren, at East Dubuque, IL, to points in IA, WI, and MN. (Hearing site: Des Moines, IA or Chicago, IL.)

NOTE.—The purpose of this republication is to correctly state the origin point.

MC 95540 (Sub-1019F), filed April 14, 1978. Applicant: WATKINS, MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk, in tank vehicles) from the plant site and/or facilities of Rich Products, Corp., located at or near Murfreesboro, TN to points in TN, TX, CA, WV, and WI. (Hearing site: Buffalo, NY, Washington, DC, or Tampa, FL.)

NOTE.—Common control may be involved.

MC 95876 (Sub-239F), filed April 14, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Agricultural and industrial equipment, and accessories, parts and attachments* for agricultural and industrial equipment, from Mankato and Litchfield, MN, to points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

NOTE.—Common control may be involved.

MC 97429 (Sub-7F) (correction), filed May 12, 1978, previously noticed in the FEDERAL REGISTER issue on June 22, 1978. Applicant: ELK VALLEY MOTOR EXPRESS, INC., 1533 Hansford Street, Charleston, WV 25311. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment): (1) Between Charleston, WV and Sutton, WV: From Charleston over WV Hwy 4 to Sutton, and return over the same route, serving all intermediate points, and serving the off-route points of Clay, Hartland, Bickmore, Lisemore, Walback, Newton, Big Otter, Nebo, Stinson, Chloe, Minora, Orma, Dundon, Blue Creek, Pinch, and Falling Rock; (2) between Clendenin, WV and Spencer, WV: From Clendenin over U.S. Hwy 119 to Spencer, and return over the same route, serving all intermediate points; (3) between Sutton, WV and Sand Fork, WV: From Sutton over U.S. Hwy 19 to the junction of WV Hwy 5, then over WV Hwy 5, to Sand Fork, and return over the same route, serving all intermediate points; (4) between Heaters, WV and Burnsville, WV: From Heaters over WV Hwy 3 to Burnsville, and return over the same route, serving all intermediate points. Note: The purpose of this application is to convert applicant's certificate of registration MC 97429 (Sub-3) to a certificate of public convenience and necessity. This application is related to the application filed in MC-FC-77581. The purpose of this correction is to indicate the correct authority sought. (Hearing site: Columbus, OH.)

MC 99069 (Sub-5F), filed April 14, 1978. Applicant: SOUTHGATE CORP., d.b.a. SOUTHGATE TRUCKING CO. 315 Dunmore Street, Norfolk, VA 23510. Representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Norfolk and Newport News, VA to Richmond, VA. (Hearing site: Norfolk VA or Washington, DC.)

MC 100666 (Sub-398F) filed April 14, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from

Alexandria, LA to points in IL, IN, IA, MO and WI. (Hearing site: Dallas, TX.)

MC 102616 (Sub-949F), filed April 14, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and related commodities* as manufactured by The Dow Chemical Co., between the facility of The Dow Chemical Co. at Ludington, MI, on the one hand, and, on the other, Detroit, MI, for transshipment in interstate or foreign commerce. (Hearing site: Chicago, IL or Columbus, OH.)

MC 102616 (Sub-950F), filed April 14, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of the Dow Chemical Co. at Midland, MI, Magnolia, AR, Pevely, MO, and Hanging Rock, OH, to points in the United States on and east of U.S. Hwy 85. (Hearing site: Chicago, IL or DC.)

MC 103066 (Sub-70F), filed April 14, 1978. Applicant: STONE TRUCKING CO., a corporation, P.O. Box 2014, Tulsa, OK 74101. Representative: Eugene D. Anderson, Suite 428, 910 Seventeenth Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and wood articles*, from Tupper Lake NY, to points in AL, FL, GA, IL, KY, MS, NC, NJ, OH, VA, and WI; and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from Joliet and Morris, IL, to Tupper Lake, NY. (Hearing site: Albany, NY or Washington, DC.)

MC 108835 (Sub-42F), filed April 14, 1978. Applicant: HYMAN FREIGHTWAYS INC., 1745 University Avenue, St. Paul, MN 55104. Representative: Rodeny L. Trocke, 2690 North Prior Avenue, Roseville, MN 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in tank vehicles), from the facilities of Kraft, Inc., at New Ulm, MN, to points in IL, IA, MO, NE, ND, SD, and WI, (2) *dairy products* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, fom Milbank, SD, to Champaign, IL, Springfield, MO, and New Ulm, MN, restricted in (1) and (2) above to traffic originating at the above named origin and destined to the above named destinations. (Hearing site: Minneapolis, MN or Chicago IL.)

MC 109612 (Sub-41F), filed April 14, 1978. Applicant: LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and paper cartons*, from the facilities used by Thatcher Glass Mfg. Co., Division of Dart Industries, Inc. located at Streator, IL, to points in OH, and the Lower Peninsula of MI; and (2) *glass containers and paper cartons*, from Lawrenceburg, IN, and the facilities of Thatcher Glass Mfg. Co., Division of Dart Industries, Inc. located at Cincinnati, OH, to points in IL, and the Lower Peninsula of MI. (Hearing site: Washington, DC.)

MC 110656 (Sub-9F), filed April 14, 1978. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue SW., Grand Rapids, MI 49507. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Hwy 31 and MI Hwy 37 (near Grawn, MI) and Frankfort, MI from junction U.S. Hwy 31 and MI Hwy 37 (near Grawn, MI) over U.S. Hwy 31 to junction MI Hwy 115, then over MI Hwy 115 to Frankfort, MI, and return over the same route, serving all intermediate points and off-route points within 6 miles of the described route and 6 miles of Frankfort, MI. (Hearing site: Traverse City, Lansing, or Grand Rapids, MI.)

MC 111812 (Sub-569F), filed April 14, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, SD 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Safety razors and blades, toiletries, cigarette lighters, portable appliances and writing instruments*, from Andover, MA to Pittsburgh, PA and points in IL, IN, MI and OH. (Hearing site: Boston, MA.)

NOTE.—Common control may be involved.

MC 113198 (Sub-6F), filed April 14, 1978. Applicant: UTERMOEHLEN TRUCKING, INC., P.O. Drawer N, Arma, KS 66712. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregualr routes, transporting: *Coal* (a) from points in Vernon County, MO, to points in KS, under continuing contract(s) with Midwest Mining and Reclamation, Inc., of Fort Scott, KS, and (b) from points in Crawford County, KS, to points in MO, under continuing contract(s) with Alternate Fuels, Inc., of Pittsburg, KS. (Hearing site: Kansas City, MO.)

MC 113822 (Sub-6F), filed April 3, 1978. Applicant: Dalgarno Transportation, Inc., 12075 East 45th Avenue, Suite 522, Denver, CO 80239. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in WY, UT, and the counties of Caribou, Bear Lake, Bonneville, Teton, Fremont, and Madison, ID. (Hearing site: Casper, WY or Salt Lake City, UT.)

NOTE—Applicant seeks authorization to tack this authority sought with presently held authority to provide a through service to points in CO, MT, NE, ND, NM, SD, NV, OR, and WA.

MC 113974 (Sub-53F), filed April 14, 1978. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp., at Aliquippa and Pittsburgh, PA, to points in AR, IN, KY, MO, and TN, restricted to traffic originating at the above named origins. (Hearing site: Pittsburgh, PA or Washington, DC.)

NOTE.—Common control may be involved.

MC 114533 (Sub-369F), filed April 14, 1978. Applicant: BANKERS DISPATCH CORP. 1106 West 35th Street, Chicago, IL 60609. Representative: Melvin L. Rosenbloom (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Biological and laboratory specimens, samples, cultures, supplies, and laboratory reports,* (1) between Wichita, KS, on the one hand, and, on the other, points in MO and IA (except Woodbury, Monona, Fremont, Page, Mills, Montgomery, Pottawattamie, Taylor, Union, and Ringgold Counties, IA), and (2) between Kansas City, MO, on the one hand, and, on the other, points in KS and OK. (Hearing site: Kansas City, MO or Wichita, KS.)

NOTE.—Applicant holds contract carrier authority in MC 128616, therefore dual operations may be involved.

MC 114829 (Sub-14F), filed April 14, 1978. Applicant: GENERAL CARTAGE CO., INC., P.O. Box 417, Sterling, IL. 61081. Representative: Paul R. Bergant, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregualr routes, transporting: (1) *Doors, door accessories, door parts, and automatic door operators,* from Sterling, IL, to points in MI, OH, and KY; (2) *steel balls, ends, or wheels,* from Sterling, IL, to Omaha, NE, and points in MI, OH, KY, IA, MN, IN, and WI; and (3) *materials and supplies* used in the manufacture of the commodities in (1) and (2) above, (except commodities in bulk), from points in MI, OH, and KY, to Sterling, Il, under continuing contract(s) with Frantz Mfg. Co., of Sterling, IL. (Hearing site: Chicago, IL.)

MC 115006 (Sub-3F), filed April 14, 1978. Applicant: PETER J. WALSTRA, INC., P.O. Box 140, DeMotte, IN 46130. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except anhydrous ammonia), from Burns Harbor, IN, to points in IL, OH, and those in the Lower Peninsula of MI. (Hearing site: Washington, DC.)

MC 115022 (Sub-32F), filed April 14, 1978. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, CT 06787. Representative: Bernard J. Hasson, Jr., 927 15th Street NW, Suite 306, Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (a) *trailers,* designed to be drawn by passenger automobiles; (b) *buildings in sections;* and (c) *mobile homes,* in single and double-wide units, from origins which are points of manufacture or initial interstate shipping points, located in AL, AZ, AR, CA, CO, FL, GA, IN, KS, LA, MD, MI, MS, MN, NE, NH, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, and WI, to points in the United States, including AK, but excluding HI. (Hearing site: Hartford, CT or Boston, MA.)

MC 115331 (Sub-457F), filed April 14, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic liquors, distilled spirits, neutral spirits, juices, juice concentrates, wine, and brandy,* in bulk, in tank vehicles, between points in CA, IL, IN, NJ, PA, FL, KY, TX, WI, LA, OH, MD, IA, OR, MN, ME, KS, NY, MI, WA, ID, MT, ND, CT, MO, and MA, on the one hand, and, on the other, points in the United States (except AK and HI). Common control may be involved.

NOTE.—(Hearing site: St. Louis, MO, or Chicago, IL.)

MC 115654 (Sub-90F), filed April 11, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW, Washington, DC 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Such articles* as are dealt in by wholesale and retail grocery houses, in vehicles equipped with mechanical refrigeration, from Chicago, IL, to applicant's facility at or near Cincinnati, OH. (Hearing site: Chicago, IL or Nashville, TN.)

MC 116300 (Sub-39F), filed April 14, 1978. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: I. *Dry fertilizer and dry fertilizer ingredients,* in bulk, in dump vehicles, and in packages, from (a) Hattiesburg, Pascagoula and Yazoo City, MS to points in AL, AR, FL, GA, and LA, and (b) from Donaldsonville, LA to points in AL, AR, GA, FL, MS and TX. II. *Dry fertilizer and dry fertilizer ingredients,* in bulk, in tank vehicles, from Hattiesburg and Pascagoula, MS to points in LA. (Hearing site: Jackson, MS.)

MC 116915 (Sub-58F), filed April 14, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk), from the Port of Houston, Houston, TX, Rockwall, TX, and Magnolia, AR, to points in AR, MS, MO, OK, and TX, restricted to traffic having a prior movement by water. (Hearing site: Lousiville, KY, Cincinnati, OH, or Columbus, OH.)

MC 116915 (Sub-67F), filed April 14, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk), (1) Between the facilities of East Alco Aluminum Co., located at or near Buckeystown, MD. on the one hand, and, on the other, points in NY, PA, OH, IN, MI, IL, MO, KY, TN, AR, LA, TX, OK, MS, AL, GA, NC, SC, FL, WV, VA, (2) from the facilities of Noranda Aluminum Co., located at or near New Madrid, MO, to the facilities of Howmet Aluminum Corp. located at Magnolia, AR and Rockwall, TX, (3) from the facilities of Revere Copper & Brass, Inc., located at or near Scottsboro, AL, to the facilities of Howmet Aluminum Corp. located at Lancaster, PA, Magnolia, AR, and Rockwall, TX, (4) from the facilities of Martin Marietta Aluminum, located in Hancock County, KY and Anaconda Aluminum Co., located at or near Sebree, KY, to the facilities of Howmet Aluminum Corp., located at Magnolia, AR, Rockwall, TX, and Lancaster, PA, (5) from the facilities of Kaiser Aluminum & Chemical Corp., located at or near Chalmette, LA; Consolidated Aluminum Corp., located at New Johnsonville and Jackson, TN; and Howmet Aluminum Corp., located at Magnolia, AR, to points in PA, AR, TX, IL, IN, OH, MI, TN, and KY; and (6) from the facilities of National Southwire Aluminim Co. and Southwire Co. located at or near Hawesville, KY, to the facilities of Howmet Aluminum Co. located at Magnolia, AR and Rockwall, TX. (Hearing site: Louisville, KY, Cincinnati, or Columbus, OH.)

MC 116915 (Sub-68F), filed April 14, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and material, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), between

the facilities of Martin Marietta Aluminum, Inc., located at or near Lewisport, KY, on the one hand, and, on the other, points in AR, CT, NY, NJ, PA, TX, LA, and MS. (Hearing site: Louisville, KY, Cincinnati or Columbus, OH.)

MC 117568 (Sub-17F), filed April 14, 1978. Applicant: KEMPT TRUCK LINE, INC., P.O. Box 156, Verona, MO 65769. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment*, from the facilities of Southwest Manufacturing Division, at or near Aurora, MO, to points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN (except Minneapolis), MS, NE, NJ, NM, NY, NC (except High Point), ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI (except LaCrosse), under continuing contract(s) with, Southwest Manufacturing Division of Aurora, MO. (Hearing site: Kansas City, MO.)

MC 117574 (Sub-314F), filed April 13, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; (2) *machinery, equipment, and systems* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air gas or liquids, and (3) *parts, accessories and attachments* for use in the installation and operation of the commodities in (1) and (2) above, from Atlanta, GA, to points in the United States (except in AK and HI). (Hearing site: Atlanta, GA or Washington, DC.)

NOTE.—Common control may be involved.

MC 117940 (Sub-275F), filed April 14, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan Timmerman, 5300 Hwy 12, Maple Plain, MN 55359 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron boilers, heating supplies and equipment* (excepty commodities which because of size and weight require special equipment), from Northvale, NJ, to points in NE and WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 118989 (Sub-190F), filed April 14, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, fibreboard or pulpboard*, from the facilities of Sonoco Products Co., at or near Henderson, KY, Alpha, OH, Hanover, PA (York County), and Henderson, TN, to points in the United States (except AK and HI); (2) *equipment, materials and supplies used or useful in the manufacture or sale of containers, fibreboard or pulpboard* (except commodities in bulk), from the destinations in part (1) above to the facilities of Sonoco Products Co. at or near Henderson, KY, Alpha, OH, Hanover, PA (York County), and Henderson, TN. (Hearing site: Chicago, IL or Washington, DC.)

MC 119384 (Sub-31F), filed April 14, 1978. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, IA 50220. Representative: Robert R. Rydell, 1014 Savings & Loan Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meatpacking houses* as described in sections A, C, and D of appendix I to the report in descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, and commodities in bulk, in tank vehicles), and (2) *foodstuffs*, when in mixed loads with commodities described in (1) above, from the facilities of Oscar Mayer & Co., Inc., at or near Madison, WI, to Chicago, IL. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 119493 (Sub-198F), filed April 14, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags, plastic bags and bags constructed of paper and plastics* combined, from Jacksonville, AR, to points in the United States in and east of MT, WY, CO, and NM; (2) *materials, equipment, and supplies* used in or in connection with the manufacture, distribution, printing, processing or use of paper bags, plastic bags and bags constructed of paper and plastic combined from destinations named in part (1) to Jacksonville, AR. (Hearing site: Little Rock, AR, or Springfield MO.)

MC 119493 (Sub-199F), filed April 14, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Paper bags, plastic bags, and bags constructed of paper and plastics* combined from Jacksonville, AR to points in the United States in and east of MO, WY, CO and NM; (2) *materials, equipment*, and *supplies* used in or in connection with the manufacture, distribution, printing, processing or use of paper bags, plastic bags and bags constructed of paper and plastic combined from destinations named in part (1) to Jacksonville, AR. (Hearing site: Little Rock, AR or Springfield, MO.)

MC 119619 (Sub-126F), filed April 11, 1978. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Baltimore, MD, Albany, NY and Ports in NY and NJ in the New York, NY Commercial Zone (including ports in the New York, NY and Port Newark, NJ) as defined by the Commission, and Philadelphia, PA, to Pittsburgh, PA, St. Louis, MO, and points in IL, IN, MI, OH, and WI. (Hearing site: New York, NY.)

MC 119654 (Sub-41F), filed April 14, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, or chain grocery stores, from Fostoria, OH, to points in MI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119789 (Sub-454F), filed April 14, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Ashtabula, OH, to points in AL, CT, DE, FL, GA, ME, MA, MS, NH, NY, NC, PA, RI, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

NOTE.—Common control may be involved.

MC 119789 (Sub-455F), filed April 14, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266.Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat*

products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Pepper Packing Co., at or near Denver, CO, to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Denver, CO.)

MC 121306 (Sub-14F), filed April 14, 1978. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, NC 28071. Representative: James W. Lawson, 843 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* from Farrell, Sharon, and Wheatland, PA, to points in VA, NC, SC, GA, FL, MS, AL, and TN. (Hearing site: Pittsburgh, PA.)

MC 121626 (Sub-4F), filed April 14, 1978. Applicant: BAYVIEW TRUCKING, INC., 7800 Florin-Perkins Road, Sacramento, CA 95828. Representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses, and (b) exempt commodities when shipped in the same vehicle with the commodities described in (a) above, with transportation in (a) and (b) above restricted to that moving in vehicles equipped with mechanical refrigeration, between Sacramento, CA, on the one hand, and, on the other, points in El Dorado, Nevada, Placer, and Sierra Counties, CA, and Washoe and Douglas Counties, NV. (Hearing site: San Francisco, CA, or Reno, NV.)

NOTE.—Common control may be involved.

MC 123407 (Sub-450F), filed April 14, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tile, floor covering, wallpaper, and materials, equipment and supplies used in the manufacture, distribution, maintenance, removal, and sale of the above commodities* (except in bulk), (1) From the facilities of Color Tile Supermart, Inc., at Jessup, MD, to points in the United States in and east of ND, SD, NE, CO, OK, and TX; and (2) From points in the United States in and east of ND, SD, NE, CO, OK, and TX, to the facilities of Color Tile Supermart, Inc., located in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

MC 123407 (Sub-451F), filed April 14, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum siding and accessories, and materials and supplies used in the installation of aluminum siding and accessories* from Oconomowoc, WI, to points in the United States (except AK and HI). Hearing site: Chicago, IL.

NOTE.—Common control may be involved.

MC 123407 (Sub-452F), filed April 14, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition board,* from Burns Harbor, IN, to points in AZ, IL, IA, KS, KY, MI, MN, MS, MO, NE, NY, OH, OK, PA, TN, and WI. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

MC 124004 (Sub-44F), filed April 14, 1978. Applicant: RICHARD DAHN, INC., 629 West Mountain Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Quarry products and stone,* from Kings Mountain, NC, to points in IL, IN, MI, KY, TN, SC, GA, FL, AL, MS, WI, MN, IA, MO, AR, AL, OK, and TX, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 124170 (Sub-90F), filed April 14, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat-packing houses,* as described in appendix I to the report in *descriptions in motor carrier cerrificates,* 61 MCC 209 and 766, (except hides and commodities in bulk), from points in the New York, NY commercial zone, to points in MI. (Hearing site: Detroit, MI, or Washington, DC.)

MC 124170 (Sub-92F), filed April 14, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry macaroni, spaghetti, and noodle products,* from Jersey City, NJ, to points in MI. (Hearing site: New York, NY, or Washington, DC.)

MC 124887 (Sub-54F), filed April 14, 1978. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Brick and tile,* from points in Bastrop County, TX, to points in AL, FL, GA, LA, MS, NC, and SC. (Hearing site: Jacksonville, or Tallahassee, FL.)

MC 126276 (Sub-194F), filed June 19, 1978. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Joseph Winter, 33 North LaSalle Street, Chicago, IL 6062. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (a) *Plastic containers,* from the facilities of The Continental Group, Inc., points in Hillsborough County, NH, Kent County, MI, and Morris and Passaic Counties, NJ, to points in AL, CT, DE, GA, IL, IN, KS, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, SC, WI and WV, and (b) *Materials, equipment, and supplies used in the manufacture, sale, or distribution of plastic containers,* from points in AL, CT, DE, GA, IL, IN, KS, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, SC, WI and WV, to the facilities of The Continental Group, Inc., in Hillsborough County, NH, Kent County, MI, and Morris and Passaic Counties, NJ, under a continuing contract or contracts with The Continental Group, Inc., of New York, NY. (Hearing site: Chicago, IL.)

NOTE.—This application is subject to the Commission's favorable determination that applicant meets the definition of a contract carrier in the proceedings pending in MC 126276 (Sub-161, et al.)

MC 127840 (Sub-68F) (correction), filed March 31, 1978, published in the FEDERAL REGISTER issue of June 22, 1978, and republished as corrected this issue. Applicant: MONTGOMERY TANK LINES INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William Towle, 180 North LaSalle Street, Chicago, IL 60601. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by meat packinghouses*, in bulk, in tank vehicles, from Arkansas City, KS, to points in MO, TX, OK, NM, and LA. (Hearing site: Chicago, IL.)

NOTE.—The purpose of this correction is to change the destination State from MS to MO.

MC 128078 (Sub-5F), filed April 14, 1978. Applicant: MICHAEL VALIHORA, P.O. Box 1176A, Detroit, MI 48232. Representative: William B. Elmer, 21635 East Nine Mile Road, ST. Clair Shores, MI 48080. Authority sought to engage in operation, in interstate of foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Lumber and lumber products* between the ports of entry on the international boundary line between the U.S. and Canada located in MN, MI, NY, VT, NH, and ME, on the one hand, and, on the other, points in AL, AR, CO, DC, DE, FL, GA, KS, LA, Upper Peninsula of MI, MS, MC, NE, OK, SC, SD, RI, TN, and TX, restricted to traffic originating in or destined to Canada; and, (2) *composition board, flakeboard and particle board* between the ports of entry on the international boundary line between the U.S. and Canada located in MN, MI, NY, VT, NH, and ME, on the one hand, and, on the other, points in the U.S. located in and east of MN, SD, NE, CO, OK, and TX, restricted to traffic originating in or destined to Canada. (Hearing site: Detroit, MI.)

MC 128460 (Sub-4F), filed April 14, 1978. Applicant: JOHN J. CONAHAN d.b.a. Central Air Freight Service, 260 West Green Street, Hazleton, PA 18201. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods), between the Philadelphia International Airport, Philadelphia, PA, on the one hand, and, on the other, points in Schuylkill, Luzerne, and Lackawanna Counties, PA, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Washington, DC.)

MC 129063 (Sub-18F), filed April 14, 1978. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, TN 38063. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and bone meal*, in bulk, in dump vehicles, from Memphis, TN, to points in LA; and (2) *dry rendered tankage*, in bulk, in dump vehicles, from points in LA and AR to Memphis, TN. (Hearing site: Memphis, TN.)

MC 129387 (Sub-54F), filed April 14, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welders and parts thereof*, from the facilities of Miller Electric Manufacturing Co., located at or near Appleton, WI, to points in TX, LA, GA, CA, and PA. Restriction: Restricted to traffic orignating at the named origin and destined to the named destination States. (Hearing site: Milwaukee, WI.)

MC 129459 (Sub-14F), filed April 14, 1978. Applicant: KEARNEY'S TRUCKING SERVICE, INC. Alternate Route 611, Portland, PA 18351. Representative: Joseph F. Horay, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry spaghetti and macaroni* from Jersey City, NJ, to points in MI, under continuing contract or contracts with C. F. Mueller Co. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved. Applicant holds common carrier authority in MC 135049, therefore dual operations may be involved.

MC 129459 (Sub-15F), filed April 14, 1978. Applicant: KEARNEY'S TRUCKING SERVICE, INC. Alternate Route 611, Portland, PA 18351. Representative: Joseph F. Horay, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in bulk from Perth Amboy, NJ, to points in Dutchess, Ulster, Orange, Putnam, Westchester, Rockland, Nassau, and Suffolk Counties, NY, under a continuing contract with Morton Salt Co., Division of Morton-Norwich Products, Inc., and Cargill, Inc. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved. Common control may be involved.

MC 133566 (Sub-111F), filed April 14, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Continental Freezers at or near Chicago, IL, to points in IL, IN, KY, MI, NY, OH, PA, and WI. Restricted to traffic originating at the named origin and destined to points in the named destination States. (Hearing site: Chicago, IL, or New York, NY.)

MC 133566 (Sub-112F), filed April 14, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, in vehicles equipped with mechanical refrigeration, between the facilities of Lykes Bros, Inc., of GA located at or near Albany, GA, and points in IL, KY, and WI, in a nonradial movement, restricted to traffic originating at or destined to the above-named points. (Hearing site: Atlanta, GA, or New York, NY.)

MC 133566 (Sub-113F), filed April 14, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by Armour & Co. at or near Omaha, NE, to points in CT, DE, DC, ME, MD, MA, NY, NJ, NH, PA, RI, VT, VA, and WV. Restricted to traffic originating at the above-named facilities and destined to points in the named destination States. (Hearing site: Phoenix, AR, or New York, NY.)

MC 134082 (Sub-11F), filed April 14 1978. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, MD 21036. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Baltimore, Anne Arundel, Howard, and Prince George's Counties, MD, and Baltimore, MD, to points in CT, DE, IL, IN, KY, ME, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

MC 134218 (Sub-1F), filed April 14, 1978. Applicant: ALGE TRUCKING

CO., INC., 118 Flushing Avenue, Brooklyn, NY 11205. Representative: William J. Augello, 120 Main Street, Huntington, NY 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nuts and bolts*, from Greenvale, NY, to points in IL, OH, MI, PA, NY, and AL; (2) *nuts and bolts*, from the New York, NY commercial zone, to Greenvale, NY; and (3) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of nuts and bolts, from the destination States listed in (1) above, to Greenvale, NY, under a continuing contract with Reynolds Fasteners, Division of Athlone Industries, Inc. (Hearing site: New York, NY.)

MC 134286 (Sub-52F), (correction), filed March 31, 1978, published in the FEDERAL REGISTER issue of June 22, 1978, as MC 134266 (Sub-52F), and republished as corrected, this issue. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products* and articles distributed by meat packinghouses as described in sections A and C of appendix I, to the report in Description of Motor Carriers Certificates, 61 M.C.C 209 and 766 (except hides and commodities in bulk), for the plantsite and or storage facilities of Sioux Preme Packing Co., located at or near Sioux Center, IA, to points in CT, DE, DC, ME, MD, MA, MI, NH, NJ, NY, PA, RI, TX, VT, VA, and WV. (Hearing site: Sioux City, IA, or Denver, CO.)

NOTE.—Common control may be involved. The purpose of this correction is to add MI as a destination point and show the correct MC number.

MC 134501 (Sub-26F), filed April 14, 1978. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from Haverstraw, NY, to points in the United States (except AK and HI). (Hearing site: New York, NY; Washington, DC.)

MC 134922 (Sub-262F), filed April 14, 1978. Applicant: B. J. McADAMS, INC., Route 6 Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, foodstuffs, and those requiring special equipment), from Berlin, CT, to points in CA, OR, and WA, restricted to those commodities moving under the bills of lading of Charter Oaks Shippers Association. (Hearing site: Washington, DC or New York, NY.)

NOTE.—Common control may be involved.

MC 135874 (Sub-123F), filed April 14, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy; and confectionery and foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Lancaster, Lebanon, Dauphin, and Cumberland Counties, PA, to points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD, and WI. Restricted to the traffic originating at the facilities of Hershey Foods Corp. and their divisions and subsidiaries in the named counties and destined to points in the named states. (Hearing site: Philadelphia, PA or St. Paul, MN.)

NOTE.—Common control may be involved.

MC 136161 (Sub-13F), filed April 14, 1978. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical compounds* (except in bulk), from Ottawa, IL to points in IN, KY, MI, OH, TN, WV, and WI. (Hearing site: Chicago, IL.)

MC 136511 (Sub-21F), filed April 14, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Davidson, Guilford and Graham Counties, NC to points in KS, IA, NE, ND and SD. (Hearing site: Charlotte, NC or Washington, DC.)

MC 136511 (Sub-23F), filed April 14, 1978. Applicant: Virginia Appalachian Lumber Corp., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and furniture parts*, (1) from Biscoe, NC, to points in CA, AZ, WA, OR, ID, MT, WY, CO, UT, NV, NM, TX, and OK, and (2) from Christiansburg, VA, to points in CA, NM, ID, WA, OR, AZ, NV, UT, CO, WY, MT, OK, and TX, and (3) from South Boston, VA, to points in CA, AZ, WA, OR, ID, MT, WY, CO, UT, NV, NM, TX, OK, KS, IA, NE, ND, and SD. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 138469 (Sub-78), filed April 14, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Racks and carriers, for mounting on cars, snowmobiles, motorcycles, mopeds, and bicycles, and* (2) *hand pull-type luggage carriers*, from the facilities of Altra, Inc., at or near Lafayette, Portland, and Salem, OR, to points in the United States, (except AK, HI, and OR), restricted to the transportation of traffic originating at the named origins. (Hearing site: Portland, OR or Seattle, WA.)

NOTE.—Applicant holds contract carrier authority under MC-138375 and subs thereunder, therefore, dual operations may be involved.

MC 138676 (Sub-8F), filed April 14, 1978. Applicant: O-J TRANSPORT CO., a corporation, 2739 Sturtevant, Detroit, MI. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and materials, supplies, equipment, and related articles* used in the manufacture and production of motor vehicles, from the facilities of Freight Consolidation Services, Inc., located at Chicago, IL, to points in Detroit, MI. (Hearing site: Detroit, MI, Chicago, IL, or Washington, DC.)

MC 139495 (Sub-354F), filed April 14, 1978. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from points in CA, and those in the United States in and east of TX, AR, MO, IL, and WI, to points in OK. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 140768 (Sub-19F), filed April 14, 1978. Applicant: AMERICAN TRANS-

FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating equipment, stoves, fireplaces and incinerators*, from the facilities of Martin Industries, Inc. located at or near Sheffield, AL and Americus, GA to points in the United States except (AK and HI). (Hearing site: New York, NY.)

NOTE.—Applicant holds motor contract authority in MC 134404 and Subnumbers thereunder and, therefore, dual operations may be involved.

MC 140987 (Sub-3F), filed April 14, 1978. Applicant: WILLIAM FREDERICK, P.O. Box 161, Leominster, MA 01453. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic articles, and supplies and materials* used in their manufacture and distribution (except in bulk) between Leominster, MA and Dallas, TX on the one hand, and, on the other, points in the United States (except AK and HI) under a continuing contract or contracts with Plastican, Inc. (Hearing site: Boston, MA, Nashua, NH or Hartford, CT.)

MC 141343 (Sub-4F), filed April 14, 1978. Applicant: WILLIAM H. COOKE, d.b.a., WILLIAM COOKE TRUCKING, 5512 Thomas Avenue South, Minneapolis, MN 55410. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, between the facilities of Schweigert Meat Co., at Minneapolis, MN, on the one hand, and, on the other, points in NE (except Omaha) and IL (except Rock Island and Moline), under continuing contract(s), with Schweigert Meat Co., of Minneapolis, MN. (Hearing site: Minneapolis, MN.)

MC 142207 (Sub-15F), filed April 14, 1978. Applicant: GULF COAST TRUCK SERVICES, INC., an Alabama corporation, Chef Menteur Highway, P.O. Box 29287, New Orleans, LA 70189. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes to transport: (1) *Lumber plywood, wood products, particle board, insulation board, wallboard, posts, poles, piling, and charcoal* from the facilities of Weyerhaeuser Co. at points in AR and OK, to points in AL, MS, LA, and TX, and (2) *Materials, equipment, and supplies used in the manufacture, processing, and distribution of the* commodities in (1) above, from points in AL, MS, LA, and TX, to the origins named in (1) above. (Hearing site: New Orleans, LA.)

MC 142401 (Sub-2F), filed April 14, 1978. Applicant: OCEAN TERMINALS, INC., 410 Park Place Building, Seattle, WA 98101. Representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Salt and salt products*, from Little Mountain and Saltair, UT, to points in AK and WA; and (2) *Automotive filters*, from Clearfield, UT, to points in AK and WA. (Hearing site: Anchorage, AK, or Seattle, WA.)

MC 142508 (Sub-17F), filed April 14, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 33 N. LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Chemical and asphalt products*, in containers, and (2) *empty containers and displays*, from Kansas City, MO, and points in IL, IA, KS, and WI, to Columbus and Norfolk, NE. (Hearing site: Omaha or Lincoln, NE.)

MC 142672 (Sub-23F), filed April 14, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Erie, PA and Dunkirk, NY, to Dallas and Garland, TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL, or Little Rock, AR.)

NOTE.—Applicant holds contract carrier authority under MC 142065 and subs thereunder, therefore, dual operations may be involved.

MC 142715 (Sub-13F), filed April 14, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, MN 55101. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *descriptions in motor carrier certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the facilities of Sioux-Preme Packing Co., at or near Sioux Center, IA, and Sioux City, IA to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and DC. (Hearing site: Omaha, NE or Sioux City, IA.)

MC 143152 (Sub-6F), filed April 14, 1978. Applicant: BILLY R. HODGE d.b.a. Hodge Trucking Co., P.O. Box 386, Hoxie, AR 72433. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. For authority sought to operate as a *common carrier, over irregular routes, transporting: Fertilizer and fertilizer ingredients* (except in bulk in tank vehicles) from the facilities of Frit Industries in Humboldt, IA, to points in AR, AZ, NM, TX, LA, MS, AL, GA, FL, NC, SC, VA, OH, OK, CO, CA, IL, IN, MI, KS, NE, MO, ND, SD, and MN. (Hearing site: Little Rock, AR.)

MC 143533 (Sub-3F), filed April 14, 1978. Applicant: DIXON LEASING CO., INC., 2620 Old Egg Harbor Road, Lindenwold, NJ 08021. Representative: Robert B. Einhorn, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, PA 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulating materials* in forms, shapes, and blocks, and (2) *materials* used in the installation of insulating materials, (a) from the facilities of Fibreboard Corp., at or near Grambling, LA, to points in CT, DE, MD, ME, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, under continuing contract(s) with Fibreboard Corp., and (b) from the facilities of Owens-Corning Fiberglas Corp., at or near Berlin, NJ, to those points in MD and VA on and west of U.S. Hwy 15, and points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, ME, MI, MN, MS, MO, NH, NM, NC, OH, OK, PA, SC, TN, TX, VT, WV, WI, and DC, under continuing contract(s) with Owens-Corning Fiberglas Corp. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—Common control may be involved.

MC 143552 (Sub-3F), filed April 14, 1978. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield Street, Caldwell, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from the facilities of Nabisco, Inc., at or near Fairlawn, NJ, and Philadelphia, PA, to points in CA, OR, WA, LA, TX, and IL, under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ.

(Hearing site: New York, NY, or Washington, DC.)

MC 143552 (Sub-4F), filed April 14, 1978. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield Street, Caldwell, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel strapping and strapping machinery* and *parts* thereof, from Woodside, NY, New Britain, CT, Pittsburg, CA, to points in the United States (except AK and HI) and (2) *Materials, equipment and supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), from points in the United States (except AK and HI), to Woodside, NY, New Britain, CT, Pittsburg, CA, under continuing contract(s) with Delta Strapping Industries, of Woodside, N.Y. (Hearing site: New York, NY, or Washington, DC.)

MC 143820 (Sub-2F), filed April 5, 1978. Applicant: COSMO BALIO, 131 East Broad Street, Frankfort, NY 13440. Representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, NY 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel plates, sheets and coils*, from Gerard, Youngstown, Warren, Steubenville, and Cleveland, OH, to facilities of Bossert Manufacturing Corp., Utica, NY; (2) *steel stampings*, from facilities of Bossert Manufacturing Corp., Utica, NY to, shippers' customers at Ashtabula, Newark, Kenton, and Marysville, OH and Winchester, KY; and (3) *returned pallets and palletainers* (knocked down), from Ashtabula, Newark, Kenton, and Marysville, OH and Winchester, KY, to facilities of Bossert Manufacturing Corp., Utica, NY, restricted in (1) through (3) above to a continuous contract or contracts with Bossert Manufacturing Corp. (Hearing site: Syracuse or Utica, NY.

NOTE.—Common control may be involved.

MC 144445 (Sub-1F), filed April 14, 1978. Applicant: SOUTHWEST CANNING & PACKING, INC., 1340 East 19th Street, Tucson, AZ 85719. Representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can ends (tops or bottoms)*, from the facilities of Continental Can Co., U.S.A., in Los Angeles, and Orange Counties, CA, to Tucson, AZ, under a continuing contract or contracts with Continental Can Co. (Hearing site: Phoenix or Tucson, AZ.)

MC 144565 (Sub-1F), filed April 5, 1978. Applicant: MERLIN CLARK, d.b.a. CLARK TRANSPORTATION & ENTERPRISES, 9421 South Hydraulic, Wichita, KS 67233. Representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits, wine, cordials, and malt beverages*, from Lawrenceburg, Louisville, Frankfort, Meadowlawn, Owensboro, Loretto, Bardstown, and Clearmont, KY; Lynchburg, TN; Allen Park and Detroit, MI; Chicago, Plainfield, Lemont, Pekin, and Peoria, IL, Cincinnati and Silverton, OH; St. Louis and Kansas City, MO, to the facilities of A-B Sales, Inc., located at or near Wichita, KS and at or near Hutchinson, KS. (Hearing site: Kansas City, MO.)

MC 244582F, filed April 3, 1978. Applicant: HOH RIVER CEDAR PRODUCTS, INC., P.O. Box 127, Beaver, WA 98305. Representative: Bart Irwin, 112 South Lincoln, Port Angeles, WA 98362. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products*, from points in Clallam, Jefferson and Grays Harbor Counties, WA, to Hoquiam, WA. (Hearing site: Port Angeles or Seattle, WA.)

MC 144603 (Sub-1F), filed April 14, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the facilities of Royal Packing Co., in the St. Louis, MO-East St. Louis, IL commercial zone, as defined by the Commission, to points in MI, IN, KY, IL, WE, MN, IA, MO, ND, SD, NE, and KS. (Hearing site: St. Louis, MO.)

NOTE.—Applicant holds contract carrier authority in MC 139206 and subs thereunder, therefore dual operations may be involved. Comnmon control may also be involved.

MC 144603 (Sub-2F), filed April 14, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the facilities of Royal Packing Co., in the St. Louis, MO-East St. Louis, IL commercial zone, as defined by the Commission, to points in NC, SC, GA, FL, AL, TN, MS, LA, TX, AR, OK, NM, AZ, UT and CO. (Hearing site: St. Louis, MO.)

NOTE.—Applicant holds contract carrier authority in MC 139206 and subs thereunder, therefore dual operations may be involved. Common control may also be involved.

MC 144603 (Sub-3F), filed April 14, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the facilities of Royal Packing Co., in the St. Louis, MO-East St. Louis, IL commercial zone, as defined by the Commission to points in OH, WV, VA, MD, DC, DE, PA, NJ, and NY. (Hearing site: St. Louis, MO.)

NOTE.—Applicant holds contract carrier authority in MC 139206 and subs thereunder, therefore dual operations may be involved. Common control may also be involved.

MC 144650F, filed April 14, 1978. Applicant: ANDERSON SALES & SERVICE, INC., 4715 Route 8, Allison Park, PA 15010. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and abandoned motor vehicles* (except trailers designed to be drawn by passenger automobiles), *and replacement vehicles therefor, in truckaway service*, between points in Allegheny, Beaver, Butler, and Westmoreland Counties, PA, on the one hand, and, on the other, points in IL, IN, MD, NJ, NY, OH, and WV. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 144652F, filed April 14, 1978. Applicant: SATELLITE TRANSPORT, INC., P.O. Box 207, Flora, IN 46929. Representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, in bulk, from the facilities of A. E. Staley Manufacturing Co., located at or near Lafayette and Frankfort, IN, to points in IL, KY, MI, and OH. Restriction: Restricted to service to be performed under a continuing contract, or contracts, with A. E. Staley Manufacturing Co. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 144654F, filed April 14, 1978. Applicant: MAZ SYSTEMS, INC., 147

Hutton Street, Jersey City, NJ 07308. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is dealt in by department stores and *materials, equipment and supplies* used in the conduct of such business (except commodities in bulk), between points in DE, NJ, MD, NY, NC, OH, PA, VA, WV, and DC, under a continuing contract or contracts with S. E. Nichols, Inc., of New York, NY. (Hearing site: New York, NY or Washington, DC.)

MC 144658F, filed April 14, 1978. Applicant: FRALEY & SCHILLING, INC., Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above named commodities, from Eureka and DeKalb, IL, to points in IN, OH, KY, TN, MD, WV, and VA. (Hearing site: Indianapolis, IN.)

NOTE.—Common control may be involved.

MC 145037F, filed April 14, 1978. Applicant: PETER J. WALSTRA, INC., P.O. Box 140, DeMotte, IN 46130. Representative: Donald W. Smith, P. O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes transporting: Fertilizer and fertilizer ingredients*, (except anhydrous ammonia), from Chicago, IL, to points in IN on and north of U.S. Hwy 40. (Hearing site: Chicago, IL.)

PASSENGER APPLICATIONS

MC 45626 (Sub-71F), filed April 14, 1978. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, VT 05401. Representative: John J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, (A) between Greenfield, Northfield and Mount Hermon, MA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI); (B) in round trip sightseeing and pleasure tours, beginning and ending at points in Clinton County, NY, and those in Franklin County, NY on or north of U.S. Hwy 11, and extending to points in the United States (including AK, but excluding HI); (C) in one-way sightseeing and pleasure tours, from points in Clinton County, NY and those in Franklin County, NY on or north of U.S. Hwy 11, to points in the United States (including AK, but excluding HI), and restricted in (C) above to the transportation of passengers and their baggage having a subsequent movement wholly by air, or partially by air and partially by motor vehicle to points in Clinton County, NY and those in Franklin County, NY on or north of U.S. Hwy 11; and (D) in one-way sightseeing and pleasure tours, from points in the United States (including AK, but excluding HI), to points in Clinton County, NY and north of U.S. Hwy 11, restricted in (D) above to the transportation of passengers and their baggage having a prior movement wholly by air, or partially by air and partially by motor vehicle from points in Clinton County, NY and those in Franklin County, NY on or north of U.S. Hwy 11. (Hearing site: Burlington or Montpelier, VT.)

NOTE.-Common control may be involved.

MC 140555 (Sub-4F), filed April 14, 1978. Applicant: JG EXEC, INC., 1671 Taylor Drive, Dover, DE 19901. Representative: Marshall Kragen, 1721 DeSales Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *Passengers and their baggage*, limited to transportation of not more than 12 passengers in any one vehicle, in special operations, between points in Kent County, DE and Atlantic City, NJ, via U.S. Hwy 113 to its junction with U.S. Hwy 9 near Georgetown, DE, then over U.S. Hwy 9 to its junction with Business Route U.S. Hwy 9, then over Business Route U.S. Hwy 9 to Lewes, DE, then by ferry to Cape May, NJ, then over the Garden State Parkway to its junction with the Atlantic City Expressway, serving no intermediate points, and return over the same route. (Hearing site: Dover, DE.)

MC 144620F, filed April 14, 1978. Applicant: EXECUTIVE COACH INC., P.O. Box 1296, Lancaster, PA 17604. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Passengers and their baggage*, in the same vehicle with passengers, in roundtrip charter operations, from points in Lancaster County, PA, to points in the United States (including AK, but excluding HI). (Hearing site: Lancaster, PA.)

BROKER APPLICATION

MC 130494F, filed April 14, 1978. Applicant: ANGELA R. PUGLIESE, d.b.a. GADABOUTS TOUR & TRAVEL SERVICE, 59 Dorothy Drive, Middlebury CT 06762. Representative: Angela R. Pugliese (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Middlebury and Waterbury, CT, to sell or offer to sell the transportation of passengers and their baggage, in special and charter operations, by motor common carrier, in all expense round-trip tours, beginning and ending at points in New Haven County, CT, and extending to points in the United States, including AK and HI. (Hearing site: Hartford, Waterbury, New Haven, or Bridgeport, CT.)

FREIGHT FORWARDER APPLICATIONS

FF 511F, filed April 14, 1978. Applicant: KEY FORWARDING CO., a corporation, East 1919 Riverside, Spokane, WA 99202. Reprsentative: E. J. Zeleny, South 1319 Timberlane, Veradale, WA 99037. Authority sought to operate as a *freight forwarder* through the use of the facilities of *common carrier* by railroad, motor carrier, and water, in the transportation of: *General commmodities* (except commodities in bulk; those requiring refrigeration; explosives; commodities which because of their size or weight require the use of special equipment), between Portland, OR, on the one hand and points in Spokane County, WA and those points in ID in and north of ID, and Lemihi Counties, ID. (Hearing site: Spokane, WA.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MC-F-13631 (correction) (WITTE TRANSPORTATION CO.—purchase (portion)—Rock Island Motor Transit Co.), published in the June 29, 1978 issued of the FEDERAL REGISTER beginning at page 28312. The following errors appear in the publication: The second line at the top of the second column on page 28314 refers to *irregular routes*, the publication should state *regular routes*. A line is omitted in the last column on page 28314 at the 14th

line from the top. The ommitted words are: *"IA Hwy 22, then over IA Hwy 22 to junction IA Hwy 81, then over"*. The docket number for Route (18) on page 28315 of the FEDERAL REGISTER should be *MC-29130*. There is an extra digit in the publication.

MC-F-13636. Authority sought for purchase by THE OBSERVER TRANSPORTATION CO., Box 1123, Charlotte, NC 28201, of a portion of the operating rights of Packet Motor Express, Inc., 465 Meeting Street, Charleston, SC 29403, and for acquisition by Knight Publishing Co., 600 South Tyrone Street, Charlotte, NC, of control of such rights through the transaction. Attorney: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN, 38137. Operating rights sought to be transferred: Under docket MC 1047, which authorizes the transportation of motion picture film, newpapers, magazines and periodicals, in unlimited quantities, and general commodities with the usual exceptions, restricted against the transportation of single articles which exceed 250 pounds in weight, as a common carrier over irregular routes between points in the SC counties of Clarendon, Florence, Sumter, Williamsburg, Berkeley, Charleston, Dorchester, and a described portion of Orangeburg. Vendee is authorized to operate as a common carrier in NC and SC. The only new authority which Observer Transportation will acquire by the instant proceeding is authority to serve the SC counties of Charleston and Berkeley. Application has been filed for temporary authority under section 210a(b) of the Act.

NOTE:—19550 (Sub-5F), is a directly related matter.

MC-F-13640. Authority sought for purchase by METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047, of a portion of the operating rights of Kramer Trucking Co., Inc., 275 Trumbell Street, Elizabeth, NJ 07206. Attorney: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Operating rights sought to be transferred. Transferee seeks to purchase a portion of the certificate in MC 116923, authorizing the transportation of: *Chemicals and coal tar products*, in containers, as a *common carrier*, over irregular routes, between New York, NY and points in Essex, Hudson, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, points in CT, NJ, and that part of NY on and south of U.S. Hwys 11 and 20; and general commodities, with the usual exceptions, between New York, NY, on the one hand, and, on the other, points in Essex, Hudson, Passaic and Union Counties, NJ. Vendee is authorized to operate as a *common carrier* in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, ME, MD, LA, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 8973 (Sub-52F), is a directly related matter.

MC-F-13665F. Authority sought for control by (A) SOUTHEAST TEX-PACK EXPRESS, INC., Suite 202 Regal Plaza, 1499 Row, Dallas, TX 75247, (AA) TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, TX 78204, 150 E. Zavalla, San Antonio, TX 78204, (AAA) O & A TEX-PACK EXPRESS, INC., 1313 Avenue E. Lubbock, TX, 79401, (AAAA) LIBERTY TEX-PACK EXPRESS, INC., Suite 508 Regal Plaza, 1499 Regal Row, Dallas TX 75247, (AAAAA) MISTLETOE TEX-PACK EXPRESS, INC., 602 23rd St., Lubbock, TX 79404, (AAAAAA) WESTERN TEX-PACK, INC., 3200 W. Bolt St., Ft. Worth, TX 76110, and (AAAAAAA) NORTHERN TEX-PACK EXPRESS, INC., (mailing address) P.O. Box 47960, Dallas, TX 75247, Suite 202 Regal Plaza, 1400 Regal Row, Dallas, TX 75247, of Tex-Pack Express of Dallas, Inc., 2001 Irving Blvd., Dallas, TX 75247, through ownership of stock. Attorney: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Operating rights sought to be controlled (pending): *General commodities*, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day between points within the commercial zone of Dallas, TX. Vendee is authorized to operate as follows: (A) Under a certificate of registration in MC 98572 solely within the State of TX; (AA) under a certificate of registration in MC 67485 solely within the State of TX; (AAA) under MC 114737 within the states of OK, TX, and NM; (AAAA) under a certificate of registration in MC 96769 solely within the State of TX; (AAAAA) under a certificate of registration in MC 121741 solely within the State of TX; (AAAAAA) under a certificate of registration in MC 121742 solely within the State of TX; and (AAAAAAA) under a certificate of registration in MC 113299 solely within the State of TX. Application has not been filed for temporary authority under section 210a(b).

MC-F-13666F. Authority sought for control by (A) SOUTHEAST TEX-PACK EXPRESS, INC., P.O. Box 47960, Dallas, TX 75247 (mailing address), Suite 202 Regal Plaza, 1499 Regal Row, Dallas, TX 75247, and (AA) TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, TX 78204 (mailing address), 150 East Zavalla Street, San Antonio, TX 78204, of Tex-Pack Express of Houston, Inc., 4301 East Park Drive, Houston, TX 77028 through the ownership of stock. Attorney: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Operating rights sought to be controlled: *General commodities*, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day as a common carrier between points within the commercial zone of Houston, TX, as defined by the Commission. (A) South East Tex-Pack Express, Inc., is authorized to operate under a certificate of registration as a common carrier solely within the State of TX; (AA) Texas Tex-Pack Express, Inc., is authorized to operate as a common carrier under a certificate of registration solely within the State of TX. Application has not been filed for temporary authority under section 210a(b). (Hearing site: Dallas, TX.)

MC-F-13667. Authority sought for purchase by DAVID GRAHAM CO., P.O. Box 115, Croydon, PA 19020 of the operating rights of The Buddy Adelman Trucking Corp., 225 Lafayette Street, Room 1109, New York, NY 10012, and for acquisition by Leroy Schecter of New Hyde Park, NY, of control of the rights through the purchase. Attorney: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Operating rights sought to be purchased: Machinery, as a *common carrier* of irregular routes, between points in Passaic, Bergen, Essex, Morris, Union, Middlesex, Monmouth, Mercer, and Camden Counties, NJ, on the one hand, and, on the other, New York, NY, and points in Nassau, Suffolk, Westchester, and Rockland Counties, NY. Restriction: The transportation of the above-specified commodity is restricted to the use of special equipment, as described in certificate MC 129482. Vendee is authorized to operate pursuant to certificate MC-80653 as a specialized motor carrier in the States of PA, NY, NJ, DE, MD, VA, WV, NC, MA, CT, RI, and DC. As vendee is operated under common control with a contract carrier by motor vehicle dual operations will be involved. Approval of the transaction will also result in vendee acquiring some duplicating authority. Application has not been filed for temporary authority under section 210a(b). A directly related gateway application is being simultaneously filed.

NOTE.—MC 80653 (Sub-9F) is a directly related matter.

MC-F-13669F. Authority sought for control by PROVOST CORP., LTD., 7887 Grenache Street, Ville d'Anjou, Quebec, Canada H1J 1C4, of Provost Cartage, Inc., 7887 Grenache Street, Ville d'Anjou, Quebec, Canada H1J 1C4, Provost Industrial Tankers Ltd., 90 North Queen Street, Toronto, Ontario, Canada M8Z 2C9, and Brunswick Petroleum Transport Ltd., McAllister Industrial Park, St. John, New Brunswick, Canada, through acquisition of the stock of Provost Cartage, inc., Provost Industrial Tankers Ltd., and Brunswick Petroleum Transport Ltd., and control of such rights by Paul Provost, 2610 Graham Boulevard, Mount Royal, Quebec, Canada, Robert Provost 292 Meloche St. Laurent, Quebec, Canada, Claude Provost, 1057 Place Guertin, St. Laurent, Quebec, Canada, Jean-Paul Provost, 293 Glengarry, Mount Royal, Quebec, Canada, Gilles Provost, 2610 Graham Boulevard, Mount Royal, Quebec, Canada, Michel Provost, 7320 de Tilly, Montreal Quebec, Canada, and Renald G. Schmidt, 2267 Flemming, Mount Royal, Quebec, Canada. Representatives: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212, and J. P. Vermette, 7887 Grenache Street, Ville d'Anjou, Quebec, Canada H1J 1C4. Operating rights sought to be controlled: (A) Provost Cartager, Inc., Mc 123233, specified commodities as a motor *common carrier*, in foreign commerce, with restrictions, between points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, NH, NJ, NY, OH, PA, RI, VT, VA, and WI; (B) Provost Industrial Tankers Ltd., Mc 143375 (Sub-2) (Pending), *Muriatic acid*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, MI, to Ecorse, Mi. Restricted to the transportation of traffic having an immediate prior movement in foreign commerce; (C) Brunswick Petroleum Transport Ltd., MC 138572 (Sub-3), *Sodium chlorate*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from ports of entry on the United States-Canada boundary line located in ME, to Berlin, NH, and Jay and Woodland, ME; MC 138572 (Sub-4), *Caustic soda* and *aluminum sulphate*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, in foreign commerce only, from the port of entry on the international boundary line between the United States and Canada located at or near Madawaska, ME, to Madawaska, ME, subject to certain restrictions and conditions.

NOTE.—Provost Corporation Ltd. is a non-carrier holding company in turn controlled by Placements Annette Inc., a non-carrier holding company. Brunswick Petroleum Transport Ltd. is a subsidiary of Maritime Petroleum Transport Ltd. which in turn is a subsidiary of Provost Corp. Ltd.

MC-F-13671. Authority sought for purchase by PIERCETON TRUCKING CO., INC., P.O. Box 233, Laketon, IN, 46943, of the operating rights and property of B & C Specialized Carriers, Inc., 6524 Rockville Road, Indianapolis, IN, 46204, and for acquisition by Philip A. Flinn and Robert H. Leifer of P.O. Box 233, Laketon, IN, 46943, of control of such rights through the purchase. Attorney: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN, 46204. Operating rights sought to be purchased are set forth in Certificate Nos. MC-135833*, issued December 3, 1971; (Sub-5), issued December 7, 1972; (Sub-8), issued June 22, 1978; (Sub-9), issued January 11, 1974; (Sub-13), issued June 17, 1976; and (Sub-14), issued February 8, 1977; as follows: *Precast concrete*, and *materials* and *supplies* used in the erection of precast concrete when moving at the same time and in the same vehicle with precast concrete, from Indianapolis, IN, to points in IL, KY, MO, OH, TN, and WV with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are restricted against the transportation of commodities, the transportation of which because of size or weight requires the use of special equipment or special handling. *Prefabricated steel* and *materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from the plant and warehouse sites of Indiana Bridge Co., Inc., at Muncie, IN, to points in IL, KY, MI, OH, and WI, with no transportation for compensation on return except as otherwise authorized. *Precast concrete* and *materials, equipment, and supplies* used in the installation and erection of precast concrete when moving at the same time and in the same vehicle with precast concrete, from the plant and warehouse sites of American Precast Concrete, Inc., at Indianapolis, IN, to points in NY, PA, WI, and IA, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted under the two commodity descriptions next above are restricted to the transportation of traffic originating at and destined to the named locations. *Prefabricated steel* and *materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from the plant and warehouse sites of Baystone Construction, Inc., at Muncie, IN, to points in IL, KY, MI, and OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are restricted to the transportation of traffic originating at the plant and warehouse sites of Baystone Construction, Inc., at Muncie, IN. (1) *Prefabricated steel articles* which, because of size or weight require the use of special equipment or special handling, and (2) *materials, equipment, and supplies* used in the installation and erection of prefabricated steel articles, when moving at the same time and in the same vehicle with the commodities described in (1) above (except equipment which because of size or weight requires the use of special equipment or special handling), from the plant and warehouse sites of Whitehead & Kales Co. and Unit Steel Corp. at or near Detroit, MI, to points in OH, MN, MO (except St. Louis), PA and WI (except points in columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Ozaukee, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha Counties, and points in those parts of Kenosha and Racine Counties lying on and west of Interstate Highway 94), with no transportation for compensation on return except as otherwise authorized.

Brick, from Danville, IL, to points in Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Grant, Hamilton, Hancock, Hendricks, henry, Howard, Johnson, Madison, Marion, Monroe, Morgan, Owen, Rush, Shelby, Tipton, and Wayne Counties, IN, with no transportation for compensation on return except as otherwise authorized. *Prefabricated cement slabs and allied products* used in the installation of prefabricated cement slabs, from Indianapolis, IN, to points in IL, MI, OH, and that part of KY east of U.S. Highway 31W; and *Empty containers* used in transporting the immediately above-specified commodities, from points in the immediately above-specified destination territory, to Indianapolis, IN. *Precast and prestressed concrete products and materials and supplies* used in the installation and erection thereof, from Junction City and Champaign, IL, to points in IN, KY, OH, MI, MN, MO and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above-described origin points. *Fabricated steel articles*, from Muncie, IN, to points in AL, AR, CO, CT, DE, FL, GA, IA, KS, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, NC, ND,

OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WY, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Indiana Bridge Co., Inc., at Muncie, IN, and destined to points in the above-described destination States. *Iron and steel articles,* and *contractors' machinery, equipment, supplies and materials* (except commodities in bulk), from Indian Oaks, IL, to points in IN, IA, KY, MI, OH, PA, and WI, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of the Chicago Bridge & Iron Co. at Indian Oaks, IL, and destined to points in the designated destination territory. *Structural steel,* from the plant sites of the Debron Corp. located at Aurora and Decatur, IL, Lansing, MI, and St. Louis, MO, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OK, PA, OH, RI, SC, SD, TN, TEX, VT, VA, WV, WI, and WY, with no transportation for compensation on return except as otherwise authorized. Restriction: the authority granted herein is restricted to the transportation of shipments originating at the named origins and destined to points in the indicated destinations. *Precast concrete* from the facilities of Span-Deck of Indiana, Inc., a subsidiary of American Precast Concrete, Inc., at or near Westfield, IN, to points in IL, KY, MI, MO, and OH. Transferee operates as a common carrier in: IN, MI, OH, IL and KY. Application has been filed for temporary authority under section 210a(b).

MC-F-13673. Authority sought for control and merger by D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, OK 74003, of the operating rights and properties of Grever Trucking Co., Inc., P.O. Box 2627, Tulsa, OK, 74101, and for acquisition by N. O. Bonham and Ruth Bonham of the control of the rights and properties through merger. Attorney: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Grever Trucking Co., Inc. operates oilfield equipment, machinery, materials, and supplies, including pipe stringing between points in TX, on the one hand, and on the other, points in CO, WY, MT; between Tulsa, OK on the one hand and points in AR, LA, MS; between portion of KS and MT, UT, WY, Weld County, CO; between portion of OK and CO, UT, WY, and MT; between portion of OK and portion of CO, UT, WY and MT; between points in AR, LA, MS and CO, MT, WY, and UT; between portion of AR and portion of TX; between portion of AR, points in LA and portion of MS and points in KS; (gateway 1-6), as more fully described in MC 4868. Vendee is authorized to operate as a *common carrier* of: *Oilfield commodities* between points in KS, OK, AR, TX, MO, and NM; and *well pumping units, materials and supplies,* between Bartlesville, OK and points in the United States. Application has been filed for temporary authority under section 210(a)(b). A directly related gateway application is being filed concurrently. Approval of the transaction will not result in dual operations, however will result in splitting of operating authority of duplicating authority.

NOTE.—MC 68100 (Sub-22F), is a directly related matter.

MC-F—13674F. Authority sought for control by ATLAS VAN LINES, INC., 1212 St. George Road, Evansville, IN 47711, and O. H. FRISBIE, 14225 Schaefer Highway, Detroit MI of Microtron Industries, Inc., 618 North Beltline Road, Irving, TX 75061 and, by virtue of control of Microtron Industries, Inc., control of Brooks International, Inc., 618 North Beltline Road, Irving, TX 75061 through the acquisition of stock of Microtron Industries, Inc. pursuant to a tender offer by Atlas Van Lines, Inc., for all the issued and outstanding shares of Microtron Industries, Inc. Representative: Herbert Burstein, Esq., Zelby, Burstein, Bernstein & Hartman, One World Trade Center, (Suite 2373) New York, N.Y. 10048, for Atlas Van Lines, Inc.; and T. M. Brown, Esq., Morgan & Brown 223 Ciudad Building, Oklahoma City, OK 73112. Operating rights sought to be controlled: *New furniture, new store fixtures, and new kitchen equipment* as a *common carrier* by motor vehicle over irregular routes from or to points in the United States (including AK, but excluding HI) as more particularly described in certificate MC 134501 and subnumbers thereto. Applicant Atlas Van Lines, Inc. holds authority to transport: *Household goods* as a *common carrier* by motor vehicle over irregular routes from or to points in the United States (including HI, but excluding AK) as more particularly described in MC 79658 and subnumbers thereto. Applicant also controls Atlas Van Lines International Corp., a freight forwarder which holds authority nationwide with regard to the movement of: *Unaccompanied household goods, unaccompanied baggage, and used automobiles* as more particularly described in FF 326. No duplicating operating rights are involved. A section 210(a)(b) application seeking temporary authority is not being filed. A directly related section 214 application authorizing issuance by applicant of certain notes to be delivered by it in connection with the tender offer (along with an offering circular) is to be filed by applicant. (Hearing site: Washington, DC.)

MC-F-13675. Authority sought for purchase by HORN TRANSPORTATION, INC., 3008 East 4th Street, Pueblo, CO 81001, of a portion of the operating rights of Grever Trucking Co., Inc., P.O. Box 2627, Tulsa, OK 74101, and for acquisition of control of such rights by John B. Thompson, 344 Mead, Pueblo, CO 81001, through the purchase. Representatives: John E. Jandera, 641 Harrison Street, Topeka, KS 66603, and Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Operating rights sought to be purchased: *Machinery, equipment, materials and supplies, including pipe stringing,* between points in TX, OK, and KS, as more fully described in certificate MC 4868. Vendee is authorized to operate pursuant to certificate MC 106194 as a common carrier in the States of TX, NM, UT, CO, KS, MO, NE, WY, ID, MT, SD, ND and MN. Approval of the proposed transaction will result in vendee acquiring duplicating authority between points in KS, on the one hand, and, on the other, points in northern OK. Application has been filed for temporary authority under section 210a(b). A directly related elimination of gateway application is being filed concurrently.

NOTE.—MC 106194 (Sub-35F), is a directly related matter.

MC-F-13677F. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC MOTOR TRUCKING CO., 1766 El Camino Real, Burlingame, CA 94010; (A) RISBERG'S TRUCK LINE, 2339 Southeast Grand, Portland, OR 97214; (B) SILVER WHEEL FREIGHT LINES, INC., 1321 Southeast Water Avenue, Portland, OR 97214; and (C) TILLAMOOK-PORTLAND AUTO FREIGHT INC., 2703 Third Street, Tillamook, OR 97141, seeks to enter into an agreement for the pooling of traffic consisting of: (A) *General commodities* moving in interstate commerce between Portland, OR, and Agate Beach, Depoe Bay, Glenedin Beach, Grand Ronde, Kernville, Lincoln City, Otis, Otter Rock, Sheridan, Valley Junction, and Willamina, OR, excluding service at Portland; (B) *general commodities* moving in interstate commerce between Portland, OR, and Newport, Newport Air Base, Seal Rock, Siletz, South Beach, Toledo, and Yachats, OR, excluding service at Portland; (C) *general commodities* moving in interstate commerce between Portland, OR, and points in Tillamook County, OR, including Tilla-

mook, excluding service at Portland. Pacific Motor Trucking Co. is authorized to operate as a *common carrier* in the States of OR, CA, NV, AZ, NM, and TX. Representative: John MacDonald Smith, Room 813, One Market Plaza, San Francisco, CA 94105.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with special rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 8973 (Sub-52F), filed July 17, 1978. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Plastic articles, and materials, equipment and supplies used in the manufacture or distribution of plastic articles* (except commodities in bulk), between points in CT, NJ, and those in NY located on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, on the one hand, and, on the other, points in the United States (except AK and HI); (2) *aluminum articles, aluminum products, building materials, and materials, equipment, and supplies used in the manufacture, sale, processing, distribution, and installation of the commodities listed in (2) above* (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI); (3) *chemicals and coal tar products, in containers*, between points in Bergen, Middlesex, and Morris Counties, NJ, on the one hand, and, on the other, points in CT, and NJ and those in NY on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20; (4) *such building materials and materials, equipment and supplies used in the manufacture, sale, processing, distribution or installation of building materials, as are chemicals or coal tar products, in containers*, between points in CT, NJ, and those points in NY located on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, on the one hand, and, on the other, points in the United States (except AK and HI); (5) *such asphalt, composition roofing products, urethane and urethane products, and chemicals or coal tar products, in containers*, from points in CT, NJ, and those points in NY on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, to points in AL, AR, IL, IN, KY, LA, MI, MS, OH, TN, and WV; and (6) *resins*, from points in CT and NJ and those points in NY on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20 to points in OH, VA, MD, DE, PA, NJ, NY, MA, CT, ME, RI, NH, VT, and the District of Columbia, restricted in (6) above to the transportation of shipments having a prior movement by water and destined to the points named above. (Hearing site: New York, NY.)

NOTE.—This application is directly related to finance proceeding MC-F-13640F, published in a previous section of this FEDERAL REGISTER issue. Through the present filing, applicant seeks to eliminate gateways resulting from the finance transaction as follows: (1) Woodbridge or Ridgefield, NJ, (2) Woodbridge, NJ, (3) New York, NY, (4) Woodbridge, NJ, (5) Bergen County, NJ, and (6) New York, NY.

MC 19550 (Sub-5F), filed June 30, 1978. Applicant: THE OBSERVER TRANSPORTATION CO., a corporation, P.O. Box 1123, Charlotte, NC 28201. Representative: Warren A. Goff, 1008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority is sought to operate as a *common carrier* by motor vehicle, in interstate commerce, over irregular routes, transporting: (1) *Motion picture films, materials, supplies and equipment* used or useful in a motion picture theatre, *newspapers, magazines, periodicals and other publications*, (a) between points in Berkeley, Charleston, Clarendon, Dorchester, Florence, Sumter, and Williamsburg Counties, SC, and that part of Orangeburg County, SC, on the east of a line beginning at Santee River and extending along U.S. Hwy 15 to junction U.S. Hwy 176, and then along U.S. Hwy 176 to the Orangeburg-Berkeley County line; (b) between Charlotte, NC, on the one hand, and, on the other, points in Berkeley, Charleston, Clarendon, Dorchester, Florence, Sumter, and Williamsburg Counties, SC, and that part of Orangeburg County, SC, on and east of a line beginning at the Santee River and extending along U.S. Hwy 15 to junction U.S. Hwy 176, and thence along U.S. Hwy 176 to the Orangeburg-Berkeley County line; (2) *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment in packages not to exceed 250 pounds in weight; between points in Berkeley, Charleston, Clarendon, Dorchester, Florence, Sumter, and Williamsburg Counties, SC, and that part of Orangeburg County, SC, on and east of a line beginning at the Santee River and extending along U.S. Hwy 15 to junction U.S. Hwy 176, and thence along U.S. Hwy 176 to the Orangeburg-Berkeley County line; between Charlotte, NC, on the one hand, and, on the other points in Berkeley, Charleston, Clarendon, Dorchester, Florence, Sumter, and Williamsburg Counties, SC, and that part of Orangeburg County, SC, on and east of a line beginning at the Santee River and extending along U.S. Hwy 15 to junction U.S. Hwy 176 and thence along U.S. Hwy 176 to the Orangeburg-Berkeley County line. (Hearing site: Charlotte, NC.)

NOTE.—This application is directly related to finance docket MC-F-13636F published in a previous section of this FEDERAL REGISTER issue. The purpose of this filing is to eliminate the gateway of Florence, SC.

MC 68100 (Sub-22F), filed July 18, 1978. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, OK 74003. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products: and *machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe line, including the stringing and picking up thereof, (except in connection with main pipe lines), (a) between those points in OK on and north of a line beginning at the OK-AR State line on U.S. Hwy 62, west on U.S. Hwy 62 to U.S. Hwy 75, south on U.S. Hwy 75 to Interstate Hwy 40, west on Interstate Hwy 40, to U.S. Hwy 62, continuing west on U.S. Hwy 62 to Douglas Boulevard in Oklahoma City, south on Douglas Boulevard to Interstate Hwy 240, west on Interstate

Hwy 240 to OK Hwy 152, continuing west on OK Hwy 152 to the OK-TX State line, on the one hand, and on the other, points in LA on and south of Interstate Hwy 20. (Gateway to be eliminated: Tulsa, OK and points within 5 miles of Tulsa). (b) Between those points in Ok on and north of a line beginning at the OK-AR State line on U.S. Hwy 62, west on U.S. Hwy 62 to U.S. Hwy 69, south on U.S. Hwy 69 to Interstate Hwy 40, west on Interstate Hwy 40 to U.S. Hwy 75, south on U.S. Hwy 75 to OK Hwy 9, west on OK Hwy 9 to U.S. Hwy 62, southwest on U.S. Hwy 62 to OK Hwy 9, and west on OK Hwy 9 to the OK-TX State line, on the one hand, and, on the other, points in LA on and south of a line beginning at the LA-MS State line on Interstate Hwy 55, south on Interstate Hwy 55 to U.S. Hwy 190, west on U.S. Hwy 190 to Interstate Hwy 10, continuing west on Interstate Hwy 10 to LA Hwy 13, south on LA Hwy 13 to LA Hwy 14, west on LA Hwy 14 to LA Hwy 27, south on LA Hwy 27 to LA Hwy 82, and west on LA Hwy 82 to the LA-TX State line. (Gateway to be liminated: Tulsa, OK and points within 5 miles of Tulsa). (c) Between those points in TX on and north of a line beginning at the OK-TX State line on TX Hwy 152, west on TX Hwy 152 to U.S. Hwy 87, south on U.S. Hwy 87 to TX Hwy 354, west on TX Hwy 354 to Secondary TX Hwy 767, continuing west on Secondary TX Hwy 767 to U.S. Hwy 54, and southwest on U.S. Hwy 54 to the NM-TX State line, on the one hand, and, on the other, points in LA on and south of Interstate Hwy 20. (Gateway to be eliminated: Tulsa, OK and points with 5 miles of Tulsa). (d) Between the points in TX on and north of Interstate Hwy 40 on the one hand, and, on the other, those points in LA, on and south of a line beginning at the LA-MS State line on Interstate Hwy 55, south on Interstate Hwy 55 to U.S. Hwy 190, west on U.S. Hwy 190 to Interstate Hwy 10, continuing west on Interstate Hwy 10 to LA Hwy 13, south on LA Hwy 13 to LA Hwy 14, west on LA Hwy 14 to LA Hwy 27, south on LA Hwy 27 to LA Hwy 82, and west on LA Hwy 82 to the LA-TX State line (Gateway to be eliminated: Tulsa, OK, and Points within 5 miles of Tulsa).

(e) Between those points in the NM on and north of a line beginning at the NM-TX State line on U.S. Hwy 54, southwest on U.S. Hwy 54 to Interstate Hwy 40, west on Interstate Hwy 40 to the NM-AZ State line, on the one hand, and, on the other, points in LA on and south of Interstate Hwy 20. (Gateway to be eliminated: Tulsa, OK and points with 5 miles of Tulsa). (f) Between points in NM on and north of U.S. Hwy 60, west on U.S. Hwy 60 to to Interstate Hwy 25, south on Interstate Hwy 25 to U.S. Hwy 60, west on U.S. Hwy 60 to NM-AZ State line, on the one hand, and, on the other, points in LA on and east of a line beginning at the LA-AR border on U.S. Hwy 165, south on U.S. Hwy 165 to U.S. Hwy 71, continuing south on U.S. Hwy 71 to U.S. Hwy 190, east on U.S. Hwy 190 to LA Hwy 1, south on LA Hwy 1 to LA Hwy 69, continuing south on LA Hwy 69 to LA Hwy 70, south on LA Hwy 70 to U.S. Hwy 90, east on U.S. Hwy 90 to LA Hwy 315 and south on LA Hwy 315 to the Gulf of Mexico. (Gateway to be eliminated: Tulsa, OK and points within 5 miles of Tulsa). (g) Between those points in OK on and north of a line beginning at the OK-AR State line on U.S. Hwy 62 west on U.S. Hwy 62 to U.S. Hwy 75, south on U.S. Hwy 75 to Interstate Hwy 40, west on Interstate Hwy 40 to U.S. Hwy 75, south on U.S. Hwy 75 to OK Hwy 9, west on U.S. Hwy 9 to the OK-TX State line, on the one hand, and, on the other, points in MS on and south of a line beginning at the MS-AL State line at the TN border, west along the MS-TN State line to U.S. Hwy 45, south on U.S. Hwy 45 to MS Hwy 30, west on MS Hwy 30 to MS Hwy 6, west on MS Hwy 6 to MS Hwy 322, and continuing west on MS Hwy 322 to the AR-MS State line. (Gateway to be eliminated: Tulsa, OK and points within 5 miles of Tulsa). (h) Between those points in NM on and north of a line beginning at the NM-TX State line on U.S. Hwy 60, west on U.S. Hwy 60 to Interstate Hwy 25, south on Interstate Hwy 25 to U.S. Hwy 60 and west on U.S. Hwy 60 to the NM-AZ State line, on the one hand, and, on the other, points in MS on and south of a line beginning at the MS-AL State line at the TN border, west along the MS-TN State line to U.S. Hwy 45, south on U.S. Hwy 45 to MS Hwy 30, west on MS Hwy 30, to MS Hwy 6, continuing west on MS Hwy 6, to MS Hwy 322, and continuing west on MS Hwy 322 to the AR-MS State line. (Gateway to be eliminated: Tulsa, OK and points within 5 miles of Tulsa). (i) Between those points in TX on the north of Interstate 40 on one hand, and, on the other, points in MS on and south of a line beginning at the MS-AL State line at the TN border, west along the MS-TN State line to U.S. Hwy 45, south on U.S. Hwy 45 to MS Hwy 30, west on MS Hwy 30 to MS Hwy 6, continuing west on MS Hwy 6 to MS Hwy 322, and continuing west on MS Hwy 322 to the AR-MS State line. (Gateway to be eliminated: Tulsa OK and points within 5 miles of Tulsa). (j) Between those points in NM on and east of a line beginning at the TX-NM State line on U.S. Hwy 54, southwest on U.S. Hwy 54 to NM Hwy 18, south on NM Hwy 18 to NM Hwy 86, continuing south on NM Hwy 86 to NM Hwy 252, south on NM Hwy 252 to U.S. Hwy 60, west on U.S. Hwy 60 to NM Hwy 20, south and west on NM Hwy 20 to U.S. Hwy 285, south on U.S. Hwy 285 to U.S. Hwy 62, and southwest on U.S. Hwy 62 to the TX-NM State line, on the one hand, and, on the other, points in WY, MT, and those points in UT on and north of a line beginning at the CO-UT State line on Interstate Hwy 70, west on Interstate Hwy 70 to UT Hwy 24, southwest on UT Hwy 24 to UT Hwy 12, south on UT Hwy 12 to UT Hwy 277, and south on UT Hwy 277, to U.S. Hwy 89 to the AZ-UT State line. (Gateways to be eliminated: Angeles, TX; Bronco, TX; El Paso, TX; Farwell, TX; and Glenrio, TX). (k) Between points in Quary, Curry, Roosevelt, and Lea Counties, NM, on the one hand, and, on the other, points in CO on and north of a line beginning at the CO-KS State line on U.S. Hwy 36, west on U.S. Hwy 36 to CO Hwy 71, south on CO Hwy 71 to Interstate Hwy 70, west on Interstate Hwy 70 to CO Hwy 86, continuing west on CO Hwy 86 to CO Hwy 67, continuing west on CO Hwy 67 to U.S. Hwy 285, southwest on U.S. Hwy 285 to CO Hwy 9, north of CO Hwy 9 to Interstate Hwy 70 and west on Interstate Hwy 70 to the CO-UT State line. (Gateways to be eliminated: Angeles, TX; Bronco, TX; El Paso, TX; Farwell, TX and Glenrio, TX). (Hearing site: Tulsa or Oklahoma City, OK.)

NOTE.—The purpose of this application is to eliminate the gateways as above and is directly related to an application under section 5 of the Act in D. P. Bonham Transfer, Inc.—control and merger—Grever Trucking Co., Inc. docketed MC-F-13673F, published in a provious section of this FEDERAL REGISTER issue.

MC 80653 (Sub-9F), filed July 6, 1978. Applicant: DAVID GRAHAM CO., a corporation, P.O. Box 115, Croydon, PA 19020. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, requiring the use of special equipment, between New York, NY, and points in Nassau, Suffolk, Westchester, and Rockland Counties, NY, and points in Passaic, Bergen, Essex, Morris, Union, Middlesex, Mommouth, Mercer, and Camden Counties, NJ, on the one hand, and on the other, points in NY, NJ, PA, WV, VA, DE, MD, NC, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—The purpose of this application is to eliminate the gateway of points in NJ. This application is directly related to a section 5 request in MC-F-13667F, published in a prior section of this FEDERAL REGISTER issue.

MC 106194 (Sub-35F), filed July 18, 1978. Applicant: HORN TRANSPORTATION, INC., 3008 East 4th Street,

Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except articles which, because of size or weight, require the use of special equipment), when used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts and when used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main pipelines, from points in Pueblo County, CO, to points in TX; (2) *pipe, pipe coupling, and fittings therefor, iron and steel articles, machinery and agricultural implements and parts therefor, materials, equipment, and supplies* incidental to or used in the construction, development, and production of natural gas and petroleum, *contractor's equipment, materials, and supplies, and petroleum products* (except in bulk in tank vehicles), when used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and when used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main pipelines), between points in MO located in the Kansas City, MO-Kansas City, KS, commercial zone, as defined by the Commission, points in that part of NE on and south of the Platte and North Platte Rivers, points in that part of CO on and east of a line beginning at the WY-CO State line and extending along U.S. Hwy 87 to Wellington, CO, then along CO Hwy 1 to junction U.S. Hwy 287, then along U.S. Hwy 287 to Denver, CO, then along U.S. Hwy 85 to junction U.S. Hwy 87, then along U.S. Hwy 87 to the CO-NM State line, on the one hand, and, on the other, points in KS, OK, and TX; and (3) *iron and steel articles* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts and *iron and steel articles* when used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main pipelines), from points in KS, OK, and TX to points in NM, ID, UT, WY, MT, and points in that part of CO on and west of U.S. Hwy 85.

NOTE.—Gateways eliminated: (1) Points in KS, OK; (2) Tulsa, OK; and (3) Hutchinson, KS. This is an elimination of gateway filed as a companion application with Horn Transportation, Inc.—Purchase (portion) of Grever Trucking Co., Inc., docket MC-F-13675F, published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

MC 30504 (Deviation No. 34), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, IN 46619, filed July 26, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, IN, over Interstate Hwy 74 to Bloomington, IL, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, IN, over U.S. Hwy 421 to junction IN Hwy 29, then over IN Hwy 29 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Bloomington, IL, and return over the same route.

MC 30504 (Deviation No. 35), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, IN 46619, filed July 26, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Louisville, KY, over Interstate Hwy 71 to Cincinnati, OH, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, KY, over U.S. Hwy 31-E to Sellersburg, In, then over U.S. Hwy 31 to Indianapolis, IN, then over U.S. Hwy 52 to Cincinnati, OH, and return over the same route.

MC 107576 (Deviation No. 2), SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, OR 97214, filed June 7, 1978, as amended July 24, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Ontario, OR, over OR Hwy 201 to junction U.S. Hwy 20 (Cairo Junction), then over U.S. Hwy 20 to Sisters, OR, then over OR Hwy 126 to Eugene, OR, then over OR Hwy 99 to Junction City, OR, then over OR Hwy 99E to Harrisburg, OR, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ontario, OR, over U.S. Hwy 30 to junction Interstate Hwy 80N, then over Interstate Hwy 80N to Baker, OR, then over U.S. Hwy 30 to North Powder, OR, then over unnumbered highway to Union, OR, then over OR Hwy 203 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction unnumbered highway, then over unnumbered highway to junction U.S. Hwy 730, then over U.S. Hwy 730 to Boardman, OR, then over U.S. Hwy 30 to Portland, OR, then over U.S. Hwy 99E to junction U.S. Hwy 99, then over U.S. Hwy 99 to junction OR Hwy 164, then over OR Hwy 164 to junction U.S. Hwy 99, then over U.S. Hwy 99 to Harrisburg, OR, and return over the same route.

MC 107576 (Deviation No. 3), SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, OR 97214, filed June 13, 1978, as amended July 27, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of: *General commodities*, with certain exceptions, over a deviation route as follows: From Spokane, WA, over Interstate Hwy 90 to junction U.S. Hwy 97 (near Ellenburg, WA), then over U.S. Hwy 97 to Goldendale, WA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Spokane, WA, over U.S. Hwy 395 to Pasco, WA, then over WA Hwy 14 and unnumbered highway through

Plymouth, WA, to the OR-WA State line at the Umatilla Bridge connecting to U.S. Hwy 730, then over U.S. Hwy 730 to Interstate Hwy 80N near Boardman, OR, then over Interstate Hwy 80N to junction U.S. Hwy 97 at Biggs, OR, then over U.S. Hwy 97 to Goldendale, WA, and return over the same route.

MC 107576 (Deviation No. 4), SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, OR 97214, filed July 5, 1978, as amended July 31, 1978. Carrier proposes to operate as a *common carrier,* by motor vehicle, of: *General commodities,* with certain exceptions, over a deviation route as follows: From Boise, ID, over ID Hwy 55 to junction U.S. Hwy 95 at New Meadows, ID, then over U.S. Hwy 95 to junction U.S. Hwy 195 (10 miles north of Lewiston, ID), then over U.S. Hwy 195 to Spokane, WA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Spokane, WA, over U.S. Hwy 195 to junction WA Hwy 127 (near Colfax), then over WA Hwy 127 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction WA Hwy 125 (at Walla Walla, WA), then over WA Hwy 125 to the OR-WA State line, then over OR Hwy 11 to Pendleton, OR, then over Interstate Hwy 80N to Boise, ID, and return over the same route.

MC 107576 (Deviation No. 5), SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, OR 97214, filed July 5, 1978, as amended July 31, 1978. Carrier proposes to operate as a *common carrier,* by motor vehicle, of: *General commodities,* with certain exceptions, over a deviation route as follows: From Weiser, ID, over U.S. Hwy 95 to junction U.S. Hwy 195 (near Lewiston, ID), then over U.S. Hwy 195 to Spokane, WA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Weiser, ID, over U.S. Hwy 30N to junction Interstate Hwy 80N near Huntington, OR, then over Interstate Hwy 80N to Pendleton, OR, then over OR Hwy 11 to the OR-WA State line, then over WA Hwy 125 to Walla Walla, WA, then over U.S. Hwy 12 to junction WA Hwy 127 at Dodge, WA, then over WA Hwy 127 to junction U.S. Hwy 195 near Colfax, WA, then over U.S. Hwy 195 to Spokane, WA, and return over the same route.

MC 107576 (Deviation No. 6), SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, OR 97214, filed July 5, 1978, as amended July 31, 1978. Carrier proposes to operate as a *common carrier,* by motor vehicle, of: *General commodities,* with certain exceptions, over a deviation route as follows: From Weiser, ID, over U.S. Hwy 95 to Lewiston, ID, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Weiser, ID, over U.S. Hwy 30N to junction Interstate Hwy 80N near Huntington, OR, then over Interstate Hwy 80N to La Grande, OR, then over IR Hwy 82 to Enterprise, OR, then over OR Hwy 3 to the OR-WA State line, then over WA Hwy 129 to junction U.S. Hwy 12 at Clarkston, WA, then over U.S. Hwy 12 to Lewiston, ID, and return over the same route.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

Motor Carriers of Passengers

MC 74761 (Deviation No. 12), TAMIAMI TRAIL TOURS, INC., 200 Spring Street NW., Atlanta, GA 30343, filed July 28, 1978. Carrier proposed to operate as a *common carrier,* by motor vehicle, of: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Atlanta, GA, over Interstate Hwy 75 to Valdosta, GA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Atlanta, GA, over U.S. Hwy 19 to junction GA Hwy 133, then over GA Hwy 133 to junction GA Hwy 33, then over GA Hwy 33 to junction GA Hwy 94, then over GA Hwy 94 to Valdosta, GA, and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by special rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California docket A 58104, filed May 26, 1978. Applicant: INLAND FREIGHT LINES, P.O. Box 649, Orange, CA 92666. Representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* (1) Points and places on Interstate Highways 5 and 15 in Riverside and San Diego Counties. (2) San Diego Territory as described in Note A hereof. (3) Points and places on U.S. Hwy 101 and CA Hwy 1 between Los Angeles and Goleta. (4) All points within fifteen (15) miles of the routes designated in sub-paragraphs (1) and (3). (5) Through routes and rates may be established between any and all points described above in connection with its previously certificated authority and with other certificated carriers, at convenient points of interchange. (6) In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of service both within the extended territory and between said territory and points authorized to be served in its previously certificated authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Note A.—San Diego Territory. The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shore-

line running east to Miramar on U.S. Hwy 395; then following an imaginary line running southeasterly to Lakeside on State Hwy 67; then southerly on County Road S 17 (San Diego County) and its prolongation to State Hwy 94; easterly on State Hwy 94 to Jamul; then due south following an imaginary line to the California-Mexico boundary line; then westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

Florida docket 780538-CCT, filed July 18, 1978. Applicant: SMALLEY TRANSPORTATION CO., 410 Ware Boulevard, P.O. Box 5175, Tampa, FL 33675. Representative: Ansley Watson, Jr., 512 North Florida Avenue, P.O. Box 1531, Tampa, FL 33601. Certificate of public convenience and necessity sought to operate a freight service, in *common carriage*, over regular routes, as follows: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, and commodities in vehicles equipped with mechanical refrigeration), (1) Between Miami and Orlando, FL, serving all intermediate points: from Miami over U.S. Hwy 1 and/or FL Hwy A1A to Titusville, then over FL Hwy 405 to its junction with FL Hwy 50, then over FL Hwy 50 to Orlando, and return over the same route. (2) Between Miami and Orlando, FL, serving all intermediate points: from Miami over U.S. Hwy 27 to South Bay, then over FL Hwy 80 to Belle Glade, then over U.S. 441 to Orlando, and return over the same route. (3) Between South Bay and Orlando, FL, serving all intermediate points: from South Bay over U.S. Hwy 27 and 27A to Haines City, then over U.S. Hwy 17 to Orlando and return over the same route. (4) Between Miami and Tampa, FL, serving all intermediate points: from Miami over U.S. Hwy 41 to Punta Gorda, then over U.S. Hwy 17 to Bartow, then over U.S. Hwy 98 to Lakeland, then over U.S. Hwy 92 to Tampa, and return over the same route. (5) Between Punta Gorda, and Tampa, FL, over U.S. Hwy 41, serving all intermediate points. (6) Between the junction of U.S. Hwy 41 and FL Hwy 29 near Everglades, FL, and Fort Myers, FL, serving all intermediate points: from junction of U.S. Hwy 41 with FL Hwy 29 over FL Hwy, to its junction with FL Hwy 82, then over FL Hwy 82 to Fort Myers, and return over the same route. (7) Between Orlando and Tampa, FL, over I-4, serving no intermediate points. (8) Between Miami and the junction of the Sunshine State Parkway with U.S. Hwy 17, over the Sunshine State Parkway, as an alternate route for operating convenience only. (9) Between West Palm Beach and Arcadia, FL, serving all intermediate points: from West Palm Beach over FL Hwy 710 to Okeechobee, then over FL Hwy 70 Arcadia, and return over the same route. (10) Between Miami and West Palm Beach, FL, over U.S. Hwy 441, serving all intermediate points. (11) Between West Palm Beach and Fort Myers, FL, over FL Hwy 80, serving all intermediate points. (12) Between Parrish and junction of FL Hwy 62 with U.S. Hwy 17, over FL Hwy 62, serving all intermediate points. (13) Between South Benice and Murdock, FL, via Placida as an off-route point over FL Hwys 775, 776 and 771. (14) Between Fort Myers and Fort Myers Beach, FL, over FL Hwys 865 and 867, serving Iona, Punta Rassa, and intermediate points. (15) Between the junction of U.S. Hwy 41 and FL Hwy 78 (north of Fort Myers) and Bokeelia and St. James City, FL, over FL Hwys 78 and 767, serving Bokeelia, Pineland and St. James as off-route points. (16) Between Okeechobee and West Palm Beach, FL, via Canal Point, over U.S. Hwy 441, U.S. Hwy 98 and FL Hwy 80. (17) Between Ashton, FL, on U.S. Hwy 192, and the intersection of FL Hwy 436 with U.S. Hwy 92 over FL Hwys 15, 15-A and 436, via Narcoosee.

(18) Between Miami and Key West, FL, serving all intermediate points: from Miami over U.S. Hwy 1 to Key West, and return over the same route. (19) Between Miami and Homestead, FL, serving all intermediate points: From Miami over U.S. Hwy 41 to junction FL Hwy 27, then south over FL Hwy 27 to Homestead, and return over the same route. (20) All other points in FL on or south of a line beginning at the western terminus of FL Hwy 60, then easterly along FL Hwy 60 to its junction with I-4, then easterly along I-4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus, will be served as off-route points.

NOTE.—Transportation over all of the above routes, except number 18, is restricted against the transportation of classes A and B explosives.

Applicant also seeks authority to operate over the following routes for operating convenience only, and serving no points on said routes not otherwise authorized to be served: (1) Between Orlando, FL, and the junction of I-4 with I-95, at or near Daytona Beach, FL, over I-4. (2) FL Hwy 60 from its intersectin with the eastern boundary of Polk County, FL, to its intersection with U.S. Hwy 1 at Vero Beach, FL. (3) Between Fort Lauderdale and Naples, FL, over FL Hwy 84. (4) Between Jacksonville and Miami, FL: from Jacksonville over I-95 to its junction with FL Hwy 614, then over FL Hwy 614 to its junction with FL Hwy 713, then over FL Hwy 713 to its junction with the Sunshine State Parkway, then over the Sunshine State Parkway, to Miami. (Upon completion of I-95, between Jacksonville and Miami, FL, over I-95). (5) U.S. Hwy 98 between its intersection with U.S. Hwy 27 and Okeechobee, FL. (6) Between Okeechobee and Fort Pierce, FL, over FL Hwy 70. (7) Between Jacksonville and Orlando, FL, over U.S. Hwy 17. (8) Between Bartow and Haines City, FL, over U.S. Hwy 17. (9) Between Miami and West Palm Beach, FL, over I-95. Applicant seeks authority to engage in transportation in interstate and foreign commerce within the limits of the intrastate authority sought herein, and further seeks authority to tack or join the routes sought herein with each other at common points, and to tack or join all of the authority sought herein with its present operating rights under Florida Public Service Commission Certificate No. 1013 and Interstate Commerce Commission Certificates of Registration No. MC 121667 and subs. Applicant seeks no authority herein duplicating that presently held under its certificate and certificates of registration referred to above. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Tennessee docket MC 4884 (Sub-5), filed July 13, 1978. Applicant: DAYTON MOTOR EXPRESS, INC., P.O. Box 110, North Broadway Street, Dayton, TN 37321. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Certificate of public convenience and necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities* (except household goods, commodities in bulk, classes A and B explosives, and commodities requiring special equipment): Between Chattanooga, TN and Knoxville, TN: From Chattanooga, TN over TN Hwy 153 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Junction U.S. Hwy 70 and Interstate Hwy 40, then over Interstate Hwy 40 and/or U.S. Hwy 70 to Knoxville and return over the same route; said application seeks to remove present restriction as follows: "Service prohibited between Chattanooga and Knoxville." Authority sought to be used in connection with all of carriers's existing authority as issued by the Tennessee Public Service Commission and coextensive authority in interstate and foreign commerce pursu-

ant to the Interstate Commerce Act. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-22240 Filed 8-9-78; 8:45 am]

[7035-01]

[Decisions Volume No. 16]

DECISION-NOTICE

DECIDED: JULY 28, 1978.

The following applications are governed by special rule 247 of the Commission's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. a protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearng, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its (his) proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its (his) proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: In the absence of legally sufficient protests, filed on or before September 11, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

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

NOTE.—Dual operations may be involved in these proceedings.

MC 263 (Sub-225F), filed June 9, 1978. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Such commodities as are dealt in by grocery and food business houses,* in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, NM, AZ, MN, and WI, and (2) from points in WA, CA, MT, UT, AZ, MN, and WI, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 4405 (Sub-578F), filed May 26, 1978. DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Overhead cranes* and *parts* of overhead cranes, from the facilities of Alliance Machinery Co., at or near Alliance, OH, to points in the United States (except AK, and HI). (Hearing Site: Akron or Cleveland, OH.)

MC 4941 (Sub-38F), filed June 7, 1978. Applicant: QUINN FREIGHT LINES, INC., 1093 Montello Road, Brockton, MA 02403. Representative: John F. O'Donnell, P.O. Box 238, 60 Adams Street, Milton, MA 02187. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Lime* (except in bulk), from the facilities of United States Gypsum Co., at Genoa, OH, to points in NY, NJ, PA, MD, MA, CT, DE, ME, NH, RI, VT and DC. (Hearing site: Washington, DC.)

MC 6801 (Sub-9F), filed May 25, 1978. Applicant: G. H. HARNUM, INC., 867 Woburn Street, Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: (1) *Cable, and armored plastic pipe, and* (2) *equipment, materials and supplies* used in the installation and manufactire of cable and armored plastic pipe (except commodities in bulk), between Newington, NH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Boston, MA.)

MC 16682 (Sub-92F), filed June 5, 1978. Applicant: MURAL TRANSPORT, INC., Box 1785, North Brunswick, NJ 08902. Representative: W. C. Mitchell, 370 Lexingon Avenue, New York, NY 10017. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Appliances,* and *parts and accessories* for appliances from the fa-

cilities of General Electric Co., at or near Louisville, KY, to points in the United States (except AK and HI). (Hearing site: Louisville, KY or Washington, DC.)

MC 23618 (Sub-31F), filed June 21, 1978. Applicant: McALISTER TRUCKING CO., P.O. Box 2377, 2041 South Treadaway Boulevard, Abilene, TX 79604. Representative: E. Larry Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling accessories, cooling components, and cooling equipment*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk), between Tulsa, OK and points in Mayes County, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tulsa, OK, or Dallas, TX.)

MC 25798 (Sub-326F), filed June 21, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, (1) from Monroe, LA, to points in FL and GA, and (2) from Erie and Lock Haven, PA, and Oswego, NY, to points in FL. (Hearing site: New Orleans, LA.)

MC 25798 (Sub-327F), filed June 23, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from the facilities of American Home Foods, at Milton, PA, to points in FL, GA, NC, and SC. (Hearing site: Tampa, FL.)

MC 45893 (Sub-15F), filed June 12, 1978. Applicant: ROSS TRUCK LINES, INC., 1010 North Pearl Street, Paola, KS 66071. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and grain dryers*, from the plant site of Berico Industries at or near Waverly, KS, to points in AR, IA, MO, OK, NE and TX. (Hearing site: Kansas City, MO or Topeka, KS.)

MC 58973 (Sub-7F), filed June 13, 1978. Applicant: ABLER TRANSFER, INC., 1006 South 8th Street, Norfolk, NE 68701. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Needles, syringes, and blood collection tubes* and (2) *materials, and equipment* used in the manufacture and distribution of the commodities named in (1) above, from the facilities of Sherwood Medical Industries, Inc., at or near Norfolk, NE, to Atlanta, GA, New Brunswick, NJ, St. Louis, MO, Dallas, TX, Libertyville, IL, Anaheim and Hayward, CA, Boston, MA, and Minneapolis, MN. (Hearing site: Omaha, NE.)

MC 55896 (Sub-78F), filed May 24, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Iron, steel, zinc, lead, and products thereof*, (b) *springs*, (c) *construction materials, equipment and supplies* (except commodities in bulk), from the facilities of Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and Steven Spring, Inc., at or near Blue Island and Joliet, IL, Mount Vernon, Cicero, Elkhart, Fort Wayne, and Kokomo, IN, Centerville, IA, Newton, KS, Grand Rapids, and Lansing, MI, and Toledo and Columbus, OH, to points in IL, IN, IA, KS, KY, MI, MO, OH, PA, and WI; and (2) *materials and equipment* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), in the reverse direction, restricted in (1) and (2) above to the transportation of shipments originating at the named origins and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: Washington, DC, or Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission or do not require Commission approval.

MC 61592 (Sub-419F), filed May 30, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals*, (2) *parts, accessories, and attachments* for the commodities in (1) above, and (3) *materials and equipment*, used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk), between the facilities of Baldor Electric Co., at Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Kansas City, MO.)

MC 61592 (Sub-420F), filed June 5, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, 101 1st Avenue, P.O. Box 737, Moline, IL 61265. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles*, each weighing less than 15,000 lbs. (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act), in truckaway service, and *machinery, tools, and supplies* moving in connection therewith (except commodities in bulk), between points in Multnomah County, OR, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Chicago, IL).

MC 71593 (Sub-9F), filed June 15, 1978. Applicant: FORWARDERS TRANSPORT, INC., 1815 Front Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Boston and Springfield, MA, New Haven, CT, New York, NY, Philadelphia, PA, Baltimore, MD, Chicago, IL, Milwaukee, WI, Memphis, TN, and St. Louis, MO, on the one hand, and, on the other, Los Angeles and San Francisco, CA, Phoenix, AZ, Reno, NB, Seattle, WA, and Portland, OR, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

MC 73165 (Sub-454F), filed June 26, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *roofing and roofing materials* (except commodities in bulk), from the facilities of Masonite Corp., Roofing Division, (1) at or near Meridian, MS, to points in VA, MO, and AR, and (2) at or near Little Rock, AR, to points in AL, FL, GA, IA, IN, IL, KY, KS, LA, MS, MO, OK, TN, and TX, restricted to the transportation of traffic originating at or destined to the named facilities of Masonite Corp., Roofing Division. (Hearing site: New Orleans, LA.)

MC 83539 (Sub-501F), filed June 19, 1978. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling accessories, cooling components, and cooling equipment* and (2) *materials and equipment* used in the installation, manufacture, and distribution of the commodities named in (1) above (except commodities in bulk), between Tulsa, OK, and the facilities of Marley Cooling Tower Co. in Mayes County, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to Tulsa, OK, or the facilities of the Marley Cooling Tower Co. in Mayes County, OK. (Hearing site: Kansas City, MO or Washington, DC.)

MC 92709 (Sub-6F), filed June 30, 1978. Applicant: BLUE RIBBON TRANSPORTATION CO., INC., 55 Delta Drive, Pawtucket, RI 02860. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by grocery and food business houses (except commodities in bulk), from Boston, MA, to points in RI. (Hearing site: Boston, MA or Providence, RI.)

MC 102616 (Sub-951F), filed June 13, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, Ohio 44313. Representative: David F. McAllister (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, vehicle body sealer*, and *sound deadener compound*, in bulk, in tank vehicles, from points in Marion County, TN, to points in the United States (except AK and HI). (Hearing site: Nashville or Memphis, TN.)

MC 105656 (Sub-7F), filed June 13, 1978. Applicant: TOM PASQUALE, d.b.a., PASQUALE TRUCKING, P.O. Box 295, Logansport, IN 46947. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Fred's Frozen Foods, Inc., at or near Noblesville, IN, to points in AL, GA, IL, KY, MI, OH, PA, WV, and WI, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 106398 (Sub-810F), filed June 23, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tile*, from the facilities of Skandia Roof Tile, Inc., at Weatherford and San Marcos, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

NOTE.—The certificate in this proceeding will be limited to a period expiring 3 years from the effective date thereof unless, not less than 2.5 years nor more than 2.75 years from the date of issuance of the certificate, applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and the Commission's regulations thereunder.

MC 106398 (Sub-813F), filed June 23, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk), from the facilities of GAF Corp. at Mobile, AL, to points in LA, MS, and TN. (Hearing site: Mobile, AL.)

NOTE.—The certificate in this proceeding will be limited to a period expiring 3 years from the effective date thereof unless, not less than 2.5 years nor more than 2.75 years from the date of issuance of the certificate, applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and the Commission's regulations thereunder.

MC 106603 (Sub-176F*), filed June 7, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Ashtabula, OH, to points in DE, IL, IN, KY, MD, MI, NJ, NY, PA, and WV. (Hearing site: Chicago, IL or DC.)

NOTE.—The carrier must satisfy the Commission that its common control possiblities are either approved by the Commission and consummated, or do not require Commission approval.

MC 107012 (Sub-267F), filed June 8, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaging equipment, uncrated*, and (2) *parts and accessories* when moving in mixed loads with uncrated packaging equipment, from points in NJ and PA, to points in the United States (except AK and HI). (Hearing site: Philadelphia, PA or DC.)

MC 107403 (Sub-1090F), filed June 15, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil additives*, in bulk, in tank vehicles, from Bridgeport, CT, to points in NH and ME. Condition: Prior receipt from applicant of an affidavit setting forth its appropriate Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Washington, DC.)

NOTE.—Applicant states that some of the traffic will move in single-line service in New Brunswick and Nova Scotia, Canada. The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled "notice to interested parties of new requirements concerning applications for operating authority to handle traffic to and from points in Canada" published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 108341 (Sub-103F), filed June 8, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reels*, from the facilities of Metco Division, Baker Industries, at or near Hartselle, AL, to those points in the United States in and east of MN, IA, NE, MO, AR, and LA. (Hearing site: Atlanta, GA or Washington, DC.)

MC 110325 (Sub-84F), filed June 23, 1978. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105.

Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Spokane, WA, to Birmingham, AL. (Hearing site: Spokane, WA.)

MC 110525 (Sub-1245F), filed June 19, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic products and chemicals* (except in bulk), from Rochester, NY, to points in NJ. (Hearing site: Washington, DC.)

MC 111045 (Sub-154F), filed June 15, 1978. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between the facilities of Alabama River Pulp Co., in Monroe County, AL, on the one hand, and, on the other, points in GA, FL, AL, MS, LA, AR, and TN. (Hearing site: Mobile, AL or Washington, DC.)

MC 111375 (Sub-95F), filed June 22, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Charles E. Dye (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rennets*, and (2) *agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle with rennets, from points in CA and WA, to points in WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 111375 (Sub-96F), filed June 22, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Charles E. Dye (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel washers and gaskets*, from Milwaukee, WI, to points in AZ, CA, CO, NM, UT and WA. (Hearing site: Chicago, IL or Washington, DC.)

MC 111375 (Sub-97F), filed June 26, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Charles E. Dye. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Plover, WI, to points in KS, NE, OK, and TX. (Hearing site: Boise, ID or Salt Lake City, UT.)

MC 111729 (Sub-740F*), filed June 28, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies*, (except motion picture film used primarily for commercial theater and television exhibition), between Birmingham, AL, on the one hand, and, on the other, points in MS. (Hearing site: Washington, DC.)

MC 111812 (Sub-574F), filed June 5, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small arms ammunition, and materials* used in the manufacture of small arms ammunition, electrical switch boxes, conduit outlet boxes, junction boxes and covers, and related electrical apparatus (except electrical appliances), from Anoka, MN, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Condition: The grant of authority, to the extent that it authorize the transportation of small arms ammunition, is limited in point of time 5 years from the date of issuance of the certificate. (Hearing site: St. Paul, MN.)

MC 113855 (Sub-435F), filed June 22, 1978. Applicant: INTERNATIONAL TRANSPORT, INC.,2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Condensers, compressors, receivers, accumulators, coolers*, and *industrial refrigeration equipment*; and (2) *parts, accessories and attachments* for the commodities described in (1) above, between Waynesboro, PA, and Los Angeles, CA, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: DC.)

MC 114045 (Sub-501F), filed June 19, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and synthetic plastic*, from Houston, TX, to points in CA, CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT. (Hearing site: Chicago, IL or Dallas, TX.)

MC 114045 (Sub-502F), filed June 22, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by grocery, hardware, and drug stores*, in containers; and (2) *materials* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between Chicago, IL and points in TX. (Hearing site: Chicago, IL or Dallas, TX.)

MC 114552 (Sub-163F), filed June 6, 1978. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *such commodities* as are dealt in by grocery houses (except foodstuff), and (3) *materials and equipment* used by grocery businesses (except commodities in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery, AL.)

MC 115162 (Sub-420F), filed June 12, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer, and sound deadeners* (except commodities in bulk), from the facilities of Witco Chemical Corp., at Houston, TX, to points in LA, AR, MS, AL, FL, NC, SC, TN, MO, KS, OK, and CO. (Hearing site: Houston or Dallas, TX.)

MC 115826 (Sub-325F), filed June 13, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*, and (2) *agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with the frozen prepared foods in vehicles equipped with mechanical refrigeration, (a) from the facilities of Van De Kamp's

Frozen Foods, at or near Santa Fe Springs, CA, to Erie, PA, Syracuse, NY, and points in IL, KS, MI, MO, and OH, and (b) from Erie, PA, to Atlanta, GA, Syracuse, NY, and points in IL, KS, MI, MN, MO, OH, and WI. (Hearing site: Los Angeles, CA or Phoenix, AZ.)

MC 116763 (Sub-417F), filed June 8, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feeds* (except commodities in bulk), between the facilities of Kal Kan Foods, at or near Mattoon, IL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to Kal Kan Foods, Inc., at or near Mattoon, IL. (Hearing site: Chicago, IL.)

MC 116915 (Sub-63F), filed June 12, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* between the facilities of Wheeling-Pittsburgh Steel Corp., at or near Steubenville, Mingo Junction, Yorkville, Martins Ferry, and Canfield, OH, Allenport and Monessen, PA, Benwood, Wheeling, Beech Bottom, and Follansbee, WV, on the one hand, and, on the other, points in AL, AR, GA, KY, MS, and TN. (Hearing site: Pittsburgh, PA.)

MC 117686 (Sub-212F), filed June 13, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* and (2) *meats, meat products, and meat byproducts and articles distributed by meat packinghouses* (except hides, foodstuffs, and commodities in bulk), from the facilities of Geo. A. Hormel & Co., at Fort Dodge, IA, and Austin, MN, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN or Omaha, NE.)

MC 117940 (Sub-277F), filed June 1, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Hwy 12, Maple Plain, MN 55359. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of Sanna Division, Beatrice Foods Co., at or near Menomonie, Vesper, Cameron, Eau Claire, and Wisconsin Rapids, WI, to points in AR, KS, LA, MS, MO, OK, and TX, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. Condition: In view of the findings in MC 117940 (Sub-86), the certificate issued here shall be limited in point of time to a period expiring 30 months from its date of issue, unless, prior to its expiration (but not less than 6 months prior to the expiration) applicant files a petition for permanent extension of the certificate showing that it has been in full compliance with applicable rules and regulations. (Hearing site: Madison, WI.)

MC 118159 (Sub-270F), filed June 22, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground clay, and floor sweeping compounds and absorbents* (except commodities in bulk), from Ochlocknee, GA, to points in AL, AR, CT, DE, FL, KS, KY, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 118959 (Sub-173F*), filed June 28, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, KY 42101. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products,* from the facilities of Procter & Gamble Co., at or near Albany, GA, to points in FL, and (2) *materials and equipment* used in the manufacture and distribution of paper and paper products in the reverse direction. (Hearing site: Atlanta, GA or Jacksonville, FL.)

MC 119226 (Sub-107F*), filed June 13, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46204. Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soybean oil,* in bulk, in tank vehicles, from the facilities of Cargill, Inc., at or near Sidney, OH, to points in GA, IL, IN, KY, MD, MA, NJ, NY, NC, OH, PA, TN, and VA. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 119789 (Sub-486F), filed June 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from the facilities of W. M Cramer Lumber Co., in OH, NY, PA, and WV, to those points in the United States in and east of MI, IN, KY, TN, and MS. (Hearing site: Hickory, NC.)

MC 124025 (Sub-10F), filed June 26, 1978. Applicant: GLASS TRUCKING CO., P.O. Box 276, 200 Chestnut Street, Newkirk, OK 74647. Representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wheat flour,* (except in bulk) Newton, and Wichita, KS, to Albuquerque, NM, under a continuing contract, or contracts, with Ross Industries Department of Cargill, Inc., of Wichita, KS. (Hearing site: Wichita, KS.)

MC 124078 (Sub-828F), filed June 23, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ground clay and absorbents,* from the facilities of Oil-Dry Corp., at or near Prairie View, IL, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Chicago, IL.)

MC 124211 (Sub-316F), filed June 1, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods, meats, and packing house products), *food ingredients, drugs, vitamins, toilet preparations, food grinders, water purifiers, can openers, container lids, cookbooks, seed sprouting kits, safety matches, candles, seeds,* and (2) such commodities used in the manufacture, distribution, and sale of the commodities named in (1) above (except in bulk, in tank or hopper type vehicles), between hereford, TX, and Clovis, NM, on the one hand, and, on the other, points in the United States

(except AK and HI). (Hearing site: Amarillo, TX.)

MC 125433 (Sub-159F), filed June 8, 1978. Applicant: F-B TRUCK LINE CO. 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation and sprinkling systems, and* (2) *parts, attachments, and accessories* for irrigation and sprinkling systems, from Denver CO, to points in the United States (except AK, and HI). (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 125433 (Sub-160F), filed June 8, 1978. Applicant: F-B TRUCK LINE CO. 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, forest products, and wood products*, from points in MT, ID, OR, and WA to points in CA. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 126243 (Sub-25F*), filed June 12, 1978. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, Poteau, OK 74953. Representative: Prentiss Shelley, P.O. Drawer G, Poteau, OK 74953. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Environmental control equipment, air conditioners, and heat pumps*, (2) *parts, accessories, and equipment* used in the installation of the commodities named in (1) above, and (3) *materials and equipment* used in the manufacture of the commodities named in (1) and (2) above (except commodities in bulk), from the facilities of International Environmental Corp., at Oklahoma City, OK, on the one hand, and on the other, points in the united States (except ID, MT, UT, WY, AK, and HI). (Hearing site: Oklahoma City, OK or Washington, DC.)

MC 127303 (Sub-42F), filed June 15, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 666 Eleventh Street NW. No. 805, Washington, DC 20001. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass bottles*, from Joliet, IL, to St. Louis and Weston, MO. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 128007 (Sub-124F), filed June 14, 1978. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Joliet, IL, to the points in AR, CO, IA, KS, MO, NE, OK, and TX. (Hearing site: Chicago, IL or Kansas City, MO.)

MC 128095 (Sub-18F), filed June 23, 1978. Applicant: PARKER TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the facilities of Howard-Parlor Furniture Co., Inc., at or near Chicago, IL, to points in the United States (except AK and HI). (Hearing site: Jackson, MS or Memphis, TN.)

MC 129923 (Sub-14F), filed June 13, 1978. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce Street, West Memphis, AR 72301. Representative: Edward G. Grogan, Suite 2020, First Tennessee Bank Building, Memphis, TN 38103. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rice* (except in bulk), from Houston, TX, to New York, NY. (Hearing site: Houston, TX or Memphis, TN.)

MC 133095 (Sub-191F), filed June 23, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paer products*, from Birmingham, AL, to points in LA, MS, AR, TN, IL, GA, FL, NY, NJ, TX, OK, KS, KY, NC, SC, and VA, and (2) *paper and materials* used in the manufacture and distribution of paper products, in the reverse direction. (Hearing site: Birmingham, AL or Atlanta, GA.)

MC 133095 (Sub-192F), filed June 23, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper and paper* articles from Mobile, AL, to points in TX. (Hearing site: Mobile, AL, or New Orleans, LA.)

MC 133805 (Sub-10F), filed June 26, 1978. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Denison and Ft. Dodge, IA, Luverne, MN, Dakota City and West Point, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC. (Hearing site: Omaha, NE, or Kansas City, MO.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated, or do not require Commission approval.

MC 134286 (Sub-62F), filed June 13, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the facilities of Arnold Bakers, at or near Stamford, CT, to Cleveland, OH, Detroit, MI, and Williamsburg and Norfolk, VA. (Hearing site: Sioux City, IA, or Omaha, NE.)

NOTE.—The person or persons which appear to be in common control must either file an application under Section 5(2) of the Interstate Commerce Act or submit an affidavit indicating why such approval is unnecessary.

MC 134599 (Sub-162F*), filed June 28, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP. P.O. Box 30303 Salt Lake City, UT 84125. Representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used, manufactured, or dealt in*, by producers of rubber, plastic and chemicals, and rubber, plastic, and chemical products, (except commodities in bulk, in tank or hopper-type vehicles), between points in the United States (except AK and HI), under a continuing contract, or contracts, with Uniroyal, Inc., of Middlebury, CT. (Hearing site: Salt Lake City, UT.)

NOTE.—Applicant states that it holds extensive contract carrier authority to serve Uniroyal, Inc. in the movement of its traffic to, from and between numerous points in the United States. The purpose of this application is to consolidate these permits, all of which will be surrendered for cancellation upon the granting of this authority, into a single comprehensive permit which will accomodate the shipper's present and future service requirements.

MC 134755 (Sub-149F*), filed June 21, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Jefferson County, CO, to points in MO, and (2) *materials for recycling*, in the reverse direction. (Hearing site: Denver, CO, or Kansas City, MO.)

MC 135078 (Sub-31F*), filed June 21, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window shades, window shade rollers, slats, and window shade materials*, from Ogdensburg, NY, to the facilities of Joanna Western Mills Co., at or near (a) Chicago, IL, and (b) Benton Harbor, MI. (Hearing site: Omaha, NE, or Chicago, IL.)

MC 135797 (Sub-125F), filed June 16, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages* (except frozen and in bulk), (1) From Corpus Christi, TX, to points in AL, AZ, AR, CA, CO, CT, DE, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, UT, VA, WA, WV, WI, and DC; (2) from Plymouth, IN, to points in MN, IA, NE, KS, MO, WI, IL, IN, KY, TN, MS, GA, OH, MI, WV, VA, PA, NY, NJ, and MD; and (3) from South Brunswick, NJ, to points in ND, SD, NE, KS, OK, MO, IA, MN, WI, IL, IN, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, MI, OH, PA, MD, DE, NY, NJ, CT, RI, NH, VT, MA, and ME. (Hearing site: Dallas, TX.)

MC 135895 (Sub-25F), filed June 26, 1978. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides, fungicides, and ethylene dibromide* (except commodities in bulk), from the facilities of Dow Chemical Co., at or near Magnolia, AR, to Gulfport, MS. (Hearing site: Jackson, MS.)

MC 136476 (Sub-8F), filed June 13, 1978. Applicant: TRANSPORT WEST, INC., P.O. Box 2015, Eugene, OR 97401. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Clark, Cowlitz, Lewis, King, Snohomish, Thurston, Klickitat, and Mason Counties, WA; Douglas, Josephine, Polk, Marion, Linn, Benton, Multnomah, Clackamas, Lane, Jackson, and Yamhill Counties, OR; Boulder, Douglas, Adams, Arapahoe, Jefferson, El Paso, Denver, Pueblo, Weld, and Larimer Counties, CO; Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, Kern, Fresno, Merced, Sacramento, San Joaquin, Stanislaus, Monterey, Orange, Santa Cruz, Ventura, Tulare, San Diego, Solano, Napa, Sonoma, Marin, San Bernardino, and Los Angeles Counties, CA; and Maricopa, Pima, and Coconino Counties, AZ, under a continuing contract with Strong Tie Structures, of Eugene, OR. (Hearing site: Portland, OR, or Seattle, WA.)

MC 136605 (Sub-61F), filed June 19, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, (2) *fittings and materials used in the installation of plastic pipe*, (3) *cement pipe containing asbestos fibre*, (4) *insulation board*, and (5) *building materials* (except those described in (1) through (4) above) from the facilities of Johns-Manville Sales Corp., at or near Wilton, IA, and Waukegan, IL, and the facilities of Johns-Manville Perlite Corp., at or near Rockdale, IL, to points in CO, KS, MN, MT, NE, ND, OR, SD, UT, WA, and WY. (Hearing site: Billings, MT, or Chicago, IL.)

MC 138512 (Sub-34F), filed June 12, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISION EXPRESS,P.O. Box 477, Cudahy, WI 53110. Representative: Richard C. Alexander, 710 North Plankinton, Milwaukee, WI 53203. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat byproducts used in the production of animal feed* (except commodities in bulk), between points in CO, IL, IA, KS, MO, NE, and WI, under a continuing contract, or contracts, with Landers & Sowers, Inc., of Denver, CO. (Hearing site: Chicago, IL, or Denver, CO.)

MC 138635 (Sub-56F*), filed June 23, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Clearfield, UT, and points in ID, OR, and WA, to points in NY, NJ, PA, WV, VA, NC, SC, GA, FL, CT, DE, ME, MD, MA, NH, OH, AL, KY, MS, IL, TN, LA, RI, VT, IN, and DC. (Hearing site: Seattle, WA.)

MC 138875 (Sub-92F), filed June 23, 1978. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of trailers, from Azle, Fort Worth, and Waco, TX, and Chickasha and Seminole, OK, to points in Ada, Canyon, Elmore, Gem, Payette, and Washington Counties, ID, and Davis and Salt Lake Counties, UT. (Hearing site: Boise, ID.)

MC 138875 (Sub-94F), filed June 26, 1978. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Bakersfield, CA, to points in OR, WA, ID, and UT. (Hearing site: Los Angeles, CA.)

MC 138882 (Sub-81F), filed June 2, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of Celotex Corp., at Marion County, SC, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-83F), filed June 5, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Elizabethtown, KY, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-85F), filed June 2, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, and particleboard*, from the facilities of MacMillan Bloedel, Inc., at or near Opelika and Pine Hill, AL, to those points in the United States in and east of MN, IA, MO, KS, OK, and TX (except NH, VT, and ME), and (2) *Materials, equipment, and supplies* used in the manufacture, processing, and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Birmingham, AL.)

MC 138882 (Sub-86F), filed May 31, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in OR, CA, AZ, MT, and UT, to points in AL, MO, WI, TX, NM, and AZ. (Hearing site: Montgomery, AL, or Portland, OR.)

MC 138882 (Sub-88F), filed June 5, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Lagro, IN, to points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-89F), filed June 5, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Lockland, OH, to those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Tampa, FL, or Montgomery, AL.)

MC 138882 (Sub-92F), filed June 7, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the facilities of Louisiana Pacific Corp., at or near Clayton, AL, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Montgomery or Birmingham, AL.)

MC 138882 (Sub-95F), filed June 6, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *such commodities* as are dealt in by grocery houses (except foodstuffs), and (3) *materials and equipment* used by grocery businesses (except commodities in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Montgomery, AL.)

MC 139083 (Sub-4F), filed June 7, 1978. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Court House, OH 43160. Representative: Paul F. Berry, 275 East State Street, Columbus, OH 43215. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, and pipe fittings*, (except iron and steel, and commodities which because of size or weight require the use of special equipment), and (2) *accessories* for pipe and pipe fittings, from Greencastle, PA, to points in MI, OH, and NY. (Hearing site: Columbus, OH.)

MC 139482 (Sub-60F*), filed June 5, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Television sets, radios, and audio equipment;* and (2) *accessories, and parts* for the commodities named in (1) above, from Bloomington and Indianapolis, IN, to points in AZ, AR, CO, FL, IL, IA, KS, LA, MN, MO, NE, NM, ND, OK, TX, and WI. (Hearing site: St. Paul, MN.)

MC 140024 (Sub-112F), filed May 5, 1978, previously noticed in the FEDERAL REGISTER issue of June 6, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant).Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, and (2) *agricultural commodities* which are otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with the commodities in (1), in vehicles equipped with mechanical refrigeration, from Philadelphia, PA, to points in CA, CO, IL, IN, KS, LA, MI, MN, MO, NE, OH, OR, TX, and WA. (Hearing site: Philadelphia, PA.)

MC 140717 (Sub-8F), filed June 16, 1978. Applicant: JULIAN MARTIN, INC., Highway 25 S, P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of appendix I to the report in *descriptions in motor carrier certificates*, 61 MCC 209 and 766 (except hides, and commodities in bulk), from the facilities of Swift & Co., at Rochelle, St. Charles, East St. Louis, and Bradley, IL, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, under a continuing contract with Swift Fresh Meats Co., a division of Swift & Co., of Chicago, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 140829 (Sub-116F*), filed June 30, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural herbicides, insecticides, and fungicides*, (except commodities in bulk, in tank vehicles), from the facilities of Ciba-Geigy, at Birmingham, McIntosh, and Mobile, AL, St. Gabrial, LA, and Memphis, TN, to points in FL, GA, IL, IN, IA, KS, MD, MN, NE, NJ, NY, NC, OH, TX, and WI, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 140829 (Sub-118F*), filed June 28, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and plastics*, (except commodities in bulk, in tank vehicles), from the facilities of Ciba-Geigy Corp., at Freehold and Toms River, NJ, to points in CA, TX, IL, and MO, restricted to the transportation of traffic originating at the named origins and destined to the indicated des-

tinations. (Hearing site: Washington, DC.)

MC 140829 (Sub-119F*), filed June 30, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *artificial trees, light sets*, and *displays*, (1) from the facilities of Mr. Christmas, Inc., at East Douglas, MA, to points in IL, OH, MI, and MO, and (2) from the facilities of Mr. Christmas, Inc., at Los Angeles, CA, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 140898 (Sub-4F), filed June 23, 1978. Applicant: KENDRICK TRUCKING CORP., P.O. Box 19097, Louisville, KY 40229. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mechanical and fabric dust collectors and wet scrubbers*, from the facilities of Fisher-Klosterman Sheet Metal Co., at Louisville, KY, to points in the United States (except AK and HI); (2) *iron or steel gears, pinions and trunnions and iron castings* used in the manufacture of rotary dryers (except commodities in bulk), from the facilities of Louisville Drying Machinery, a Division of Custom Dryers Inc., in Louisville, KY, to points in the United States (except AK and HI); and (3) *Equipment and supplies* used in the construction of material handling systems (except commodities in bulk), from the facilities of Scholtz Equipment and Sales Co., at Louisville, KY, to those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, restricted in parts (1), (2), and (3) to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Louisville or Lexington, KY.)

MC 141532 (Sub-24F), filed June 19, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98003. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, wallboard, lath, and plaster*, from points in Clark County, NV, to points in AZ, CA, ID, and UT. (Hearing site: Los Angeles, CA.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated, or do not require Commission approval.

MC 141751 (Sub-2F), filed June 5, 1978. Applicant: M.P.C. TRUCKING, INC., Cold Stream Road, Kimberton, PA 19442. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and coating materials*, and *paints*, and (2) *materials, and equipment* used in the manufacture or distribution of the commodities named in (1) above, between Half Moon, NY, and East Rutherford, NJ, on the one hand, and, on the other, points in TX, LA, and those in the United States in and east of OH, KY, TN, and MS, under a continuing contract(s) with Monsey Products Co., Inc., of Kimberton, PA, and American Seal Mfg. Co., Inc., of Troy, NY. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 142703 (Sub-6F), filed June 14, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West 3rd Street, P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntington, Indiana, Jefferson, Juniata, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties, PA, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

MC 142703 (Sub-7F), filed June 12, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West 3rd Street, P.O. Box 45214, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, on the one hand, and, on the other points in IN, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

MC 143081 (Sub-3F), filed June 1, 1978. Applicant: W. R. LALEVEE TRUCKING CO., INC., R.D. 1, Flemington, NJ 08822. Representative: John T. Hildemann, P.O. Box D, Newark, NJ 07105. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Artificial kidneys, dialysate solution, dialysis treatment machines*, and *intravenous solutions*, and (2) *equipment* and *materials* used in the performance of dialysis treatment and intravenous transfusions, from Edison, NJ, to points in CT, DE, MD, MA, NY, NC, PA, RI, VA, and DC, under a continuing contract, or contracts, with Travenol Laboratories, Inc., of Morton Grove, IL. (Hearing site: Newark, NJ.)

MC 143083 (Sub-6F), filed June 15, 1978. Applicant: C.T.S. LINES, INC., 602 Airport Road, Greenville, SC 29607. Representative: Robert W. Gerson, 1400 Candler Building, Atlanta, GA 30303. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpeting, and tufted textile products*, from Dalton and Cartersville, GA, to points in AZ, AR, CA, IN, MS, NV, NM, OK, OR, TX, UT, and WA, under a continuing contract with Shaw Industries, Inc., of Dalton, GA. (Hearing site: Atlanta, GA, or Greenville, SC.)

MC 143408 (Sub-2F), filed June 21, 1978. Applicant: PENSACOLA INDUSTRIAL SERVICES, INC., 3711 North Palafox Street, Pensacola, FL 32505. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcined clay*, in bulk, in tank vehicles, from Gordon and McIntyre, GA, to the facilities of Cincinnati Milacron Co., at or near Blanchester, OH. (Hearing site: Cincinnati, OH, or Atlanta, GA.)

MC 143465 (Sub-3F), filed June 20, 1978. Applicant: FOREDECK TRANSPORTATION CO., INC., Whitewood Lane, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *contract carrier*, by

motor vehicle, over irregular routes, transporting: *File folders, file guides, labels, index cards, card guides, tabs, tab inserts, plastic windows, links, cupliks, stop clamps, metal fasteners, draw frames, copy holders, plastic desk top accessories, steel filing cabinets, steel and pulpboard storage files, and tables,* from the facilities of Oxford Pendaflex Corp., at Garden City, NY, Moonachie and Parsippany, NJ, to the facilities of Oxford Pendaflex Corp., at Augusta, GA, St. Louis, MO, and Buena Park, CA, under a continuing contract, with Oxford Pendaflex Corp., of Garden City, NY. (Hearing site: New York, NY or Washington, DC.)

MC 143696 (Sub-2F), filed May 26, 1978. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1193, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Power equipment, power equipment parts, and* (2) *materials and equipment* used in the manufacture and distribution of power equipment, and power equipment parts between Longview, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract with Capacity of Texas, Inc., of Longview, TX. (Hearing site: Dallas, TX.)

MC 143993 (Sub-4F), filed May 9, 1978. Applicant: BLACK HILLS TRUCKING, INC., P.O. Box 2360, Casper, WY 82602. Representative: Robert J. Grady One Farragut Square South, Washington, DC 20006. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products; and (2) *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in MT, ND, SD, NE, WY, ID, UT, and CO. (Hearing site: Casper, WY or Denver, CO.)

MC 143995 (Sub-5F), filed June 26, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from the facilities of Anheuser-Busch, Inc., at St Louis, MO, to Clinton and DuBuque, IA, under a continuing contract with Kirchhoff Distributing Co. of Dubuque, IA. (Hearing site: Davenport, IA or Chicago, IL.)

MC 143995 (Sub-6F), filed June 26, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from the facilities of Olympia Brewing Co., at St. Paul, MN, to Galesburg, IL, under a continuing contract, with G & M Distributors, Inc. of Galesburg, IL. (Hearing site: Davenport, IA or Chicago, IL.)

MC 144221 (Sub-2F), filed May 25, 1978. Applicant: KINGSWAY FREIGHTLINES LTD., 212-24th Street NE., Calgary, Alberta, Canada T2A 2N6. Representative: Jerome Anderson, 100 Transwestern Building, Billings, MT 59101. Authority granted to operate as a *common carrier,* by motor vehicle, transporting *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sweetgrass, MT, and junction Interstate Highway 15 and the international boundary line between the United States and Canada, over Interstate Hwy 15, serving no intermediate points, restricted to the transportation of traffic moving in foreign commerce. Condition: (1) Prior receipt from applicant of an affidavit setting forth its appropriate Canadian authority or explaining why no such Canadian authority is necessary. (2) To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance. (3) The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated, or do not require Commission approval. (Hearing site: Great Falls, MT.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled notice to interested parties of new requirements concerning applications for operating authority to handle traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of the Provinces of Alberta, Saskatchewan, and Manitoba regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restrictions was imposed, as being null and void and having no force or effect.

MC 144700 (Sub-3F), filed June 5, 1978. Applicant: CONTINENTAL CARRIERS, INC., P.O. Box 6238, Pompano Beach, FL 33050. Representative: Stuart R. Mandel, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 20212. Authority granted to operate as a *contract carrier,* by motor vehicle, over irregular routes transporting: (1) *Yarn and textile machinery,* (2) *parts and supplies* used in the manufacture of yarn and textile machinery, from Beulaville, Warsaw, Washington, and Whiteville, NC, and Cheraw, SC, to Long Beach, CA, and Arlington, TX, under a continuing contract with National Spinning Co., of Washington, NC. (Hearing site: Raleigh, NC or Miami, FL.)

MC 144715 (Sub-1F), filed June 21, 1978. Applicant: ANDERSON & WEBB TRUCKING CO., INC., 542 West Independence Boulevard, Mount Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Air cleaners, fuel and oil filters, air cleaner cartridges, and oil filter cartridges,* and (2) *materials and supplies* used in the sale and distribution of the commodities in (1) above, from the facilities of Wix Corp., at or near Dillon, SC and Gastonia, NC, to Des Moines, IA, Kansas City, KS, Minneapolis, MN, St. Louis, MO, Omaha, NE, Oklahoma City and Tulsa, OK, Dallas and Houston, TX, and points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Charlotte, NC.)

MC 144827 (Sub-1F), filed June 16, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). Authority granted to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tires, tubes, and thread rubber,* from Memphis, TN, and Tupelo, MS, to points in the United States (except AK and HI); and (2) *materials,* and *equipment* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Memphis, TN.)

MC 144842 (Sub-1F), filed June 14, 1978. Applicant: CLIFFORD L. RIGGINS, d.b.a., RIGGINS TRUCKING, 1005 West Maple Street, Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th Street NW., Washington, DC 20005. Authority granted to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of Mrs. Paul's Kitchens, Inc., at Philadelphia and Doylestown, PA, Braddock, NJ, and Crisfield, MD, to points in CA, CO, IL, IN, KY, MI, MO, OH, and TX; and (2) *frozen vegetables*, from Sunnyvale, CA, to the facilities of Mrs. Paul's Kitchens, Inc., at the origins named in (1) above. (Hearing site: Philadelphia, PA or DC.)

MC 144851F, filed June 2, 1978. Applicant: JOHN A. CLARK, R.F.D. No. 2, Berwick, PA 18603. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and cough drops* from the facilities of Luden's Inc., at Reading, PA, to points in AR, CO, IA, KS, LA, MO, and NE. (Hearing site: Washington, DC.)

MC 144873F, filed June 8, 1978. Applicant: TED INDYK, d.b.a. TED'S AUTO & TRUCK SERVICENTER, 1801 West 7th Street, Piscataway, NJ 08854. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrapped motor vehicles*, in truckaway and wrecker service, between South Plainfield, NJ, on the one hand, and, on the other, points in NY, CT, PA, DE, and MD. (Hearing site: New York, NY.)

MC 144882F, filed June 12, 1978. Applicant: RAOUL DEDEAUX, d.b.a. DART SERVICE, 4270 Maywood Avenue, Vernon, CA 90058. Representative: R. Y. Schureman 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by wholesale or retail department, discount, or variety stores* (except commodities in bulk), between Sparks, NV, on the one hand, and, on the other, points in CA, OR, and WA, under a continuing contract, or contracts, with K Mart Corp., of Troy, MI. (Hearing site: Los Angeles, CA, or Reno, NV.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated, or do not require Commission approval.

MC 144928F, filed June 21, 1978. Applicant: BRICK TRANSPORT, INC., 6530 Cambridge Street, Minneapolis, MN 55426. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags, *brick, tile, and cement products*, from points in IA and ports of entry on the International Boundary line between the United States and Canada in MN, to points in MN and those in WI on, north, and west of a line beginning at the MN-WI State line, then east along U.S. Hwy 10 to its junction with WI Hwy 13, then north along WI Hwy 13 to Lake Superior at Ashland, WI; (2) *cement products*, from St. Croix Falls, WI, to points in MN; and (3) *cement*, in bags, *brick, tile, and cement products*, from Minneapolis, MN, to ports of entry on the international boundary line between the United States and Canada in MN and those in WI on, north, and west of a line beginning at the MN-WI State line, then east along U.S. Hwy 10 to its junction with WI Hwy 13, then north along WI Hwy 13 to Lake Superior at Ashland, WI, under a continuing contract with Midwest Brick and Supply Co., Inc., of Minneapolis, MN, and St. Croix Block and Brick Co., Inc., of Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 144955F, filed June 26, 1978. Applicant: FLORIDA FAST FREIGHT, INC., 300 Rains Avenue, Glencoe, AL 35905. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products* and (2) *such commodities* as are manufactured, distributed, or dealt in by manufacturers of rubber and rubber products, from the facilities of Goodyear Tire and Rubber Co., at or near Gadsden, AL, to those points in FL east of the Apalachicola River. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 144949F, filed June 23, 1978. Applicant: NORM KERKHOF INC., Rural Route 7, Box 287, Columbus, IN 47201. Representative: Edwin J. Simcox, Suite 800—Circle Tower Building, 5 East Market Street, Indianapolis, IN 46204. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal and meat bone meal*, in bulk, (1) from Columbus, Newberry, and Shelbyville, IN, to points in AL, IL, KY, OH, and TN, and (2) from Butler, Henderson, and Russellville, KY, to points in AL, IL, IN, OH, and TN, restricted to the transportation of traffic originating at the facilities of Griffin Industries and Bausback Fertilizer Co. at the named origins.

MC 145044F, filed June 20, 1978. Applicant: FOREDECK TRANSPORTATION, INC., White Wood Lane, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from St. Louis, MO, to New York, NY, restricted to traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY, or Washington, DC.)

PASSENGER AUTHORITY

MC 144979F, filed June 29, 1978. Applicant: DANIEL P. GEIGER d.b.a. ATLANTIC LIMOUSINE SERVICE, 11 East Decatur Avenue, Pleasantville, NJ 08232. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round-trip charter and special operations, in non-scheduled, door-to-door service, restricted to the transportation of not more than eleven (11) passengers in any one vehicle not including the driver (1) from Atlantic City, NJ to points in PA and NY, and (2) from the Philadelphia International Airport, in Philadelphia, PA, to Atlantic City, NJ. (Hearing site: Atlantic City, NJ.)

[FR Doc. 78-22239 Filed 8-9-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Board for International Broadcasting	1
Commodity Futures Trading Commission	2, 3
Federal Energy Regulatory Commission	4
Federal Maritime Commission	5
Interstate Commerce Commission	6, 7
National Transportation Safety Board	8
Overseas Private Investment Corporation	9
Renegotiation Board	10
Securities and Exchange Commission	11

[6155-01]

1

BOARD FOR INTERNATIONAL BROADCASTING.

TIME AND DATE: 9:30 a.m., August 17 and 18, 1978.

PLACE: Board for International Broadcasting Conference Room, Suite 430, 1030 15th Street NW., Washington, D.C. 20005.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) and 1 CFR 460.4 (c) and (h) of the Board's rules (42 FR 9388, February 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the U.S. Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, 1030 15th Street NW., Washington, D.C. 20005, 202-254-8040.

[S-1617-78 Filed 8-8-78; 9:55 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., August 15, 1978.

PLACE: Fifth Floor Hearing Room, 2033 K 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:

1. Application for designation as a contract market in Government Mortgage Association Securities/Amex Commodities Exchange.
2. Application for designation as a contract market in 1-year U.S. Treasury Bills/Chicago Mercantile Exchange.
3. Reporting requirements for Dealer Options.
4. Part 16—Amendment of Reports required by Contracts Markets.
5. Part 8—Contract Market Disciplinary Procedures.
6. Part 18—Reports by Traders.
7. Part 9—Commission Procedures for Review of Exchange Disciplinary Actions.

Portions closed to the public: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1626-78 Filed 8-8-78; 3:56 pm]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., August 18, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1623-78 Filed 8-8-78; 3:54 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 34574, August 4, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: August 9, 1978, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAP-11—ER78-360, Connecticut Yankee Atomic Power Co.

LOIS D. CASHELL,
Acting Secretary.

[S-1621-78 Filed 8-8-78; 2:31 pm]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: August 16, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 5200-32: Modification of Pacific Coast European Conference to: (1) Delete jurisdiction over transshipment from Europe to Africa; (2) provide for independent tariff action; and (3) limit joint services to a single vote.
2. ACE Lines, Limited, Petition for regulatory action concerning actions of the New Zealand Wool Board.
3. Docket No. 72-35: Pacific Westbound Conference, Investigation of Rates, Rules and Practices pertaining to the movement of wastepaper and woodpulp from U.S. West Coast Ports to Ports in Japan—Decision on request for oral argument and various pending petitions.
4. Docket No. 77-9: *United Nations* v. *Hellenic Lines Limited*, Review of Supplemental Initial Decision.
5. Docket No. 77-19: Agreement No. 10235—Consolidated Forwarders Intermodal Corporation, Decision on request for oral argument.
6. Special Docket No. 585: *Mr. Edouard Hazan, General Manager Socafex, Agents, and Forwarders* v. *Lykes Bros. Steamship Co., Inc.*, Review of Initial Decision.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1619-78 Filed 8-8-78; 2:31 pm]

[7035-01]

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, August 16, 1978.

PLACE: Hearing Room "B" Interstate Commerce Commission Building 12th

Street and Constitution Avenue NW., Washington, D.C.

STATUS: Oral argument.

MATTER TO BE CONSIDERED: Investigation and Suspension Docket No. M-29772, General Increase, S.M.C.R.C., April 1978.

CONTACT PERSON FOR MORE INFORMATION

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

Dated: August 8, 1978.

[S-1624-78 Filed 8-8-78; 3:54 pm]

[7035-01]

7

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, August 16, 1978.

PLACE: Hearing Room C, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open special conference.

MATTER TO BE CONSIDERED: Investigation and Suspension Docket No. M-29772, General Increase, S.M.C.R.C., April 1978.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

Dated: August 8, 1978.

[S-1625-78 Filed 8-8-78; 3:54 pm]

[4910-58]

8

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, August 17, 1978 [NM-78-31].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first eight items will be open to the public; the last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—National Jet Services, Inc., Douglas DC-3, N51071, Evansville Dress International Airport, Ind., December 31, 1977.
2. *Railroad Accident Report*—Collision of Port Authority of Allegheny County Trolley Car No. 1790 and Bus No. 2413, Pittsburgh, Pa., February 10, 1978.
3. *Briefing* by the National Highway Traffic Safety Administration on the National Accident Sampling System.
4. *Regulation*—Part 845 of the Board's rules of practice in Surface Transportation Accident Hearings and Reports.
5. *Letter* to Mr. William Fanning re reconsideration of probable cause, Dassault Falcon 20F, Naples, Fla., November 12, 1976.
6. *Letter* to Allied Pilots Association re reconsideration of probable cause, American Airlines accident, St. Thomas, V.I., April 27, 1976.
7. *Letter* to Mr. James F. Legette re reconsideration of probable cause, Starduster 2, N2JL, Camden, S.C., April 30, 1977.
8. *Regulation*—Petition to amend 49 CFR 821.25 and proposed amendment to 49 CFR 821.24.
9. *Opinion and Order—Administrator* v. *Lewis, Dkt. SE-3664;* disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1616-78 Filed 8-8-78; 9:55 am]

[3210-01]

9

OVERSEAS PRIVATE INVESTMENT CORPORATION.

TIME AND DATE: Meeting of the OPIC Board of Directors, Tuesday, August 15, 1978 at 9 a.m. (closed portion). 11 a.m. (open portion).

PLACE: Offices of the Corporation, Seventh Floor Board Room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 10:30 a.m. will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED.

Closed to the public 9 a.m. to 11 a.m.

1. Personnel matters.
2. Revised agreement with Andean Pact Countries.
3. Insurance Project in Middle East Country.
4. Insurance Project in Middle East Country.
5. Insurance Project in African Country.
6. Human Rights: Review of Projects in Eight Countries.
7. Claims report.
8. Information reports.

FURTHER MATTERS TO BE CONSIDERED.

Open to the public 11 a.m.

1. Approval of the minutes of the previous meeting.
2. Confirmation of Board meetings.
3. OPIC Budget.
4. Financial statements; allocation of reserves.
5. Information reports.

Information with regard to this meeting may be obtained from the Secretary of the Corporation at 202-632-1839.

ELIZABETH A. BURTON,
Corporate Secretary.

AUGUST 8, 1978.

[S-1618-78 Filed 8-8-78; 10:01 am]

[7910-01]

10

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, August 15, 1978; 10 a.m.

PLACE: Conference Room, Fourth Floor, 2000 M Street NW., Washington, D.C., 20446.

STATUS: Matters 1 through 11 are open to public observation, matters 12 through 15 are closed to public observation, matters 16 and 17 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held August 1, 1978, and other Board meetings, if any;

2. Recommended clearances without assignment: (List 1915)—

A. McCord Corp., fiscal year ended August 31, 1976.
B. Howell Corp., fiscal year ended December 31, 1975.
C. General Environmental Corp., fiscal year ended December 31, 1975.
D. Frasse Transportation Co., fiscal year ended December 31, 1975.
E. Frassee Peter A & Co. Inc., fiscal year ended December 31, 1975.
F. Emerson & Cuming, Inc., fiscal year ended August 31, 1976.
G. U.S. Electronic Publications, fiscal year ended December 31, 1974.
H. Windsor Manufacturing Co., fiscal year ended September 30, 1976.
I. Johnson & Johnson, fiscal year ended December 28, 1975.
J. T. D. Materials, fiscal year ended December 31, 1975.

3. Recommended clearances without assignment: (List 1916)—

A. Bowmar Instrument Corp., fiscal year ended September 30, 1975.
B. Varian Associates, fiscal year ended September 30, 1976.
C. Allegheny Ludlum Industries, Inc., fiscal year ended December 31, 1975.
D. Standard-Thomson Corp., fiscal years ended December 31, 1974 and February 28, 1975.
E. Holmes and Narver, Inc., fiscal year ended December 31, 1975.

4. Recommendation for clearance:

Geophysical Services, Inc., fiscal year ended December 31, 1973.

5. Recommendation for assignment to a division:

C. F. Braun & Co., consolidated with: Kilpatrick & Co., fiscal year ended December 31, 1973.

6. Proposed special accounting agreement:

Computer Sciences Corp., fiscal year ended March 30, 1973.

7. Recommended finding or determination of excessive profits and clearance:

A. Howmet Corp., fiscal year ended December 31, 1971.
B. Eastalco Share, Inc., SII to: Prime Aluminum & Steel Corp., fiscal year ended December 31, 1971.

8. Recommended finding or determination of excessive profits and clearance:

A. ABC Management Services, Inc., fiscal years ended June 30, 1974 and 1975.
B. ABC Food Service, Inc., fiscal year ended June 30, 1975.

9. Recommended finding of excessive profits and clearance:

Hercules, Inc., affiliated with: Haveg Industries, Inc., Haskon, Inc., fiscal year ended December 31, 1970.

10. Recommended determination of excessive profits:

MBAssociates, fiscal year ended April 1, 1973.

11. Determination of clearance or excessive profits:

A. Carson Oil Co., fiscal year ended December 31, 1973.
B. Marshall Industries, fiscal year ended May 31, 1974.

12. Recommendation for clearance:

Phillips Petroleum Co., concurrent with: Phillips Scientific Corp., Revonah Spinning Mills, H.P. Smith Paper Co., Wall Tube & Metal Products Co., fiscal year ended December 31, 1972.

13. Court of Claims Case:

Diversified Industries, Inc. v. *United States* Ct. Cl. Nos. 177-74 and 178-74.

14. Board's 1980 budget recommendations.

15. Court of Claims Case:

Pacific Architects & Engineers, Inc., Ct. Cl. No. 407-45.

16. Approval of Agenda for meeting to be held August 29, 1978.

17. Approval of agenda for other meetings, if any—

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: August 6, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-1622-78 Filed 8-8-78; 2:31 pm]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of August 14, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, August 15, 1978, at 9 a.m. and on Wednesday, August 16, 1978, following a 10 a.m. open meeting. An open meeting will be held on Wednesday, August 16, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, and Commissioners Pollack and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 15, 1978, at 9 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal orders of investigation.
Institution of injunctive actions.
Institution and settlement of injuctive actions.
Regulatory matter bearing enforcement implications.
Settlement of injunctive actions.
Settlement of adminstrative proceedings of an enforcement nature.
Chapter XI proceeding.
Other litigation matters.

The subject matter of the closed meeting scheduled for Wednesday, August 16, 1978, following the 10 a.m. open meeting, will be: Litigation matters.

The subject matter of the open meeting scheduled for Wednesday, August 16, 1978, at 10 a.m., will be:

1. Consideration of request that the Commission affirm the action of the duty officer approving the transmission of a letter expressing the Commission's views on Title XI of H.R. 13471—Right to Financial Privacy—to the Office of Management and Budget.
2. Consideration of request for consideration of the application of Joseph H. Harman II, asking permission for him to become associated with Summit Securities, Inc., a registered broker-dealer, in a supervisory capacity.
3. Consideration of petition for reconsideration of Commission denial of application for exemption pursuant to section 12(h) of the Securities Exchange Act of 1934 and request for oral arguments by the Richmond, Fredericksburg, and Potomac Rilroad.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Beverly Rubman, at, 202-755-1103.

AUGUST 7, 1978.

[S-1620-78 Filed 8-8-78; 2:31 pm]

federal register

THURSDAY, AUGUST 10, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

STUDENT ASSISTANCE PROGRAMS

Proposed General Provisions

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 168]

STUDENT ASSISTANCE PROGRAMS

Proposed General Provisions

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes, in subpart B, minimum standards regarding audits, financial responsibility, and administrative capability which an otherwise eligible postsecondary institution or school must meet to participate in the student financial assistance programs authorized under title IV of the Higher Education Act of 1965.

Supart C proposes rules dealing with institutional misrepresentation of the nature of its educational program, its financial charges or the employment of its graduates. The Commissioner of Education believes that institutional adherence to the requirements of the proposed rules will result in improved management of title IV student financial assistance funds.

DATES: Comments must be received on or before September 25, 1978. It would be extremely helpful if the comments refer to specific sections and are made sequentially.

Public hearings on these proposed regulations will be held in six cities at the addresses listed below. The date and time for each meeting is as follows:

September 11, 1978, Atlanta, Ga., and Boston, Mass., 10 a.m.
September 12, 1978, Dallas, Tex., and Chicago, Ill., 10 a.m.
September 14, 1978, San Francisco, Calif., 10 a.m.
September 15, 1978, Washington, D.C., 10 a.m.

ADDRESSES: Written comments should be sent to: Mr. William L. Moran, Division of Policy and Program Development, Basic Grants Branch/Policy Section, Room 4923, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202. Comments will be available for public inspection in Room 4923, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. from 8:30 a.m. to 4 p.m., Monday through Friday (except Federal holidays).

The public hearings will be held at the following locations:

September 11, 1978, Atlanta College of Art, Memorial Art Center, The Panel Room, 1280 Peachtree Street NE., Atlanta, Ga.; 10 a.m.
September 11, 1978, Boston University, Harold P. Case Physical Education Center, Elbert Lounge, Babcock and Commonwealth Avenues, Boston, Mass.; 10 a.m.
September 12, 1978, University of Texas, Health Science Center, Building D1.600, 5323 Harry Heines Boulevard, Dallas, Tex.; 10 a.m.
September 12, 1978, University of Chicago, Cob Hall, Quantrell Hall Auditorium, 5811 South Ellis Avenue, Chicago, Ill.; 10 a.m.
September 14, 1978, University of San Francisco, University Center, Room 413, 2130 Fulton Street, San Francisco, Calif.; 10 a.m.
September 15, 1978, Regional Office Building 3, GSA Auditorium, 7th and D Streets SW., Washington, D.C.; 10 a.m.

To facilitate scheduling of speakers it woud be helpful if any person desiring to present his or her views orally at any of the scheduled hearings would inform the appropriate representatives listed below in advance of the hearing. If a prepared statement will be presented, the presenter is requested to file three copies with the representative either prior to or on the date of the hearing.

Ms. Judith Brantley, U.S. Office of Education, 101 Marietta Tower, Third Floor, Atlanta, Ga. 30323, 404-242-5010.
Mr. Thomas J. O'Hare, U.S. Office of Education, P.O. Box 8370, John F. Kennedy Federal Building, Boston, Mass. 02114, 617-223-7205.
Ms. Carol Sivright, U.S. Office of Education, 1200 Main Tower Building, Dallas, Tex. 75202, 214-729-2221.
Mr. Donald Aripoli, U.S. Office of Education, 300 South Wacker Drive, Chicago, Ill. 60606, 312-353-2508.
Mr. Jerry Craft, U.S. Office of Education, 50 United Nations Plaza, San Francisco, Calif. 94102, 415-556-0137.
Mr. William Moran, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-1744.

FOR FURTHER INFORMATION CONTACT:

Mr. William Moran, 202-245-1744.

SUPPLEMENTARY INFORMATION:

Need For Regulation

The major student financial assistance programs administered by the Office of Education, namely basic grant, supplemental grant, college work-study, guaranteed student loan and national direct student loan programs, provided financial support to approximately 2.7 million students in the 1977-78 academic year. The loans made or insured under the guaranteed student loan program amounted to over $1 billion, the grants awarded under the basic grant program amounted to over $1.7 billion, and approximately $1 billion has been disbursed under the three campus based programs. For the 1978-79 academic year, financial assistance under these programs will, it is anticipated, amount to approximately $3.7 billion.

As a result of the magnitude of this assistance and the rising concern over the misuse and abuse of these Federal student financial aid programs by institutions and schools, and the rise in the default rate for the guaranteed and national direct student loan programs, the Congress in the recently enacted Education Amendments of 1976, Pub. L. 94-482, authorized the Commissioner of Education to prescribe such regulations as may be necessary to provide for—

(1) A fiscal audit of an eligible institution with regard to any funds obtained by it under title IV programs or obtained from a student who has a loan guaranteed or insured under title IV; and

(2) The establishment of reasonable standards of financial responsibility and appropriate institutional capability for the proper administration by an eligible institution of title IV student financial aid programs.

Prior to the enactment of this section (section 497A of the Higher Education Act), the Commissioner's specific authority to prescribe standards was restricted to institutional participation in the guaranteed student loan program.

The statute also provides that the Commissioner may suspend or terminate an institution's participation in title IV programs upon a determination that it has engaged in substantial misrepresentation of the nature if its educational program, its financial charges, or the employability of its graduates.

As background for these provisions, the House report leading to the Education Amendments of 1976 discussed the need for the provisions, stating that:

> The bill also includes provisions that will increase the level of accountability for student assistance funds that are obtained directly or indirectly by an institution of higher education * * * These additions to current law are intended by the committee to provide the Commissioner with the necessary tools to keep unethical individuals from engaging in unlawful conduct and sharp practice in the name of helping financially disadvantaged students to obtain the education necessary to succeed in the economy of the 1970's. H. Rept. No. 1086, 94th Congress 2d Sess. p. 13.

In the same vein, the Senate report stated:

> The Education Amendments of 1972 authorized the Commissioner to limit, suspend, or terminate institutional participation in the guaranteed student loan program, in a provision similar to that in the committee bill. After a number of years, the Office of Education has finally issued regulations to implement that provision, and the committee hopes that it will have a significant effect in weeding out those schools which do not have the fiscal stability or administrative competence to participate successfully in the loan program. The commit-

tee bill would extend this protection to the basic grant, work-study, and direct student loan programs.

Without the language of the committee bill, the Commissioner has no statutory authority to withhold payments from a school that he knows is foundering and will not be able to provide its students their education, after its cost has been paid. It makes little sense to the committee to require continued payment of Federal funds to an institution in financial crisis, which threatens to close its doors and leave its enrollees stranded. The committee bill would allow the Commissioner to set fiscal standards, then suspend, limit, or terminate an institution's participation if it failed to meet them, after notice and hearing. S. Rept. No. 94-882, 94th Congress 2d Sess. p. 33.

Some of the specific concerns that gave rise to these provisions were reported in an Office of Education sponsored study, completed in October 1976 by the American Institutes of Research. That study revealed that misleading recruiting and admission practices, misleading advertising, lack of institutional financial stability, lack of adequate recordkeeping practices, inequitable refund policies, and the failure to make timely tuition and fees refunds were some of the more prevalent institutional abuses that affected the integrity and effectiveness of the aid programs.

Another major concern giving rise to these statutory provisions was the increase in the default rate in the national direct and guaranteed student loan programs. For example, Federal obligations to cover loans defaulted under the guaranteed student loan program soared from $31 million in 1972 to $177.5 million in 1976, representing nearly a sixfold increase during a period when loan volume remained relatively stable.

The Commissioner has proposed the standards set forth in this regulation (1) to curb and hopefully eliminate fraud and abuse in the title IV student assistance programs by institutions, schools, and students, and (2) to increase the level of accountability for student assistance funds administered by institutions of higher education and vocational schools.

The proposed standards for administrative capability, which were developed with the assistance of the HEW audit agency, reflect the practices and policies being followed by institutions which have sound procedures for the administration of title IV programs and should serve to assist other schools in developing good procedures. The standards, therefore, set forth a model set of procedures and establish parameters within which appropriate institutional policies may be drafted and implemented without Federal intervention. The standards of financial responsibility are intended to assure that an institution will be financially able to provide the education that its students have paid for.

When these rules go into effect, all institutions must comply with the requirements contained in them. The Commissioner anticipates that over a 3-year period each institution already paticipating in any of the title IV programs will be reviewed to determine whether the institution complies with these requirements. Institutions seeking eligibility will be evaluated in terms of these requirements before they are determined eligible for title IV programs. For the new institutions and for the institutions already eligible who are the first to be reviewed, compliance will be based primarily on the establishment of appropriate policies and procedures. However, after a reasonable period, the Commissioner will evaluate currently eligible institutions, and will reevaluate new institutions and those currently eligible institutions that were the first to be reviewed, on the basis of actual performance. Thus, for example, a consistent failure by an institution over an extended period to properly calculate student awards would indicate that the institution does not, in fact, have adequate personnel to administer student financial aid funds, as required by § 156.15.

The following is a discussion of the major provisions of the proposed regulation.

Audits and Recordkeeping

The regulations do not set forth any new audit requirements but cross-reference requirements already contained in existing program regulations. With respect to records, the only major new requirement is that institutions keep admission records that reflect the education and other relevant qualifications of each student admitted. (§ 168.12(c).) These records are necessary to enable the Commissioner to determine whether the institution satisfies the statutory definition of an institution of higher education, proprietary institution of higher education, or vocatioal school. For example, such records would show whether nonhigh school graduates admitted to a public junior college have the ability to benefit from the training offered, and whether that student is above the age of compulsory school attendance.

Additionally, institutions would be required to maintain a separate bank account for Federal funds received under the national direct student loan, college work-study, supplemental educational opportunity grant, and basic educational opportunity grant programs which are to be disbursed to students. This regulation would supersede the current program regulations which provide that physical segregation of cash depositories for Federal student aid funds is not required. In accordance with current practice, however, separate bank accounts would not need to be maintained for each individual program, provided adequate fiscal records for each program are maintained.

Another new requirement is that institutions make records readily available for review at the geographical location where students will receive their degree or certificate. Thus multicampus institutions do not have to keep records at each branch campus. However, when requested, they must make such records available at the particular institution being reviewed by the Commissioner.

Factors of Financial Responsibility

The standards regarding financial responsibility (§ 168.14) are formulated to assure that a student who enrolls at an institution or school will receive the education he is paying for. The bonding requirement is proposed in response to several incidents where student assistance funds were embezzled by employees of an institution.

Institutions are accountable to the Federal Government for any loss of funds as a result of the funds being stolen or embezzled by school employees. The proposed regulation would require institutions to bond each individual disbursing title IV funds in an amount equal to 10 percent of funds disbursed by the institution each academic year. Thus the proposed regulation would provide protection to the institution as well as the Federal Government. Because of the cost of bonding, it was decided to limit the bonding to 10 percent of the funds disbursed.

Performance bonding was considered, but upon investigation, this requirement was not retained because its cost would be prohibitive.

Administrative Capability

With regard to one of the requirements contained in this section (§ 168.15) that an institution use "an adequate number of qualified persons" to administer program funds, the Office of Education invites particular comment as to what would constitute an "adequate" number of such personnel and what factors should be considered in making this determination.

The Education Amendments of 1976 set forth a new requirement: that students must maintain satisfactory academic progress according to the standards and practices of the institution (section 497(e) of the Higher Education Act). The Commissioner will include in his determination of an institution's capability to administer title IV funds, whether the institution has established and applies "reasonable" standards in measuring satisfactory progress of student aid recipients. The

purpose of this provision is to cope with the so called "professional" student and students who attend school only to obtain financial aid.

INSTITUTIONAL REFUNDS

One means of measuring whether an institution is capable of administering title IV funds and is financially responsible to its students is by examining its refund policy. This notice of proposed rulemaking does not include proposed regulations concerning institutional refund policies. Rather, through this notice the Commissioner of Education is soliciting public comment on the subject before any proposed regulations are drafted. Commenters are requested to bring to our attention examples of institutional abuse of Federal student aid programs, if any, which they believe have been caused by an institution's refund policy or lack thereof. Commenters should also indicate whether they feel such abuses could be curbed by regulations, and, if so, what requirements those regulations should contain. All comments received on this issue will be studied carefully before any proposed regulations are drafted and submitted for public comment. (It should be noted that the institution's refund policy is included in § 178.4 of the student consumer information services regulations (45 CFR 178.4) as one of the items on which information is to be made available to students.)

ATTRIBUTION OF INSTITUTIONAL REFUND, AND REPAYMENTS OF CASH DISBURSEMENTS MADE DIRECTLY TO THE STUDENT

1. ATTRIBUTION OF INSTITUTIONAL REFUND

When a student's institutional charges were paid with funds from Title IV programs, other than the college work-study program, any institutional refund must be apportioned among the various sources of funding which were used to pay the charges originally. Paragraphs (a) through (c) of § 168.17 deal with the method of computing this apportionment. Since a student is not expected, of course, to return earnings for work performed, the issue of apportionment of the institutional refund concerns only the grant and loan portions of the student's package which had been awarded to meet costs for an entire term or payment period.

Two methods of computing the apportionment of the institutional refund were considered in drafting the proposed regulation. They differ primarily in their treatment of the expected family contribution. The first method assumes that the expected family contribution and the various components of the student's aid package are expended at the same rate in meeting the student's educational costs. The second method, applying the principal that any need-based financial aid is supplemental to the expected family contribution, assumes that the family contribution is expended fully before any financial aid funds are used.

Thus, under the first method a portion of the refund will be attributable to the expected family contribution whenever there is an expected family contribution of any amount. Under the second method a portion of the refund would be attributed to the family contribution only when the amount of the refund exceeded the amount of the grant and loan portions of the student's aid package.

In drafting the proposed regulation, the Commissioner has adopted the first method. However, he is soliciting comments on the alternative as well as on the method set forth in the proposed rule.

The method set forth in § 168.17 of the proposed rule assumes that the family contribution and each of the grant and loan components of the student's aid package were applied toward the student's educational costs in the same proportion that each represents as part of an aggregate amount. Therefore, the institutional refund is allocated among these various funding sources in proportion to their original share of the aggregate.

The following example shows the apportionment of an institutional refund of $500 in a case in which the family contribution plus the grant and loan portions of the aid package totaled $2,000.

Funding	Cost	Percent of cost	Allocation of refund to—	
Family contribution	$450	22.5	Student	$112.50
BEOG	250	12.5	BEOG account	62.50
SEOG	750	37.5	SEOG account	187.50
Loan (NDSL or GSL)	550	27.5	Loan account*	137.50
Total	2,000	100.0		500.00

*In the case of a National Direct Student Loan, the portion of the refund attributable to the loan would be applied as a reduction of the principal balance in the student's loan account at the institution. In the case of a Guaranteed Student Loan, the portion of the refund attributable to the loan would be paid by the institution to the lender.

The alternative method assumes that the family contribution should be expended in its entirety before any student financial aid funds are expended. Thus, student-owed refunds are attributed to the various nonwork sources of financial aid until the original amounts have been completely restored before any funds are returned to the family. If the amount of money being refunded exceeds the amount of nonwork financial aid which was provided to the student and to the student's account, the excess is returned to the family. On the other hand, if the amount of money being refunded is equal to or less than the amount of nonwork financial aid provided to the student or to the student's account, the entire amount being refunded is allocated among those sources of aid in proportion to their shares of the original aggregate amount of nonwork financial aid provided to the student or to the student's account.

In the example cited below, using the same figures as in the previous example, the cost is $2,000, the grant-loan components of the student's aid package totaled $1,500, and the institutional refund was $500. Therefore, the entire amount of the institutional refund would be allocated to the appropriate student aid accounts in the following manner:

Funding source	Grant loan components	Percent of total grant/loan aid	Allocation of refund to—	
BEOG	$250	16.1	BEOG account	$80.50
SEOG	750	48.4	SEOG account	242.00
Loan (NDSL or GSL)	550	35.5	Loan account*	177.50
Total	1,550	100.00		500.00

*In the case of a National Direct Student Loan, the portion of the refund attributable to the loan would be applied as a reduction of the principal balance in the student's loan account at the institution. In the case of a Guaranteed Student Loan, the portion of the refund attributable to the loan would be paid by the institution to the lender.

Under the first method described above, the student is due a portion of the institutional refund resulting from an unexpended portion of the expected family contribution. However, under the following circumstances the student may not receive any money.

As discussed under item 2 below, a student may have received an overpayment of aid funds as a result of receiving a cash disbursement for noninstitutional charges. In such a case the amount due to the student from the institutional refund would be applied against that overpayment before any of these funds were returned to the student.

In applying for a guaranteed student loan, the student may have agreed to assign a portion of a refund due to him or her to the lender for reduction of the principal balance of the loan. Therefore, even though the student did not owe a repayment of a cash disbursement for noninstitutional charges, the portion of the refund attributable to the expected family contribution might not be returned to him or her since it may be assigned to the lender to reduce the principal guaranteed student loan balance. Thus, the student would not receive a cash refund from the institution until all overpayments were settled and any amount assigned to reduce a guaranteed student loan balance had been returned by the institution to the lender.

Under the alternative method, offsets resulting from an unexpended portion of the expected family contribution would usually not occur, and the student would owe back to the institution a larger portion of the financial aid disbursed to him or her for living expenses.

2. ATTRIBUTION OF REPAYMENTS OF CASH DISBURSEMENTS MADE DIRECTLY TO THE STUDENT

Paragraph (d) of § 168.17 is intended to provide a means of determining if a repayment is due from any cash disbursement of aid for noninstitutional charges if the student leaves that institution before the end of the payment period for which the cash disbursement was made.

In determining whether a repayment is due, the institution will, of course, need to know the date the student left the institution. If the student officially withdrew or was expelled, the date he or she ceased to be in attendance will be a matter of institutional record. If the student simply left the institution without completing official withdrawal procedures (i.e., unofficially withdrew) and no specific date for his or her departure is known, the institution should use its best judgment in determining the date the student ceased to be in attendance in order to compute the portion of a cash disbursement which should be considered as already expended during his or her period of attendance.

The proposed regulation provides that the institution itself shall determine the amount of the total cash disbursement which should be considered "unused" as of the date the student leaves the institution, taking into consideration reasonable expenses which the student would have incurred during his or her period of attendance for items which were not paid to the institution. (It is assumed that any institutional refund policy would take into account any amounts paid to the institution in cash as well as amounts credited to the student's institutional account.) The proposed regulation cites a number of types of expenditures which could be considered but does not limit the institution's discretion to include others. After the institution has determined the total amount of the cash disbursement which it considers unused as of the date the student ceased to be in attendance, the portion of the overpayment to be attributed to each grant and loan program shall be made in accordance with the following ratio:

(Amount to be attributed to each program/total amount of cash disbursement determined by the institution to be an overpayment) : (amount provided by each program for the period for which aid was awarded/student's cost of education for the period for which aid was awarded, minus amount of student earnings during the period).

This procedure parallels that set forth in § 168.17(a) for determining the attribution to program accounts of an institutional refund. Expressed as equation, the ratio appears as:

Amount to be attributed to each program = (amount provided by each program for the period for which aid was awarded/student's cost of education for the period for which aid was awarded, minus amount of student earnings during the period) × total amount of cash disbursements determined by the institution to be an overpayment.

On April 8, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER which discussed the issue of attribution of repayments from cash disbursements made directly to the student when the student leaves the institution before the completion of the period for which the funds were awarded. In that notice a formula was proposed, to be inserted in § 176.14 of the supplemental grant regulations and § 190.77 of the basic grant regulations, for calculating the portion of a grant disbursement which should be considered an overpayment subject to repayment by the student. There was a general consensus among the commenters that the formula did not allow sufficient flexibility for the institution to take into consideration the circumstances of individual students in determining the amount of a cash disbursement which should be repaid. In response to the commenters' concern, the proposed formula has been discarded. In its place we have substituted the procedure set forth in § 168.17(d), and described above, in which the institution has discretion in determining the portion of a cash disbursement which it considers "unused" as of the date the student withdraws. The portion of the "unused" amount which should then be considered an overpayment for each specific grant program is then determined by the simple proportional ratio set forth in the regulation.

ADDITIONAL FACTORS

Section 168.18 sets forth conditions which the Commissioner views as warning signals regarding whether an institution is capable of continuing its participation in title IV programs. This section is based upon § 177.66 of the existing GSL program regulations. (45 CFR 177.66) However, the benchmark default and withdrawal rates have been revised upward and the default provision has been extended to include national direct student loans as well as guaranteed student loans.

An additional distinction should be made between factors of financial responsibility contained in § 168.14 and those additional factors for evaluating administrative capability and financial responsibility found in § 168.18.

The items contained in § 168.14 are conditions which an institution must meet in order to gain or maintain program eligibility. Failure to meet these provisions will be grounds for refusal to allow initial program participation or for the initiation of limitation, suspension, and termination actions. Failure to meet the requirements of § 168.18 may be grounds for denial or limitation, suspension, and termination actions at the Commissioner's discretion; and the Commissioner may require corrective action before extending program eligibility.

SPECIFIC COMMENTS AND RESPONSES

In October 1976, the Congress enacted and the President signed into law the Education Amendments of 1976. On November 29, 1976, the Commissioner published in the FEDERAL REGISTER (41 FR 52417) a notice of intent to issue regulations in order to solicit early public participation in the rulemaking process.

Five public conferences were held across the country between December 13 and 17, 1976, and comments made at those conferences were considered

in developing the proposed rule. Written comments were also received through December 30, 1976 and were considered in the development of this proposed rule. The following is a summary of these comments and the Commissioner of Education's response.

Comment: One commenter said that an audit should not be so comprehensive as to verify the propriety of each Federal dollar an institution spends. It should, however, be sufficiently comprehensive to establish that financial control systems are adequate and functioning effectively and that the institution is in compliance with Federal law and regulations.

Response: The Commissioner agrees. The proposed rule provides that audits are to be conducted in accordance with applicable title IV program regulations and audit guides.

HEW audit guides are presently available for the supplemental educational opportunity grant, college work-study, and national direct student loan programs. The Office of Education anticipates that an audit guide will be available for the Basic Educational Opportunity Grant Program by the time these proposed rules are published as final regulations. No audit guide is presently being contemplated for the guaranteed student loan program.

Comment: Comments received relative to the desirable frequency of fiscal audits ranged from annual to 2, 3, or 5 years. Additionally, special audits were recommended whenever (i) there was a change in ownership, (ii) the institution was the subject of continued complaints by student consumers, or (iii) there was evidence that funds were being misused. One commenter suggested that the Inspector General of DHEW be authorized access to all fiscal records of an institution at any time.

Response: Under existing title IV program regulations, audits are to be conducted at least once every 2 years. The proposed regulations provide that this frequency be maintained under normal circumstances.

The Inspector General has access to all relevant records under Section 205 of Pub. L. 94-505.

Comment: Several commenters suggested that audit standards (i) parallel the American Insitutie of Certified Public Accountants (AICPA) audit guide, (ii) be mutually agreed upon by HEW and the National Association of Colleges and University Business Officers (NACUBO) and (iii) follow the standards for audit of governmental organizations, programs, activities and functions (GAO), and the accounting, recordkeeping and reporting by colleges and universities for federally funded student financial aid programs, HEW, 1974.

Response: The regulation proposes that audits be conducted in accordance with the standards for audits of government organizations, programs, activities and functions (GAO), and the existing title IV program regualtions. As noted above the HEW audit agency has developed audit guides which were developed in association with the American Institute of Certified Public Accountants for the college based programs.

Comment: Relative to standards of financial responsibility and institutional capability, one commenter recommended that institutions be required to have the capability of meeting all reporting requirements and maintain supporting documentation for all awards.

Response: The regulations set, as a condition of eligibility, requirements for an institution's recordkeeping capability, including a requirement that it keep systematically organized records relating to all title IV transactions.

Comment: Relative to who is to conduct required audits, several commenters made the following recommendations: (i) That audits be performed by the university system of auditors when an institution is associated with such a public system or, in the case of institutions not associated with a public system by HEW auditors; and (ii) That audits be conducted by the institution using CPA firm and Federal guidleines.

Response: The regulation permits the instituion to choose who is to conduct audits. It requires only that the individual chosen be sufficiently independent of those who authorize the expenditure of Federal funds and that the individual comply with the GAO standards for audit of governmental organizations, programs, activities, functions, and existing title IV program regulations.

Comment: One commenter recommended that non-public institutions should be required to post a bond sufficient to assure performance.

Response: The Commissioner disagrees. Performance bonding was found to be prohibitively expensive. However, the Commissioner has requred a bond on personnel handling title IV funds to the extent of 10 percent of the title IV funds disbursed by an institution in an academic year.

Comment: Several comments were received concerning possible misrepresentation by an institution of the nature of its educational program, its financial charges or the employability of its graduates. One commenter suggested that the audit should be comprehensive enough to demonstrate that the institution had (i) clearly stated and measurable objectives, (ii) the capacity and resources to meet those objectives, and (iii) sufficient financial stability to give some protection to the student consumer.

Response: The suggestion with respect to (i) and (ii) cannot be adopted since the Commissioner's statutory authority is restricted to the administration and financial responsibility of student aid programs under title IV.

One commenter suggested that the term "misrepresentation" need not be defined. Another suggested that a definition of the term include misrepresentations such as the listing of fields of study not actually offered by the institution, or descriptions of facilities and services that do not exist.

Response: The Commissioner believes that a definition is necessary and has defined both the terms "misrepresentation" and "substantial misrepresentation" in § 168.32. The Commissioner has also addressed the concerns suggested by the second comment in § 168.33.

Other Information

Note.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 27, 1978.

Ernest L. Boyer,
U.S. Commissioner of Education.

Approved. July 22, 1978.

Hale Champion,
Acting Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by reserving subpart A and adding subparts B and C of part 168 to read as follows:

PART 168—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

Subpart A—General

Sec.
168.1 Scope and purpose [Reserved]
168.2 Definitions [Reserved]

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability and Institutional Refunds

168.11 Scope and purpose.
168.12 Audits, records, and examination.
168.13 Audit exceptions and repayments.
168.14 Factors of financial responsibility.
168.15 Standards of administrative capability.
168.16 [Reserved]
168.17 Attribution of institutional refunds and repayments of cash distributions made directly to the student.
168.18 Additional factors for evaluating administrative capability and financial responsibility.

Subpart C—Misrepresentation

168.31 Scope and purpose.
168.32 Special definitions.
168.33 Nature of educational programs.
168.34 Nature of financial charges.

Sec.
168.35 Employability of graduates.
168.36 Endorsements and testimonials.
168.37 Procedures.
Appendices A-C.

AUTHORITY: Sec. 497A, Higher Education Act of 1965, as added by sec. 133 of Pub. L. 94-482, 90 Stat. 2150-2151 (20 U.S.C. 1088f-1), unless otherwise noted.

Subpart A—General [Reserved]

Subpart B—Standards Relating to Audits, Records, Financial Responsibility, Administrative Capability and Institutional Refunds

§ 168.11 Scope and purpose.

This subpart sets forth standards which an otherwise eligible institution—that is, an institution of higher education satisfying the statutory definitions set forth in sections 435(b), 491(b), or 1201(a) of the Higher Education Act (HEA) or a vocational school satisfying the definition in section 435(c) of the HEA—must meet in order to participate in the student financial assistance programs authorized under title IV of the act. The standards concern the conduct of audits, the maintenance of records, financial responsibility, administrative capability, and institutional refunds. Noncompliance with these provisions may subject an otherwise eligible institution to proceedings under subpart II which may lead to a limitation, suspension or termination of its eligibility for title IV programs. (20 U.S.C. 1088f-1.)

§ 168.12 Audits, records, and examination.

(a) If an institution participates in the supplemental educational opportunity grant program, 45 CFR Part 176, college work-study program, 45 CFR Part 175, national direct student loan program, 45 CFR Part 144, basic educational opportunity grant program, 45 CFR Part 190, or guaranteed student loan program, 45 CFR Part 177, it must comply with the regulations for those programs concerning (1) audits of institutional transactions, (2) recordkeeping, and (3) a separate bank account for Federal funds received under these programs.

(b)(1) Audits must be conducted by individuals who are sufficiently independent of those authorizing the expenditure of Federal funds to produce unbiased opinions, conclusions or judgments. The independence of these individuals shall be judged in accordance with the criteria set forth in part III, chapter 3 of the U.S. General Accounting Office publication, standards for audit of governmental organizations, programs, activities, and functions. Additionally, auditors other than employees of a State or local government must meet the qualifications criteria set forth in appendix I of the GAO document. (These documents are included as appendix A and appendix B of this part.)

(2) Any individual or firm conducting an audit described in this section must give the Director of the HEW audit agency or the Commissioner access to records or other documents as may be necessary to review the results of the audits.

(c)(1) With respect to each title IV financial aid recipient, an otherwise eligible institution must establish and maintain on a current basis student records regarding:

(i) The student's admission to, and enrollment status at, the institution;

(ii) The program and courses in which each recipient is enrolled;

(iii) Whether the student is making satisfactory progress toward completion of the course of study the student is pursuing according to the standards and practices of the institution;

(iv) Any refunds due or paid the student; and

(v) The student's placement by the institution in a job if the institution provides a placement service and the student uses that service.

(vi) Amounts of financial aid from title IV programs received by the student at the institution and at any institutions the student previously attended. The institution must provide a copy of this record to any institution to which the student transfers at the request of that institution or the student.

(2)(i) With respect to each student enrolled at the institution, an otherwise eligible institution must establish and maintain records regarding the educational qualifications of that student as they relate to the admissions requirements of the institution.

(ii) With respect to those institutions where the entire institution has not been determined eligible, the institution must establish and maintain records regarding the educational qualifications of each student as they relate to the admissions requirements of those particular programs which have been determined eligible.

(3) Records must be (i) systematically organized and (ii) readily available for review by the Commissioner at the geographical location where the students will receive their degrees or certificates of program or course completion.

(d) An institution must deposit all Federal funds it receives under the supplemental educational opportunity grant, college work-study, national direct student loan, and basic educational opportunity grant programs in an account which does not include non-Federal funds or Federal funds from other programs. This account is subject to audit by the Commissioner at such reasonable times as the Commissioner will determine.

(20 U.S.C. 1088f-1.)

§ 168.13 Audit exceptions and repayments.

(a) If the Hew audit agency questions an expenditure or the institution's compliance with any applicable requirements as a result of its own audit or an audit performed at the direction of the institution, the Agency notifies the Commissioner and the institution of the questioned expenditure or procedure. If the institution believes the expenditure or procedure was proper, it shall notify the Commissioner in writing of its position and the reasons therefor. The institution's response must be received by the Commissioner within 35 days of the date of the audit agency's notification to the institution.

(b) Based on the audit finding and the institution's response, the Commissioner will determine the amount of funds improperly spent, if any, and will instruct the institution as to the manner of repayment. The institution must repay those funds within 60 days of the Commissioner's notification, unless the Commissioner permits a longer repayment period.

(20 U.S.C. 1088f-1.)

§ 168.14 Factors of financial responsibility.

(a) An otherwise eligible institution must be financially able to—

(1) Provide the educational services stated in its official publications and statements;

(2) Provide the administrative resources necessary to comply with the requirements set forth under this subpart; and

(3) Meet all its financial obligations including refunds.

(b) An otherwise eligible institution must bond each individual disbursing title IV funds at the institution in an amount equal to 10 percent of the title IV funds disbursed by that institution each academic year.

(c) If the Commissioner has reason to believe that an institution is unable to meet the requirements set forth in paragraph (a) of this section, or if the institution changes ownership, the Commissioner may require the institution to submit for its latest fiscal year a financial statement or an audit prepared by a State or local audit agency for a public institution, or certified by a certified public accountant or licensed public accountant for a nonpublic institution. The financial statement must include a balance sheet and an operating statement (profit and loss statement covering both income and expenses).

(20 U.S.C. 1088f-1.)

§ 168.15 Standards of administrative capability.

In order to participate in a title IV student financial aid program, an otherwise eligible institution must have the capability to adequately administer those programs. The Commissioner will consider an institution as having that capability if it establishes and maintains required student and financial records and if it:

(a) Designates a capable individual to be responsible for administering all the title IV programs in which it participates;

(b) Uses an adequate number of qualified persons to administer those programs. In determining whether an institution uses an adequate number of qualified persons, the Commissioner will consider the number of students aided, the number and type of programs in which the institution participates, the number of applications evaluated, and the amount of funds administered;

(c) Administers title IV programs in such a manner as to provide for an adequate system of internal controls. These internal controls must provide for a system of checks and balances under which no person will be directly responsible for all aspects of the programs. The functions of authorizing payment and disbursing funds shall be divided so that no office has the responsibility for both functions with respect to any particular student aided under the program;

(d) Establishes and applies reasonable standards for measuring whether a student receiving aid under any title IV program is maintaining satisfactory progress in the course of study the student is pursuing;

(e) Develops an adequate system to verify the consistency of the information it receives from different sources with respect to a student's application for financial aid under title IV programs. In determining whether the institution has an adequate verification system, the Commissioner will consider whether the institution reviews:

(1) All student aid applications, needs analysis documents, and eligibility notification documents presented by or on behalf of each applicant;

(2) Any documents, including any copies of State and Federal income tax returns which are normally collected by the institution to validate information received from other sources; and

(3) Any other information normally available to the institution which bears on a student's citizenship, previous educational experience or other factors relating to a student's eligibility for title IV funds; and

(f) Provides adequate financial aid counseling to eligible students who apply for title IV aid. In determining whether an institution provides adequate counseling, the Commissioner will consider whether its counseling includes information regarding:

(1) The source and amount of each type of aid offered;

(2) The method by which aid is determined, and disbursed or applied to a student's account; and

(3) The rights and responsibilities of the student with respect to enrollment at the institution and receipt of financial aid. Such information includes the institution's refund policy, its standards of satisfactory progress, and other conditions that may alter the student's aid package.

(20 U.S.C. 1088f-1.)

§ 168.16 [Reserved]

§ 168.17 Attribution of institutional refunds and repayments of cash disbursements made directly to the student.

(a)(1) If a refund is due to a student under the institution's refund policy and the student received financial aid under any student financial aid program authorized under title IV, a portion of that refund must be attributed to each program, except the college work-study program, from which the student received funds.

(2) If the student received a basic grant, a portion of the refund must be restored to the institution's basic grant account or to the Commissioner. If the student received a supplemental grant, a portion of the refund must be restored to the institution's supplemental educational opportunity grant account. If the student received a national direct student loan and/or a guaranteed student loan, a portion of the refund must be used to reduce the principal on those loans.

(3) The amount to be restored to each account shall bear the same ratio to the total amount of the refund as the amount of funds provided to the student from each program up to the time of his withdrawal bears to the total amount of the student's educational costs for the payment period for which the refund applies, less any earnings from employment during that period. Expressed as a ratio, the amount of the refund to be attributed to each grant or loan aid source is as follows:

(Amount to be attributed to each program/total amount of institutional refund) : (amount provided by each program/student's cost of education for the period for which aid was awarded, minus amount of student earnings during the period).

(b) The portion of the institutional refund to be restored or credited shall be computed as follows:

(1)(i) Determine the amount of the student's cost of education for the payment period for which the refund applies, and subtract any portion of that cost which was met by the student with earnings from the college work-study program or other employment occuring during the payment period for which the refund applies.

(2) Determine the amount of funds from each program authorized under title IV, other than the college work-study program, which were disbursed to the student or credited to the student's account to meet his or her costs of education for the payment period for which the refund applies

(3) Divide each of the amounts in subparagraph (2) of this paragraph by the amount determined in subparagraph (1) of this paragraph to determine the percentage which each funding source constitutes of the aggregate amount applied to the student's educational costs.

(4) Multiply the percentages computed in subparagraph (3) of this paragraph by the amount of the institutional refund to determine the portion of the refund to be allocated to each aid program.

(c) The amount of the institutional refund which remains after the amounts computed in paragraph (b) of this section have been subtracted and restored to the appropriate aid account may be attributed to the expected family contribution. However, before any remaining funds may be returned to the student the institution must first, in accordance with paragraph (d) of this section, apply those funds against any funds that were disbursed directly to the student for that period under the basic grant, supplemental grant, national direct and guaranteed student loan programs, which the institution determines, were not used for educational costs. The institution must then transfer any remainder to the lender if the student received a guaranteed student loan and agreed to assign any refund to the lender to reduce the principal balance on his loan. (Appendix C contains an example demonstrating the method of computing the apportionment of an institutional refund outlined in this section.)

(d) *Attribution of repayments of cash disbursements made directly to the student.* (1) If a student officially or unofficially withdraws from or is expelled by an institution prior to the first day of classes of a payment period, any cash disbursements made to that student for noninstitutional costs under any title IV program (except the college work-study program) for that period is an overpayment.

(2) If a student officially or unofficially withdraws from or is expelled by an institution on or after the first day of classes of a payment period, and the student received a cash disbursement

for noninstitutional costs under any title IV program (except the college work-study program) for that period, the institution must determine whether a portion of that cash disbursement is an overpayment.

(3) In determining whether a student received an overpayment in the situation described in subparagraph (2) of this paragraph, the institution shall take into account the educational costs incurred by the student for noninstitutional charges for that payment period up to the date of withdrawal or expulsion. The institution shall then subtract that amount from the cash disbursements received by the student for that period. A ramainder indicates that an overpayment was received. Noninstitutional costs may include but are not limited to room and board, books and supplies, transportation and miscellaneous expenses.

(4) The portion of the overpayment attributable to each program shall be computed using the following ratio:

(Amount to be attributed to each program/total amount of cash disbursement determined by the institution to be an overpayment) : (amount provided by each program for the period for which aid is awarded/student's cost of education for the period for which aid was awarded minus amount of student earnings during the period).

(20 U.S.C. 1088f-1.)

§ 168.18 Additional factors for evaluating administrative capability and financial responsibility.

(a) The following conditions may impair an institution's ability to be financially responsible or to be capable of properly administering student financial aid programs authorized under title IV:

(1) If the principal amount of defaulted loans made to students at an institution under the guaranteed student loan program or the national direct student loan program represents more than 20 percent of the principal of all such loans which has reached the repayment period,

(2) For an institution which has a common academic year for a majority of its students:

(i) If more than 33 percent of the students who are enrolled at the beginning of an academic year withdraw from enrollment at that institution during that academic year, or

(ii) If more than 50 percent of the students who are enrolled at the beginning of an academic year receive loans under the guaranteed student loan program for that year,

(3) For an institution which does not have a common academic year for a majority of its students,

(i) If more than 33 percent of the students enrolled at the beginning of any 8-month period withdraw during that period, or

(ii) If more than 50 percent of the students enrolled at the beginning of any 8-month period receive loans under the guaranteed student loan program for that year,

(4) For an institution utilizing accrual accounting in their last Fiscal Year,

(i) If the institution's ratio of current assets to current liabilities is less than 1:1,

(ii) If the institution has a deficit net worth. Deficit net worth is defined as a condition where the liabilities of the institution exceed its assets, or

(iii) If the institution has a history of operating losses.

(5) For an institution utilizing cash accounting in their last Fiscal Year,

(i) If their operating expenses exceed revenue,

(ii) If the institution has a deficit net worth as defined in § 168.18(4) or

(iii) If the institution has a history of operating losses.

(6) For an institution utilizing fund accounting, if the unrestricted current or operating fund reflects a deficit at the conclusion of its most recent Fiscal Year,

(7) For the purpose of making this determination the institution will make available to the Commissioner, upon a reasonable request, its latest financial statement prepared by a certified public account or the most reasonable equivalent thereof.

(b) If the Commissioner has reason to believe that the conditions set forth in paragraph (a) of this section exist at an institution or if the institution changes ownership, the Commissioner may require the institution to submit for its latest fiscal year a financial statement or an audit prepared by a State or local audit agency for a public institution, or certified by a certified public accountant or licensed public accountant for a nonpublic institution. The financial statement or audit must include, at least, a balance sheet and an operating statement (profit and loss statement covering both income and expenses), and it must be signed by a duly authorized officer of the institution attesting to its accuracy as of the date of the statement. The date of the statement must be within 12 months of the date of the application.

(c) If the Commissioner determines that any of the conditions described in paragraph (a) of this section impairs the capability of the institution to administer any financial aid program authorized under title IV, the Commissioner may require the institution to take reasonable and appropriate measures to alleviate those conditions as a requirement for its continued participation in those programs. Before initiating such an action, the Commissioner will inform the institution of the findings and provide it a reasonable period to respond. That period will be at least 35 days. The institution's response may indicate that the conditions do not have an adverse affect on the administration of the programs, or the response may be to submit a plan of the action it will take to alleviate those conditions.

(20 U.S.C. 1088f-1.)

Subpart C—Misrepresentation

§ 168.31 Scope and purpose.

This subpart establishes the standards and rules under which the Commissioner may initiate suspension or termination proceedings against an otherwise eligible institution for any substantial misrepresentation made by that institution regarding the nature of its educational program, its financial charges, or the employability of its graduates.

(20 U.S.C. 1088f-1(c).)

§ 168.32 Special definitions.

"Misrepresentation" means any erroneous or misleading statement an otherwise eligible institution makes to a student enrolled at the institution, to any prospective student, to the family of an enrolled or prospective student, or to the Commissioner.

"Prospective student" means any individual who has contacted an otherwise eligible institution for the purpose of requesting information about enrolling at the institution or who has been contacted directly by the institution or indirectly through general advertising about enrolling at the school.

"Substantial misrepresentation" means any misrepresentation on which the person to whom it was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.

(20 U.S.C. 1088f-1(c).)

§ 168.33 Nature of educational program.

Misrepresentation by an institution of the nature of its educational program includes, but is not limited to, false or misleading statements concerning:

(a) The nature and extent of the institution's accreditation;

(b) Whether course credits earned at the institution may be transferred to any other institution;

(c) Whether successful completion of a course of instruction qualifies a student for:

(1) Acceptance into a labor union or similar organization; or

(2) Receipt of a local, State, or Federal license or nongovernmental certification which is required as a precondition for employment or to perform certain functions;

(d) Whether its courses are recommended (1) by vocational counselors, high schools, or employment agencies; or (2) for acceptance for governmental employment,

(e) Its size, location, facilities, or equipment;

(f) The availability, frequency, and appropriateness of its courses and programs to the employment objectives which it states its programs are designed to meet;

(g) The nature, age, and availability of its training devices or equipment, and their appropriateness to the employment objectives which it states its programs and courses are designed to meet;

(h) The number, availability, and qualifications, including the training and experience, of its faculty and other personnel;

(i) The availability of part-time employment or other forms of financial assistance;

(j) The nature and availability of any tutorial or specialized instruction, guidance and counseling, or other supplemantary assistance it will provide its students either before, during, or after the completion of a course; or

(k) The nature or extent if any prerequisites established for enrollment in any course.

(20 U.S.C. 1088f-1(c).)

§ 168.34 Nature of financial charges.

Misrepresentation by an institution of the nature of its financial charges includes, but is not limited to, false or misleading statements concerning:

(a) Offers of scholarships to pay all or part of a course charge, unless a scholarship is actually applied to reduce a charge which is made known is advance to an applied to all students not receiving such a scholarship; or

(b) Whether a particular charge is the usual and customary charge for a course.

(20 U.S.C. 1088f—(c).)

§ 168.35 Employability of graduates.

Misrepresentations by an institution regarding the employability of its graduates includes, but is not limited to, false or misleading statements—

(a) That the institution is connected with any governmental organization, or is an employment agency or other agency providing governmentally authorized training leading directly to employment;

(b) That the institution maintains a placement service for graduates or will otherwise secure or assist its graduates to obtain employment, unless it provides the student with a clear and accurate description of the extent and nature of this service or assistance and unless it actually provides the service or assistance; or

(c) Concerning Government job market statistics in relation to the potential placement of its graduates.

(20 U.S.C. 1088f-1(c).)

§ 168.36 Endorsement and testimonials.

Endorsement and testimonials which are not given voluntarily or which do not describe current practices and conditions of the institution will be viewed as misrepresentations by the Commissioner.

(20 U.S.C. 1088f-1(c).)

§ 168.37 Procedures.

(a) The designated OE official, as defined in subpart H, will, upon receipt of written allegations or complaints from students, prospective students, the family of students or prospective students, or governmental officials, review the allegations or complaints to determine their factual base and seriousness.

(b) If the misrepresentations are of a minor nature and can be readily corrected, the designated OE official will inform the institution and endeavor to obtain an informal, voluntary correction.

(c) If the designated OE official finds that the complaints or allegations relate to substantial misrepresentations as to the nature of the educational programs, the financial charges of the institution, or the employability of its graduates, the designated OE official will initiate action to suspend, limit, or terminate the institution's eligibility according to the procedure set forth in subpart H, or will take other appropriate action.

(20 U.S.C. 1088f-1(c).)

APPENDIX A—*Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (GAO)*

PART III, CHAPTER 3—INDEPENDENCE

(a) The third general standard for governmental auditing is:

> In all matters relating to the audit work, the audit organization and the individual auditors shall maintain an independent attitude.

(b) This standard places upon the auditor and the audit organization the responsibility for maintaining sufficient independence so that their opinions, conclusions, judgments, and recommendations will be impartial. If the auditor is not sufficiently independent to produce unbiased opinions, conclusions, and judgments, he should state in a prominent place in the audit report his relationship with the organization or officials being audited.[1]

(c) The auditor should consider not only whether his or her own attitudes and beliefs permit him or her to be independent but also whether there is anything about his or her situation which would lead others to question his or her independence. Both situations deserve consideration since it is important not only that the auditor be, in fact, independent and impartial but also that other persons will consider him or her so.

(d) There are three general classes of impairments that the auditor needs to consider; these are personal, external, and organizational impairments. If one or more of these are of such significance as to affect the auditor's ability to perform his or her work and report its results impartially, he or she should decline to perform the audit or indicate in the report that he or she was not fully independent.

PERSONAL IMPAIRMENTS

There are some circumstances in which an auditor cannot be impartial because of his or her views or his or her personal situation. These circumstances might include:

1. Relationships of an official, professional, and/or personal nature that might cause the auditor to limit the extent or character of the inquiry, to limit disclosure, or to weaken his or her findings in any way.

2. Preconceived ideas about the objectives or quality of a particular operation or personal likes or dislikes of individuals, groups, or objectives of a particular program.

3. Previous involvement in a decisionmaking or management capacity in the operations of the governmental entity or program being audited.

4. Biases and prejudices, including those induced by political or social convictions, which result from employment in or loyalty to a particular group, entity, or level of government.

5. Actual or potential restrictive influence when the auditor performs preaudit work and subsequently performs a post audit.

6. Financial interest, direct or indirect, in an organization or facility which is benefiting from the audited programs.

EXTERNAL IMPAIRMENTS

External factors can restrict the audit or impinge on the auditor's ability to form independent and objective opinions and conclusions. For example, under the following conditions either the audit itself could be adversely affected or the auditor would not have complete freedom to make an independent judgment.[2]

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[1] If the auditor is not fully independent because he or she is an employee of the audited entity, it will be adequate disclosure to so indicate. If the auditor is a practicing certified public accountant, his or her conduct should be governed by the AICPA "Statements on Auditing Procedure."

[2] Some of these situations may constitute justifiable limitations on the scope of the work. In such cases the limitation should be identified in the auditor's report.

1. Interference or other influence that improperly or imprudently eliminates, restricts, or modifies the scope or character of the audit.

2. Interference with the selection or application of audit procedures of the selection of activities to be examined.

3. Denial of access to such sources of information as books, records, and supporting documents or denial of opportunity to obtain explanations by officials and employees of the governmental organization, program, or activity under audit.

4. Interference in the assignment of personnel to the audit task.

5. Retaliatory restrictions placed on funds or other resources dedicated to the audit operation.

6. Activity to overrule or significantly influence the auditor's judgment as to the appropriate content of the audit report.

7. Influences that place the auditor's continued employment in jeopardy for reasons other than competency or the need for audit services.

8. Unreasonable restriction on the time allowed to competently complete an audit assignment.

ORGANIZATIONAL IMPAIRMENTS

(a) The auditor's independence can be affected by his or her place within the organizational structure of governments. Auditors employed by Federal, State, or local government units may be subject to policy direction from superiors who are involved either directly or indirectly in the government management process. To achieve maximum independence such auditors and the audit organization itself not only should report to the highest practicable echelon within their government but should be organizationally located outside the line-management function of the entity under audit.

(b) These auditors should also be sufficiently removed from political pressures to ensure that they can conduct their auditing objectively and can report their conclusions completely without fear of censure. Whenever feasible they should be under a system which will place decisions on compensation, training, job tenure, and advancement on a merit basis.

(c) When independent public accountants or other independent professionals are engaged to perform work that includes inquiries into compliance with applicable laws and regulations, efficiency and economy of operations, or achievement of program results, they should be engaged by someone other than the officials responsible for the direction of the effort being audited. This practice removes the pressures that may result if the auditor must criticize the performance of those by whom he or she was engaged. To remove this obstacle to independence, governments should arrange to have such auditors engaged by officials not directly involved in operations to be audited.

APPENDIX B.—*Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (GAO).*

QUALIFICATIONS OF INDEPENDENT AUDITORS ENGAGED BY GOVERNMENTAL ORGANIZATIONS

(A) When outside auditors are engaged for assignments requiring the expression of an opinion on financial reports of governmental organizations, only fully qualified public accountants should be employed. The type of qualifications, as stated by the Comptroller General deemed necessary for financial audits of governmental organizations and programs is quoted below:

"Such audits shall be conducted * * * by independent certified public accountants or by independent licensed public accountants, licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States: Except that independent public accountants licensed to practice by such regulatory authority after December 31, 1970, and persons who although not so certified or licensed, meet, in the opinion of the Secretary, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the Secretary in appropriate regulations may perform such audits until December 31, 1975; *Provided*, That if the Secretary deems it necessary in the public interest, he may prescribe by regulation higher standards than those required for the practice of public accountancy by the regulatory authorities of the States." [3]

(b) The standards for examination and evaluation require consideration of applicable laws and regulations in the auditor's examination. The standards for reporting require a statement in the auditor's report regarding any significant instances of noncompliance disclosed by his or her examination and evaluation work. What is to be included in this statement requires judgment. Significant instances of noncompliance, even those not resulting in legal liability to the audited entity, should be included. Minor procedural noncompliance need not be disclosed.

(c) Although the reporting standard is generally on an exception basis—that only noncompliance need be reported—it should be recognized that governmental entities often want positive statements regarding whether or not the auditor's tests disclosed instances of noncompliance. This is particularly true in grant programs where authorizing agencies frequently want assurance in the auditor's report that this matter has been considered. For such audits, auditors should obtain an understanding with the authorizing agency as to the extent to which such positive comments on compliance are desired. When coordinated audits are involved, the audit program should specify the extent of comments that the auditor is to make regarding compliance.

(d) When noncompliance is reported, the auditor should place the findings in proper perspective. The extent of instances of noncompliance should be related to the number of cases examined to provide the reader with a basis for judging the prevalence of noncompliance.

(The pamphlet "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock number 2000-00110. Price: 85 cents.)

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[3] Letter (B-148144, Sept. 15, 1970) from the Comptroller General to the heads of Federal departments and agencies. The reference to "Secretary" means the head of the department or agency.

APPENDIX C

The following example demonstrates the method of computing the apportionment of an institutional refund outlined in §168.17(b). Assume the refund is $500.

EXAMPLE:

Cost of education for the period: $2,200 Institutional refund: $500

Minus portion of cost met with student's payment period earnings - 200

$2,000

Aid Program	Amount of financial aid for the period for which the refund applies		Cost of education minus portion met with student's earnings		Percentage		Total Refund		Amount to be restored to aid program account
Basic Grant	$ 250	÷	$2,000	=	12.5%	x	$500	=	$62.50
Supplemental Grant	750	÷	2,000	=	37.5%	x	500	=	187.50
Student Loan (NDSL or GSL)	550	÷	2,000	=	27.5%	x	500	=	137.50
									$387.50

Total refund..... $500.00

Amount restored to aid programs..... - 387.50

Amount to be applied against (1) repayment of Basic Grant or Supplemental Grant funds disbursed directly to the student and (2) reduction of the principal amount of National Direct or Guaranteed Student Loans disbursed directly to the student, for that period, and any remainder returned directly to the student as indicated in §168.17(c)..... $112.50

[FR Doc. 78-21714 Filed 8-9-78; 8:45 am]

federal register

THURSDAY, AUGUST 10, 1978
PART III



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

10 NORTH AMERICAN BEETLES

Proposed Endangered Species or Threatened Species Status and Identification of Critical Habitat

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered or Threatened Status and Critical Habitat for 10 Beetles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine 10 North American beetles to be endangered species or threatened species and to identify their critical habitats. This action is being taken because of their decreased population levels and anticipated adverse modification of their habitat. The proposed action, if finalized, would protect the populations of these beetles and their habitat. The beetles are known to occur in California, Nevada, and Washington, as well as British Columbia, Canada, and Baja California Norte, Mexico.

DATES: Comments from the public must be received by October 8, 1978. Comments from the Governors of the States involved with this action must be received by November 7, 1978.

ADDRESSES: Submit comments to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION

BACKGROUND

Section 4(a) of the Endangered Species Act of 1973 states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of section 4(a) of the act. These factors, and their application to 10 North American beetles, are as follows:

BELLER'S GROUND BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* This beetle is a denizen of a few lowland sphagnum (peat) bogs in Washington and British Columbia, Canada. In the United States it is known to have occurred only in Chase Lake Bog, Snohomish County and Kings Lake Bog, near North Bend, King County, both in Washington. Beller's ground beetle no longer occurs at Chase Lake Bog due to severe habitat alteration from peat mining and housing development. The beetle probably occurs in a few lowland British Columbia bogs as well, but all populations are highly susceptible to peat mining operations.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

SACRAMENTO ANTHICID BEETLE

1. *The present or threatend destruction, modification, or curtailment of its habitat or range.* The Sacramento anthicid beetle occurs only in two sand dune sites along the lower Sacramento River in Sacramento and Solano Counties, Calif. One, at the southern end of Grand Island, Sacramento County, is currently the site of a garbage dump, while the other, about 2 miles south of Rio Vista, Solano County, is the site of rather heavy off-road vehicle activity. At both locations current activities are altering elements of the natural habitat necessary for this beetle's survival. Although no populations of the species are thought to have been eliminated, a related species, *Anthicus antiochensis,* has been all but eliminated by habitat modification.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

GLOBOSE DUNE BEETLE

1. *The present or threatend destruction, modification, or curtailment of its habitat or range.* The Globose dune beetle once occurred commonly in low beach foredunes from central to southern California as well as Baja California, Mexico, in the vicinity of Ensenada. Now its occurrence has become drastically limited and its numbers limited in most localities where it persists. The most significant factor leading to its current status has been the destruction of foredune vegetation throughout a significant portion of its range. The larvae and adults of the species live and feed on dead vegetable matter which accumulates in sand under plants. Heavy foot traffic, development, and the introduction (intentional or accidental) of European dune grass (under which it cannot survive) are the chief reasons why its preferred habitat has become so highly disturbed.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

SAN JOAQUIN DUNE BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The San Joaquin dune beetle is known to have occurred at only five limited sites along the western edge of San Joaquin Valley in California. The population at it type locality, the Antioch dunes in Contra Costa County, has been extirpated due to habitat alteration. At two other localities, in the Ciervo Hills and near Kettleman City, the species exists in fossil dunes which are being subjected to alteration by off-road motorcycle activity. The other two sites in the Big Panoche Hills and in Jacalitos Canyon, both in Fresno County, measure only a few hundred square meters, and can support only a few hundred beetles each. As such the latter two

sites could be inadvertently destroyed by minor habitat modification.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanism.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

MOJAVE RABBITBRUSH LONGHORN BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The range of the Mojave rabbitbrush longhorn beetle originally included five locations in Los Angeles and Kern Counties in southern California. Despite intensive surveys during the 1950's and 1960's, this beetle is now found at only a single site near Lancaster, Los Angeles County, Calif. There are no records from the other four locations later than 1947, and the populations there may have been extirpated. Land-clearing, urbanization, and fire are possible causes for these losses. The location is near a rapidly growing desert town, and it is possible that the location of any single development could bring about the species' extinction.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

CALIFORNIA ELDERBERRY LONGHORN BETTLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The California elderberry longhorn beetle originally occured in elderberry thickets in moist valley oak woodland along the margins of the Sacramento and San Joaquin Rivers in the Central Valley of California. The beetle is presently known from less than 10 localities in Merced, Sacramento, and Yolo Counties. The habitat of this insect has now largely disappeared throughout much of its former range due to agricultural conversion, levee construction, and stream channelization. Today, remnant populations are found in the few remaining natural woodlands and in some State and county parks. However, in State parks the clearing of undergrowth (including elderberry) and planting of lawns has resulted in further habitat degradation.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

DELTA GREEN GROUND BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* the Delta green ground beetle was first collected in 1876 from an unknown locality in California and was not rediscovered until 1974. Its habitat is now known to be limited to the edges of two vernal pools in Solano County, Calif. Vernal pools, which are filled by winter rains and dry out by late summer, were once widespread throughout California, but only a few now remain. Many vernal pools have been lost to river channelization (loss of overflow), dam construction, and the agricultural conversion of natural habitats. It may be assumed that the Delta green ground beetle had a more extensive range in historical time. In its present restricted range, its survival could be seriously affected by agricultural conversion, drainage, or pipeline construction.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

ROBINSON'S RAIN SCARAB BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Robinson's rain scarab is known to occur, or to have occurred, at three localities in Orange and San Diego Counties in southern California. This beetle, which has only a single annual adult flight, usually after rains in late March, is threatened due to habitat alteration. The population at O'Neill Park (Orange County) is believed to be extirpated due to recreational and housing development, while another population near Laguna Beach (Orange County), is presently in jeopardy because of housing development. Only the Scissor's Crossing population in San Diego County remains unaffected.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

ANDREW'S DUNE SCARAB BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Andrew's dune scarab beetle is limited in occurrence to the Glamis Dunes (or Imperial Sand Hills) of Imperial County in southeastern California. The specific habitat of the beetles is troughs of loose drifting sand between dunes. The continued disruption of dune troughs by off-road vehicles prevents the accumulation of dead organic matter upon which the immature stages of this beetle feed.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

GIULIANI'S DUNE SCARAB BEETLE

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Giuliani's dune scarab beetle is limited in occurrence to Big Dune, Nye County, Nev. This beetle is associated with accumulations of dead organic matter on the dune slopes. Off-road vehicle activity on the dune compacts this material or prevents its buildup, thereby destroying the larval habitat of the beetle.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* This factor is not known to affect the present status of this species.

4. *The inadequacy of existing regulatory mechanisms.* There currently

exist no State or Federal laws protecting this species or its habitat.

5. *Other natural or manmade factors affecting its continued existence.* None.

Critical Habitat

Section 7 of the act (16 U.S.C. 1536) entitled "Interagency Cooperation," states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this act. All other Federal departments and agencies shall in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

A definition of the term "critical habitat" was published jointly by the Fish and Wildlife Service and the National Marine Fisheries Service in the Federal Register of January 4, 1978 (43 FR 870-876) and is reprinted below:

"Critical habitat" means any air, land, or water area (exclusive of those existing manmade structures or settlements which are not necessary to the survival and recovery of a listed species) and constituent elements thereof, the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: physical structure and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion. (50 CFR 402.02, 43 FR 874-875.)

The regulations for Interagency Cooperation published in the January 4, 1978, Federal Register (43 FR 870), also provide that [t]he Director will consider the physiological, behavioral, ecological, and evolutionary requirements for the survival and recovery of listed species in determining what areas or parts of habitat * * * are critical. These requirements include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing of offspring; and generally,

(5) Habitats that are protected from disturbances or are representative of the geographical distribution of listed species. (50 CFR 402.05, 43 FR 876.)

These requirements and their application to the critical habitats proposed for these beetles are discussed below:

Beller's Ground Beetle

In the United States, this beetle is known to have occurred only in Chase Lake Bog, Snohomish County, and Kings Lake Bog, King County, Wash. It has been extirpated from Chase Lake Bog. The area proposed as critical habitat for this species represents the only known U.S. population of this species. The bog vegetation provides the food sources, shelter, and sites for reproduction required by this species.

Sacramento Anthicid Beetle

This beetle occurs only at two sand dune sites along the lower Sacramento River. One site is near the mouth of the Sacremento River at the southern end of Grand Island, Sacramento County; the other site is 2 miles south of Rio Vista, Solano County. The areas proposed as critical habitat are the only two known locations for this species.

Globose Dune Beetle

This species is found in the coastal strand community from central to southern California as well as Baja California, Mexico. It is sporadically distributed. The present coastal strand communities are only remnants of what used to be major natural areas along the coast. The areas proposed as critical habitat for this species include several areas where this beetle has consistently been found in the recent past. These areas provide the sandy substrate where the larvae develop and adults spend the bulk of their time. The areas also provide the dead vegetable matter accumulation in the sand under plants in which larvae and adults live and feed. The great majority of this species frequents the canopied substrate beneath various herbs and shrubs. The areas proposed as critical habitat contain the canopies of vegetation under which this beetle aggregates during the hotter summer months. They also contain the litter around coastal chaparral plants in which adults and larva are common in December and January.

San Joaquin Dune Beetle

This species is restricted to five limited sites along the western edge of the San Joaquin Valley. It has been extirpated from its type locality at Antioch Dunes, Contra Costa County. The areas proposed as critical habitat for this beetle represent areas where this species has consistently been found in the recent past. These areas provide the sandy substrate in which larvae develop and adults spend the bulk of their time. The areas also provide the canopied substrate in which the adults are commonly found.

Mohave Rabbitbrush Longhorn Beetle

This species had formerly been found at five locations in Los Angeles and Kern Counties in southern California. It is presently found at only one site near Lancaster, Los Angeles County. The area proposed as critical habitat for this beetle represents this last known location for this species. The host plants of this species, *Chrysathamnus nauseosus gnaphalodes* and *Chrysalthamnus nauseosus mojavensis*, are present in this area. The adults frequent blossoms of the host plant where they assemble for mating and to feed on pollen. Night is spent at the base of the plant under ground litter or among roots.

California Elderberry Longhorn Beetle

This species originally occurred in elderberry thickets in the moist valley oak woodlands along the margins of the Sacramento and San Joaquin Rivers in the Central Valley of California. It is presently known from only a limited number of localities in Merced, Sacramento, and Yolo Counties. The areas proposed as critical habitat for the species include two areas in which the beetles have reliably been reported in the recent past. The areas contain the host plant of this species—an elderberry, *Sambucus glauca.* Adults feed on the foliage of the elderberry. Eggs are deposited in cracks or crevices of the bark of living elderberry plants. Larvae bores in the pith of stems and roots; pupation occurs in the pith.

Delta Green Ground Beetle

This species is limited to the edges of two vernal pools in Solano County. These pools were once widespread through California; now only a few remain. The area proposed as critical habitat for this species includes the only area in which this species is found. The specific habitat occupied by this species appears to be the grassy borders of these two vernal pools. All collections of these beetles have been at the margins of the vernal pools where they were feeding on small invertebrates and hiding from predators in cracks.

Robinson's Rain Scarab Beetle

This species is known to occur or to have occurred at three localities in Orange and San Diego Counties in southern California. This species seems to fly following the first large rain which occurs in mid-March. This

beetle has been collected in the area proposed as critical habitat since 1951. Sources of food are present in the area as are sites for cover and shelter and reproduction.

ANDREW'S DUNE SCARAB BEETLE

This species is found on Glamis Dune (or Imperial Sand Hills) of Imperial County in southeastern California. The area proposed as critical habitat for this species is the only known location of this beetle. The area provides the troughs of loose drifting sand between the dune which are the specific habitat occupied by this beetle. This beetle spends the day buried deep in the sand and emerges at night.

GIULIANI'S DUNE SCARAB BEETLE

This species is limited to Big Dune, Nye County, Nev. The area proposed as critical habitat for this species represents its only known location. This beetle is restricted to the vegetated sandy areas around the base of the major dune. Creasote bush and sandpaper plant occur at the dune. Accumulated plant debris is prevalent at the base of plants. This accumulated plant debris is an important food source and is the larval habitat of this beetle.

The areas delineated do not necessarily include the entire critical habitat of these beetles, and modifications of their critical habitat designations may be proposed in the future.

In accordance with section 7 of the act, all Federal departments and agencies are required to insure that actions authorized, funded, or carried out by them do not result in the destruction or adverse modification of the critical habitat of these beetles. Also, in accordance with section 7 of the act, Federal agencies would have to consult with the Secretary of the Interior with respect to any action which is considered likely to affect the beetles' critical habitats. Consultation pursuant to section 7 would be carried out using the procedures contained in the "Interagency Cooperation Regulations" which were published in the FEDERAL REGISTER on January 4, 1978 (43 FR 870-876).

EFFECTS OF THE RULEMAKING

In addition to the effects discussed above, the effects of this rulemaking would include, but would not necessarily be limited to, those mentioned below.

The act and implementing regulations published in 50 CFR part 17 already set forth a series of general prohibitions and exceptions which apply to all endangered species. All of those prohibitions and exceptions also apply to any threatened species unless a special rule pertaining to that threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to endangered and threatened species, are found at §§ 17.21 and 17.31 of Title 50, Code of Federal Regulations.

With respect to the two endangered beetles, all prohibitions of section 9(a)(1) of the act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce such beetles. It also would be illegal to possess, sell, deliver, carry, transport, or ship the animals if they had been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies. These same prohibitions would also apply to the eight threatened beetles (50 CFR 17.31(a)).

The act and 50 CFR part 17 also provide for the issuance of permits to carry out otherwise prohibited activities involding endangered or threatened species under certain circumstances. For the Beller's ground beetle and Mojave rabbitbrush longhorn beetle, proposed to be listed as endangered species, such permits would be available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available. For the eight beetles proposed to be listed as threatened species, permits would not only be available for scientific purposes, enhancement of propagation or survival, and economic hardship, but also for zoological exhibition, educational purposes, and special purposes consistent with the purposes of the act (50 CFR 17.32).

Pursuant to section 4(b) of the act, the Director will notify the Governors of California, Nevada, and Washington with respect to this proposal and request their comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to 10 beetles;

(2) The location of and reasons why any habitat of these ten beetles should or should not be determined to be critical habitat as provided for by section 7 of the act;

(3) Additional information concerning the range and distribution of the 10 beetles.

Final promulgation of the regulations on the 10 beetles will take into consideration the comments and any additional information received by the Director, and such communications may cause him to adopt final regulations that differ from this proposal.

A draft environmental assessment is being prepared in conjunction with this proposal. When completed, it will be on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

The primary authors of this proposed rulemaking are Dr. Paul A. Opler and Mrs. Lorraine K. Williams, Office of Endangered Species 202-343-7814.

REGULATIONS PROMULGATION

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. It is proposed to amend § 17.11 by adding, in alphabetical order under "Insects" the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

* * * * *

SPECIES			RANGE				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
INSECTS:							
Beetle, Beller's ground	Agonum belleri	N/A	U.S.A. (Washington), Canada	Entire	E		N/A
Beetle, Sacramento anthicid	Anthicus sacramento	N/A	U.S.A. (California)	Entire	T		N/A
Beetle, Globose dune	Coelus globosus	N/A	U.S.A. (California), Mexico	Entire	T		N/A
Beetle, San Joaquin dune	Coelus gracilis	N/A	U.S.A. (California)	Entire	T		N/A
Beetle, Mojave rabbitbrush longhorn	Crossidius mojavensis mojavensis	N/A	U.S.A. (California)	Entire	E		N/A
Beetle, California elderberry longhorn	Desmocerus californieus dimorphus	N/A	U.S.A. (California)	Entire	T		N/A
Beetle, Delta green ground	Elaphrus viridis	N/A	U.S.A. (California)	Entire	T		N/A
Beetle, Robinson's rain scarab	Phobetus robinsoni	N/A	U.S.A. (California)	Entire	T		N/A
Beetle, Andrew's dune scarab	Pseudocotalpa andrewsi	N/A	U.S.A. (California)	Entire	T		N/A
Beetle, Giuliani's dune scarab	Pseudocotalpa giulianii	N/A	U.S.A. (Nevada)	Entire	T		N/A

§ 17.95 [Amended]

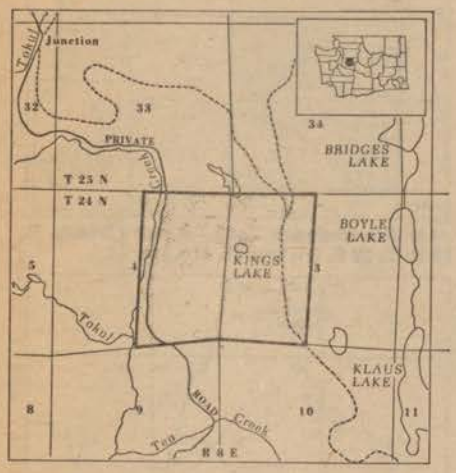
2. Also, the Service proposes to amend § 17.95(i) by adding critical habitat of the Beller's ground beetle after that of the El Sengundo blue butterfly as follows:

(i) *Insecta.* * * *

BELLER'S GROUND BEETLE

(*Agonum belleri*)

Washington.—King County. T. 24 N. R. 8 E., W½ of sec. 3, E½ of sec. 4.



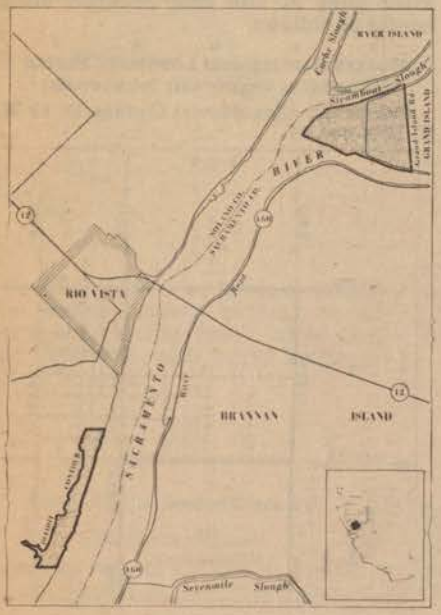
3. Section 17.95(i) is further amended by adding critical habitat of the Sacramento anthicid beetle after that of the Beller's ground beetle as follows:

* * * * *

SACRAMENTO ANTHICID BEETLE

(*Anthicus sacramento*)

California.—(1) *Solano County.* Sandy area adjacent to Sacramento River beginning 2.1 km to SSW. of State Highway 12 bridge at Rio Vista and estending for 2 km to SSW. from edge of river inland (west) to 40-foot contour line. (2) *Sacramento County.* Western tip of Grand Island. A 1.4 km long area bounded by Sacramento River, Steamboat Slough, and Grand Island Road.



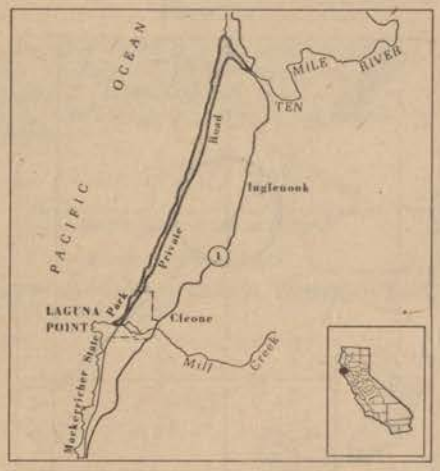
4. Section 17.95(i) is further amended by adding critical habitat of the Globose dune beetle after that of the Sacramento anthicid beetle as follows:

* * * * *

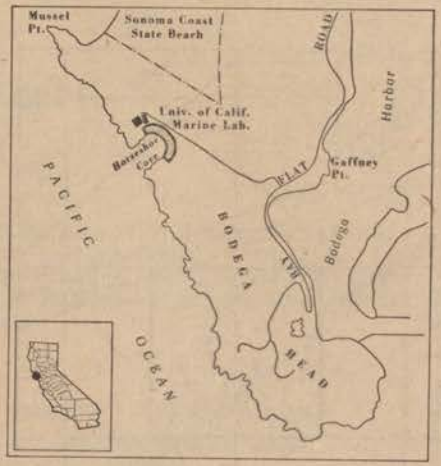
GLOBUSE DUNE BEETLE

(*Coelus globosus*)

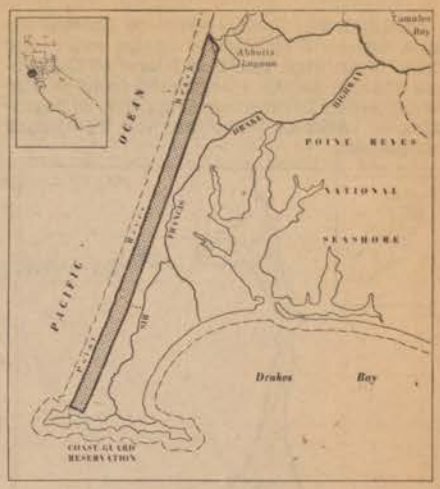
California.—(1) *MacKerricher Zone, Mendocino County.* A narrow strip adjacent to Pacific Ocean, extending from mean high tide line inland to private road from mouth of Ten Mile River on north SSW. to Mouth of Mill Creek.



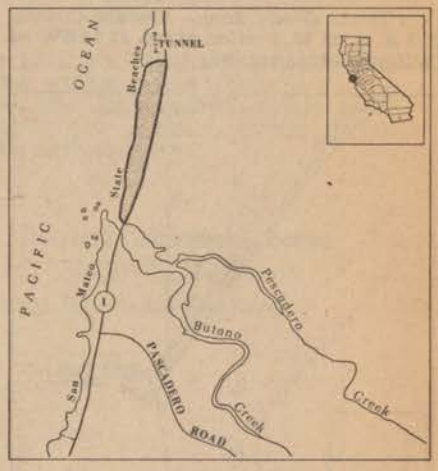
(2) *Bodega Zone, Sonoma County.* Beach at Horseshoe Cove, Bodega Head extending from mean high tide line inland for 0.05 km.



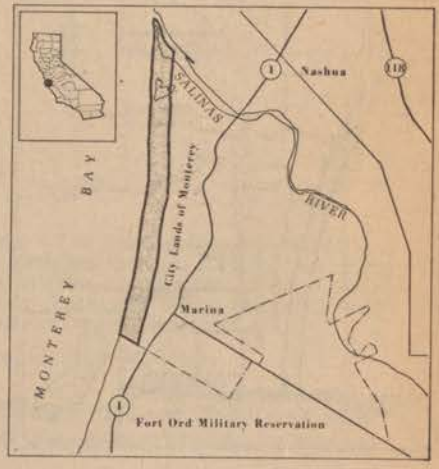
(3) *Point Reyes Zone, Marin County.* Point Reyes Beach extending 0.5 km inland from mean high tide line from mouth of Abbots Lagoon SSW. to beginning of rocks at Point Reyes.



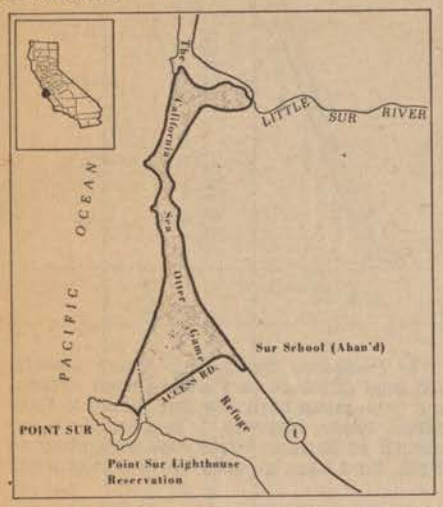
(4) *Pescadero Zone.—San Mateo County.* An area adjacent to Pacific Ocean extending from mean high tide line inland to California State highway 1 beginning at the mouth of Butano Creek and extending to NNE. for 1.1 km to rocky area (with tunnel).



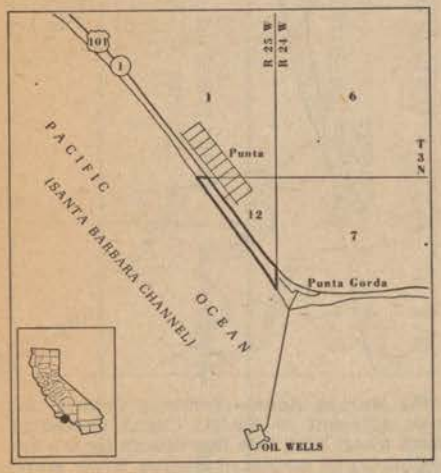
(5) *Marina Zone.—Monterey County.* An area adjacent to Pacific Ocean extending from mean high tide line inland for 0.5 km beginning at mouth of Salinas River SSW. to northern boundary line of Fort Ord Military Reservation.



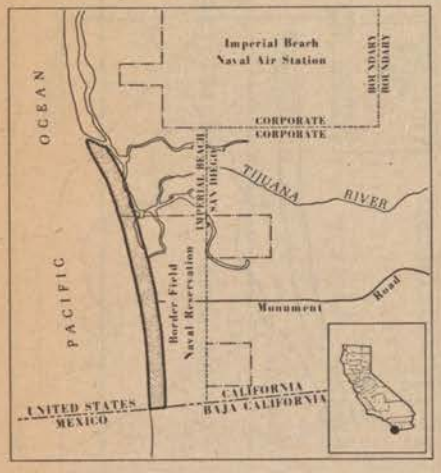
(6) *Little Sur Zone.—Monterey County.* An area adjacent to Pacific Ocean extending from mean high tide line inland to California State highway 1 beginning from mouth of Little Sur River extending SSW. to beginning of rocks at Point Sur and lighthouse access road.



(7) *Punta Gorda Zone.—Ventura County.* T. 3 N. R. 25 W. Portion of sec. 12 to SW. of California State highway 1.



(8) *Border Field Zone.—San Diego County.* An area adjacent to Pacific Ocean extending from mean high tide line for 0.15 km inland and from mouth of Tijuana River S to United States-Mexico international boundary.



5. Section 17.95(i) is further amended by adding Critical Habitat of the San Joaquin dune beetle after that of the Globose dune beetle as follows:

* * * * *

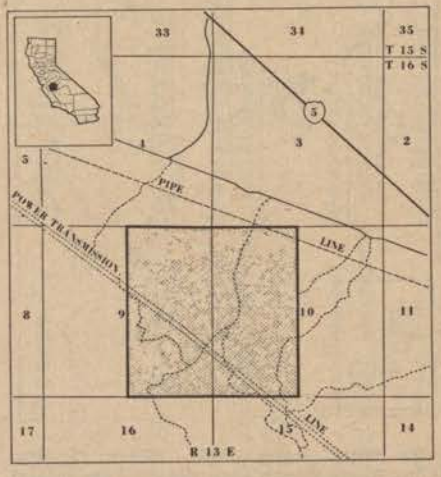
SAN JOAQUIN DUNE BEETLE

(*Coelus gracilis*)

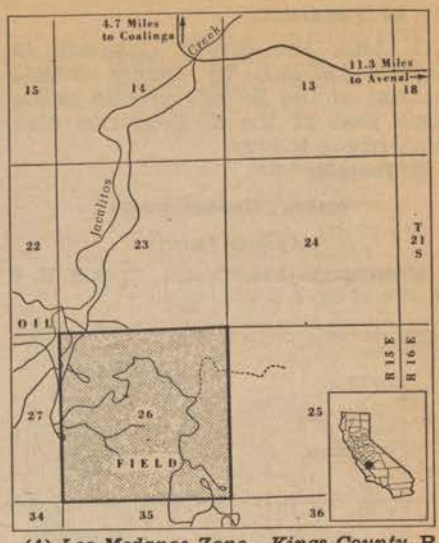
California.—(1) *Panoche Zone.* Fresno and San Benito Counties. A circular area 1 km in diameter with center at R. 11 E. T. 15S. junction of SE. corner sec. 22, SW. corner sec. 23, NE. corner sec. 27 and NW. corner sec. 26.



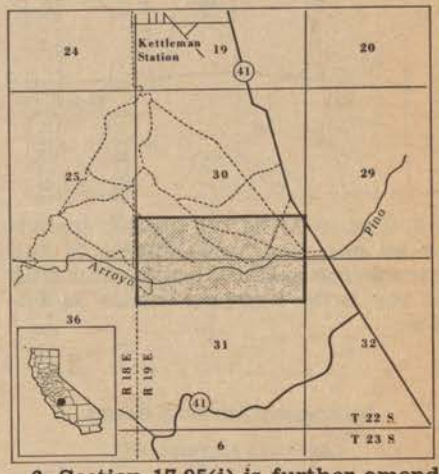
(2) *Monocline Ridge Zone.—Fresno County.* R. 13 E. T. 165. W½ sec. 10; E½ sec. 9.



(3) *Jacalitos Zone.—Fresno County.* R. 15 E. T. 21 S. sec. 26.



(4) *Los Medanos Zone.—Kings County.* R. 19 E. T. 22 S. S¼ sec. 30, N¼ sec. 31.



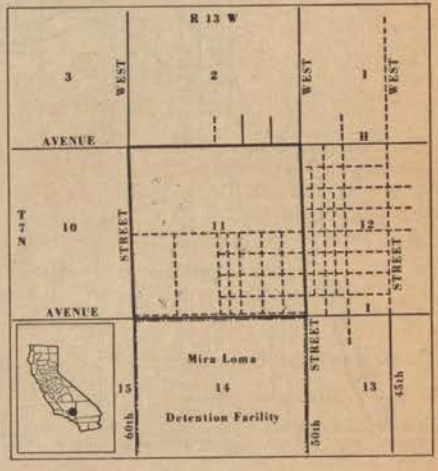
6. Section 17.95(i) is further amended by adding Critical Habitat of the Mojave rabbitbrush longhorn beetle after that of the San Joaquin dune beetle as follows:

* * * * *

MOJAVE RABBITBRUSH LONGHORN BEETLE

(*Crossidius mojavensis mojavensis*)

California.—Los Angeles County. R. 13 W. T. 17 N. sec. 11.



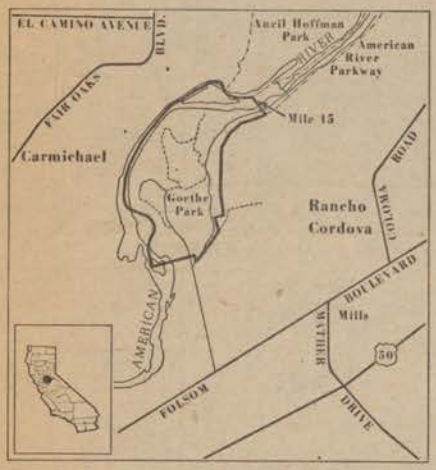
7. Section 17.95(i) is further amended by adding Critical Habitat of the California elderberry longhorn beetle after that of the Mojave rabbitbrush longhorn beetle as follows:

* * * * *

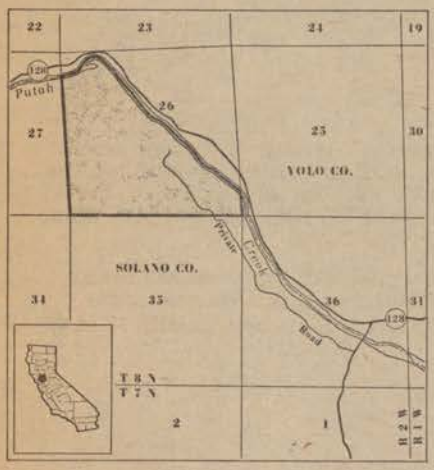
CALIFORNIA ELDERBERRY LONGHORN BEETLE

(*Desmocerus californieus dimorphus*)

California.—(1) *American River Zone.* Sacrmento County. Goethe Park upstream along American River to Mile 15.



(2) *Putah Creek Zone.—Solano County.* R. 2 W. T. 8 N. Solano County portion of sec. 26



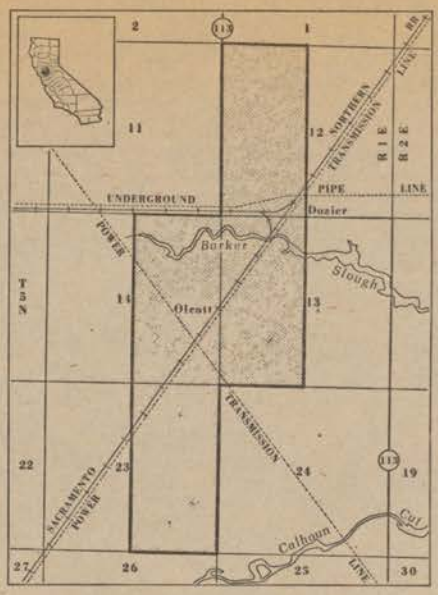
8. Section 17.95(i) is further amended by adding critical habitat of the Delta green ground beetle after that of the California elderberry longhorn beetle as follows:

* * * * *

DELTA GREEN GROUND BEETLE

(*Elaphrus viridis*)

California.—Solano County. T. 5 N. R. 1 E. W½ sec. 12, W½ sec. 13, E½ sec. 23.



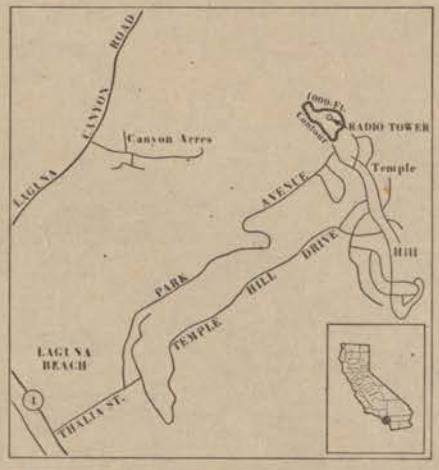
9. Section 17.95(i) is further amended by adding critical habitat of the Robinson's rain scarab beetle after that of the Delta green ground beetle as follows:

* * * * *

ROBINSON'S RAIN SCARAB BEETLE

(*Phobetus robinsoni*)

California.—Orange County. Temple Hill, area above 1000' M.S.L.



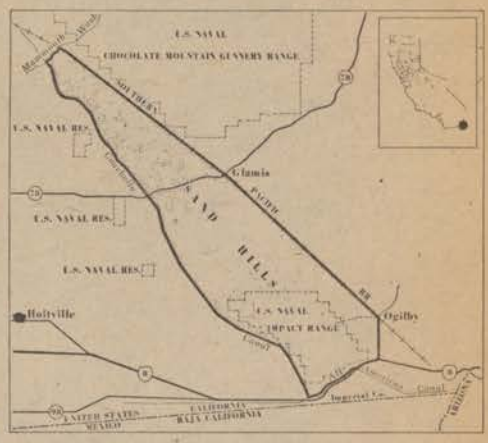
10. Section 17.95(i) is further amended by adding critical habitat of the Andrew's dune scarab beetle after that of the Robinson's rain scarab beetle as follows:

* * * * *

ANDREW'S DUNE SCARAB BEETLE

(*Pseudocotalpa andrewsi*)

California.—Imperial County. Imperial Sand Hills, an area bounded by a line running southwest along Mammoth Wash from its junction with the Southern Pacific Railroad bed to its junction with the Coachella Canal, thence southeastwardly along the Canal to its junction with all American Canal, thence northeastwardly along the Canal to is junction with Interstate Highway 89, thence northeastwardly along Interstate 80 to its junction with State highway, thence northwardly along State highway to its junction with the Southern Pacific Railroad bed at Ogilvie, thence northwestwardly along the railroad bed to its junction with Mammoth Wash.



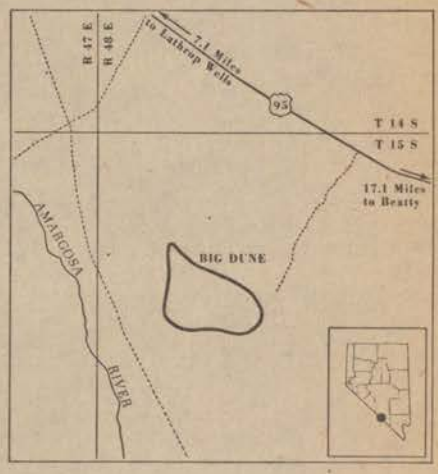
11. Section 17.95(i) is further amended by adding critical habitat of the Giuliani's dune scarab beetle after that of the Andrew's dune scarab beetle as follows:

* * * * *

GIULIANI'S DUNE SCARAB BEETLE

(*Pseudocotalpa giulianii*)

Nevada. Nye County. Big Dune.



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

Dated: July 24, 1978.

KEITH M. SCHREINER,
Director, Fish and Wildlife Service.

[FR Doc. 78-22110 Filed 8-9-78; 8:45 am]



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