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MONDAY, OCTOBER 23, 1978



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Monday	Tuesday	Wednesday	Thursday	Friday
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CSA	CSC		CSA	CSC
	LABOR			LABOR
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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[3410-02-M]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 4]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for October through February the limit on the amount of milk not needed for bottling use that may be moved (diverted) directly from farms to nonpool manufacturing plants and still be priced under the order. The action also reduces the required proportion of a bottling plant's milk supply that must be disposed of in bottling use. The suspension is in response to industry requests and is based on information received at a public hearing held for this order on October 3-4, 1978, in Philadelphia, Pa. The action will enable producers who have been regularly associated with the fluid milk market to continue to have their milk pooled and priced under the order pending a decision on the proposed order amendments that were considered at the hearing.

EFFECTIVE DATE: October 23, 1978.

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 document in this proceeding: Notice of hearing issued September 14, 1978, published September 19, 1978 (43 FR 41990).

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and of the order regulating the handling of milk in the Middle Atlantic marketing area.

It is hereby found and determined that:

§ 1004.7 [Amended]

1. For the months of November 1978 through February 1979, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In the first sentence of § 1004.7(a) the words " 50 percent in the months of September through February, and" and " in the months of March through August, ".

As suspended that portion of the first sentence would read: " * * * not less than 40 percent of its receipts * * * "

§ 1004.12 [Amended]

2. For the months of October 1978 through February 1979, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1004.12(d) all of the remaining words after "(other than a producer-handler plant)".

As suspended paragraph (d) would read:

"(d) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant)".

STATEMENT OF CONSIDERATION

This action, based on evidence received at a public hearing held for this order on October 3-4, 1978, at Philadelphia, Pa., is requested by Inter-State Milk Producers' Cooperative and Michaels Dairies, Inc. It suspends for October 1978 through February 1979, the limit on the amount of producer milk that may be diverted from pool plants to nonpool plants by a cooperative association or a proprietary handler operating a pool plant. It also reduces the pool distributing plant class I milk route disposition requirement from 50 percent down to 40 percent of the milk supply associated with such a plant.

At the hearing proposed amendments were considered that would reduce the pool distributing plant performance standards and remove limits on the diversion of milk to nonpool plants. Proponents of the proposals testified that the amendments are needed to accommodate the pooling and efficient handling of the reserve milk supply for the market.

Certain pooling provisions of the order have been suspended since April 1978. This action will extend relaxation of the pooling standards, plus give added relief in handling milk that must be diverted to nonpool plants. The need for the suspension stems from a continuing downward trend in class I sales and the class I utilization percentage for the market to the point that without suspension action cooperative associations handling a majority of the market's milk supply would be threatened with loss of producer status for their dairy farmer members who are associated with the market.

Whether or not the pooling provisions should be amended and to what extent is a matter to be determined after the hearing record and posthearing briefs have been fully reviewed. In the interim, suspension through February 1979 is warranted, as it will tend to assure orderly marketing pending the outcome of the hearing proceeding. It is unlikely that relaxation of the pooling provisions by suspension for this temporary period will have any appreciable effect on the availability of milk for the market. This action, however, will enable the handling of the market's reserve supplies in a more efficient and more orderly manner. Also, it will eliminate the possibility of producers who are regular suppliers of milk for the fluid market losing their producer status because of the present pooling and diversion provisions and thus not having their milk priced under the order. Accordingly, this temporary suspension will permit the orderly disposal of the market's reserve milk supplies pending the completion of the hearing proceeding.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise would be excluded from the marketwide pool, thereby

causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The need for changing the pooling provisions was considered at a public hearing held October 3-4, 1978, where all interested parties had an opportunity to participate in this rulemaking proceeding.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period October 1978 through February 1979, with respect to § 1004.12(d) and for November 1978 through February 1979, with respect to § 1004.7(a).

Effective date: October 23, 1978.

Signed at Washington, D.C., on October 18, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 78-28819 Filed 10-20-78; 8:45 am]

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER P—GUARANTEED LOANS

PART 1980—GENERAL

Subpart C—Emergency Livestock Loans

REVISION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration revises its regulations concerning emergency livestock loans. The intended effect is to continue making credit available during the period authorized by Pub. L. 93-357, as amended, in the form of loans guaranteed by FmHA for bona fide farmers and ranchers who have substantial livestock operations, so that they may continue their normal farming and ranching operations. This action is taken to implement a public law and to make clarification in existing regulations.

EFFECTIVE DATE: However, comments must be received on or before November 22, 1978.

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

FOR FURTHER INFORMATION CONTACT:

William Krause, 202-447-7600.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration revises subpart C to part 1980, chapter XVIII, title 7 in the Code of Federal Regulations and redesignates the regulations presently in subchapter N to subchapter P "Guaranteed Loans." The need for this revision is to comply with requirements of Pub. L. 95-334 (Agricultural Credit Act of 1978) which extended the emergency livestock program from September 30, 1978, to September 30, 1979; broadened the definition of the term "United States"; broadened eligibility, and granted authority to continue making loan advances under existing emergency livestock line of credit contracts over the original repayment period or renewal period of the loan even if advance(s) are made after September 30, 1979. In addition the regulations are revised to clarify the use of escrow accounts; changes the definition of principal partners or stockholders from those owning or controlling 20 percent to those owning or controlling 10 percent. Certain of these changes should enable bona fide farmers and ranchers who have substantial livestock operations to return to conventional sources of credit more smoothly.

It is the policy of this Department that rules related to public property, loans, grants, benefits, or contracts should be published for comments notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, this rule is not published for proposed rulemaking since many farmers are suffering severe economic hardship and have an immediate need for this loan program. Any delay in extending the program would thus be contrary to the public interest. Although this rule is published as a final rule, the Agency is interested in receiving comments which should be submitted to the address given above. In addition to implementing the provisions required by Pub. L. 95-334 other changes which are administrative in nature are being made to clarify existing policy, and to make the emergency livestock loan procedures consistent with other guarantee farmer loan procedures.

"This document has been reviewed in accordance with FmHA Instruction 1901-G 'Environmental Impact Statements'." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Policy Act of 1969, Pub. L. 91-190 and environmental impact statement is not required.

As revised, subpart C of part 1980 reads as follows:

Subpart C—Emergency Livestock Loans

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1980.201 Introduction.
1980.202-1980.206 [Reserved]
1980.207 Definitions.
1980.208 Program objective.
1980.209 Eligible lenders.
1980.210 Case and identification (ID) numbers.
1980.211-1980.214 [Reserved]
1980.215 Types of guarantees.
1980.216 Full faith and credit.
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1980.220 Eligibility.
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1980.224 Loan rates and terms.
1980.225 Collateral requirements.
1980.226 Promissory notes, security instruments, and financing statements.
1980.227 Relationship with other FmHA insured or guaranteed loans.
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1980.269 Extension of line of credit guarantees issued before (October 1, 1978).
1980.270 Changeover of loans covered by 80 percent loss guarantees to line of credit guarantees without sale to holder(s).
1980.271 Conversion of existing EL loans so the guaranteed portions can be sold as permitted by subpart A of part 1980.
1980.272 Refinancing existing EL loans so that the guaranteed portion can be sold through the Loan . Note Guarantee system.
1980.273-1980.276 [Reserved]
1980.277 Change from livestock to farming operation after guarantee is issued.
1980.278 Transfer and assumption of loans.
1980.279 Loan servicing.
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Appendix A—FmHA Forms.

Subpart C—Emergency Livestock Loans

§ 1980.201 Introduction.

(a) *Policy.* This subpart contains regulations for making and servicing emergency livestock (EL) loans made after (October 23, 1978) and applies to lenders, holders, borrowers, Farmers Home Administration (FmHA) personnel, and other parties involved in making, guaranteeing, holding, servicing, or liquidating such loans. Part 1980, subpart A applies to EL loans only to the extent that sections of subpart A are specifically referred to in this subpart.

(b) *Program administration.* The county supervisor is the focal point for the program and the local contact person for guarantee processing and servicing activities.

(c) *Administrative provisions.* Throughout this subpart there appear administrative provisions for the State director, District director, and county supervisor. These provisions establish the internal duties, responsibilities, and procedures to carry out the requirements of the program and are identified as "administrative."

§§ 1980.202–1980.206 [Reserved]

§ 1980.207 Definitions.

The following general definitions are applicable to this subpart. Additional definitions may be found in § 1980.6 of subpart A, of this part, except that those contained in § 1980.6(a) (2), (4), (7), (9), (13), and (14) are not applicable to cases in which a lender requests a contract of guarantee.

(a) *Act.* The Emergency Livestock Credit Act of 1974 (Pub. L. 93-357); as amended by Pub. L. 94-35 and 94-517, and title III of Pub. L. 95-334.

(b) *Applicant.* The person or entity carrying on the farming operation and desiring EL loan assistance from a lender.

(c) *Approval official.* A field official who has been delegated loan and grant approval authorities subject to the dollar limitations contained in tables available in any FmHA office.

(d) *Guaranteed line of credit.* EL loan advances made and serviced by a lender subject to a maximum amount agreed to by the lender and FmHA which is specified in a Form FmHA 1980-27, "Contract of Guarantee (Emergency Livestock Loan or Economic Emergency Loan)."

(e) *Livestock.* Beef cattle, dairy cattle, including dairy cattle raised and maintained for the primary purpose of marketing dairy products, swine, sheep, goats, chickens, and turkeys.

(f) *Loan.* Both a fixed amount loan to which a loan note guarantee will be attached and an advance(s) made pursuant to a line of credit guaranteed by a contract of guarantee.

(g) *Loan servicing.* All actions that are necessary after loan closing to collect the indebtedness and to protect the security and security rights. The term "servicing" also includes transfer and assumption and liquidation.

(h) *Mortgage.* Any form of instrument used to obtain a security interest or lien upon any rights or interest in real property of any kind. In Louisiana and Puerto Rico the term "mortgage" also refers to the instrument granting any security interest in chattel property.

(i) *Principal partner or stockholder.* Any partner of a partnership or stockholder of a corporation owning or controlling a 10 percent or more interest in the entity. If no person owns or controls as much as 10 percent, all partners or stockholders will be considered principal partners or stockholders.

(j) *Protective advances.* Payments made by the lender to third parties to protect or preserve security property.

(k) *Security.* Property of any kind subject to a real or personal property lien. Any reference to collateral or security property shall be considered a reference to the term "security."

(l) *State or United States.* Any of the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§ 1980.208 Program objective.

The basic objective is to make more credit available during the period authorized by Pub. L. 93-357, as amended, (authority expires September 30, 1979) in the form of loans guaranteed by FmHA to bona fide farmers and ranchers who are primarily and directly engaged in agricultural production and who have substantial livestock operations, so that they may continue their normal farming or ranching operations.

§ 1980.209 Eligible lenders.

See § 1980.13 of subpart A of this part, except that in contract of guarantee cases, the form to use for the purposes of § 1980.13 (g) and (h) will be Form FmHA 1980-38, "Lenders Agreement (Emergency Livestock Loan or Economic Emergency Loan—Contract of Guarantee)."

§ 1980.210 Case and identification (ID) numbers.

See § 1980.12 of subpart A of this Part.

§§ 1980.211–1980.214 [Reserved]

§ 1980.215 Types of guarantees.

(a) *Loan note guarantee.* Lenders desiring to sell the guaranteed portion of fixed amount loans may use the method contained in subpart A of this part. In accordance with that method, loans may be made by a lender and guaranteed by issuance of Form FmHA 449-34 (1980-34), "Loan Note Guarantee." Any sale or assignment by the lender of the guaranteed portion of the loan may be accomplished in accordance with the conditions in paragraph III of Form FmHA 449-35, "Lender's Agreement", which explains the options for processing guaranteed loans to be sold in the secondary market and will be executed in loan note guarantee cases. Copies of this form may be obtained from any FmHA office.

(b) *Contract of guarantee.* Lenders desiring a guarantee on a "line of credit" may use the method contained in this subpart. Line of credit loans are guaranteed by Form FmHA 1980-27. The amount of loan advances outstanding at any one time under a contract of guarantee may not exceed the line of credit ceiling set forth in the contract.

(c) *Multiple guarantees.* Two or more loan note guarantees or contracts of guarantees may be executed with the same or different lenders to a borrower provided each loan is secured with separate collateral. The total loans must not exceed $350,000 at any time.

§ 1980.216 Full faith and credit.

The loan note guarantee and contract of guarantee constitutes an obligation supported by the full faith and credit of the United States and are incontestable except for fraud or misrepresentation of which the lender or holder has actual knowledge at the time it becomes such lender or holder or which lender or holder participates in or condones. The guarantee and right to require purchase in loan note guarantee cases will be directly enforceable by holder notwithstanding any fraud or misrepresentation by the lender or any unenforceability of the loan note guarantee by lender. The loan note guarantee and contract of guarantee will be unenforceable by the lender to the extent any loss is occasioned by violations of usury laws, use of the loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing. As used in this section and in any loan note guarantee or contract of guarantee (including those now outstanding) in which the phrase appears, "use of loan funds for unauthorized purposes" refers to the situation in which the

lender in fact agrees with the borrower that loan funds are to be so used and the phrase "unauthorized purposes" means any purpose not listed by the lender in the completed application as approved by FmHA.

§ 1980.217 Guarantee limits.

The maximum loss covered under form FmHA 449-34 (1980-34) or form FmHA 1980-27 will not exceed 90 percent of the principal and accrued interest on the indebtedness represented by the borrower's guaranteed loan promissory note(s) or assumed under an assumption agreement. Lenders and applicants will propose the percentage of guarantee. FmHA will determine the percentage of guarantee after considering all credit factors involved, including but not limited to those provisions contained in subsections (a), (b), (c), (d), and (e) of § 1980.20 of subpart A of this part. In this regard, loan guarantees will not be rejected solely because the applicant has collateral which has depreciated in value because of temporary economic conditions or temporarily lacks repayment ability because of temporary economic conditions. Instead, the percentage of the guarantee should be reduced as outlined above to compensate for any additional risk to the Government resulting from these factors. The lender and applicant will be informed in writing on Form FmHA 449-14, "Conditional Commitment for Guarantee", or Form FmHA 1980-15, "Conditional Commitment for Emergency Livestock Loan or Economic Emergency Loan—Contract of Guarantee," by FmHA of any percentage of guarantee less than that proposed by the lender and the applicant and the reasons for such a reduction.

§§ 1980.218–1980.219 [Reserved]

§ 1980.220 Eligibility.

To be eligible for an EL loan, an applicant must:

(a) *Citizen.* Be a citizen of the United States as defined above or a person who has been legally admitted for permanent residence in the United States. If a partnership, the principal partners must be citizens or such permanent residents of the United States. If a corporation, it must be incorporated under the laws of a State, its principal stockholders must be citizens or such permanent residents of the United States, and the corporation must be authorized to carry on farming or ranching operations in the State in which the EL operation is being conducted. See § 1980.207 of this subpart for definition of "principal partner or stockholder" and "United States." (b) *Bona fide farmer or rancher.* Be a bona fide farmer or rancher (owner-operator, or tenant-operator), (1) doing business in the United States either as an individual, corporation, or partnership, which is recognized in the community as one whose chief occupation is farming or ranching, (2) being primarily and directly engaged in agricultural production, and (3) having substantial operations in breeding, raising, fattening, or marketing livestock, including dairy cattle raised and maintained for the primary purpose of marketing dairy products (hereinafter referred to as a livestock operation). In the case of an individual loan applicant the term "primarily and directly engaged in agricultural production" means that the applicant derives more than 50 percent of the gross income from the applicant's own agricultural production or devotes more than 50 percent of the applicant's time to such production. The term "substantial operations in livestock" means that the applicant derives not less than 25 percent of the gross farm income from the applicant's own livestock operation, or devotes not less than 25 percent of the applicant's time to such operation, or has not less than 25 percent of the applicant's total capital investment in such operation. In the case of a corporation or partnership loan applicant, the term "primarily and directly engaged in agricultural production" means that the corporation or partnership derives more than 50 percent of its gross income from agricultural production, and the shareholders or partners owning or controlling a majority interest (more than 50 percent) in such corporation or partnership derive more than 50 percent of their gross income from their own or the corporation's or partnership's agricultural production, and devote more than 50 percent of their time to such production. The term "substantial operations in livestock" means that the corporation or partnership derives not less than 25 percent of its gross farm income from its own livestock operation, or devotes not less than 25 percent of its time to such operation, or has not less than 25 percent of its total capital investment in such operation.

(1) Bona fide farmers and ranchers must be actually engaged in the livestock operations to be financed by the EL loan. If the applicant is an individual, the applicant must manage such livestock operation. If the applicant is a partnership or corporation, it must be managed by one or more of the partners or stockholders. In addition, bona fide farmers or ranchers do not include those commenting livestock operations or reentering such operations after July 25, 1974, or those engaged in farming, ranching, or livestock operations as a hobby or for tax shelter purposes; or those chiefly engaged in other business or employment.

(2) Persons who work in agriculture and derive more than 50 percent of their earned income from agriculture, including livestock that are fed in custom feedyards, are considered to be bona fide farmers and ranchers and may be eligible for an EL loan for their livestock feeding operation.

(3) An individual engaged in a joint livestock operation and/or owning an undivided interest in the property of such an operation is not considered a bona fide farmer for EL loan purposes. However, if the individuals engaged in the joint operation on their own decide to reorganize their operation to form a corporation or partnership, an application from the entity for an EL loan may then be accepted and considered by FmHA in accordance with this Subpart.

(4) An estate or trust; a corporation owned primarily by an estate, trust, other corporations, or other partnerships; or a partnership composed primarily of an estate, trust, corporation, or other partnerships is not considered to be a bona fide farmer or rancher for EL loan purposes.

(c) *Legal capacity.* Possess legal capacity to contract for the loan.

(d) *Ability and experience.* Possess the ability, industry, and experience necessary to carry out the proposed livestock operations to assure a reasonable prospect of success with the assistance of the loan, and honestly endeavor to carry out the undertakings and obligations required of the applicant in connection with the loan.

(e) *Credit elsewhere.* Certify that financing is not available without the guarantee. Furthermore, no loan shall be guaranteed unless the lender certifies that the lender is unwilling to provide the needed credit to the applicant without the guarantee.

(f) *Change in the form of an applicant.* Have conducted the livestock operations before July 25, 1974. A change in the form of an applicant from an individual, partnership, or corporation in existence before July 25, 1974, to another form of legal entity will not disqualify the new entity if it is conducting basically the same operation as was conducted before July 25, 1974, and is primarily owned by substantially the same people that owned the operation before July 25, 1974. If the change in the legal entity has been accompanied by a substantial change in the type(s) of livestock, it will not be financed.

(1) When an individual who was engaged in a livestock operation before July 25, 1974, later forms a partnership or corporation which continues to carry on basically the same livestock operation, the operation's application may still receive consideration pro-

vided such individual owns at least 50 percent of the new partnership assets or corporation's voting stock and continues to manage or control the livestock operation.

(2) When a partnership that was engaged in a livestock operation before July 25, 1974, later dissolves but basically the same livestock operation is continued by an individual or a newly formed partnership or corporation, an application from the individual or the new entity will receive consideration provided one or more of the partners who managed the livestock operation for the prior partnership will now manage the operation for the applicant, and provided—

(i) The assets of the prior partnership are now owned by an individual applicant who as a partner in the prior partnership had owned at least 50 percent of the partnership assets; or

(ii) The assets of the prior partnership are now owned by a new partnership applicant and the partners who had owned at a least 50 percent of the assets of the prior partnership are now partners owning at least 50 percent of the assets of the new partnership applicant; or

(iii) The assets of the prior partnership are now owned by a new corporation applicant, and the partners of the prior partnership who had owned at least 50 percent of those assets now own at least 50 percent of the voting stock of the new corporation applicant.

(3) When a corporation that was engaged in a livestock operation before July 25, 1974, dissolves but basically the same livestock operation is continued by an individual or a newly formed corporation or partnership, the appalication from the individual or new entity will receive consideration provided one or more of the stockholders who managed the livestock operation for the prior corporation must now manage the operation for the new applicant, and provided—

(i) The assets of the dissolved corporation are now owned by an individual who had owned at least 50 percent of the voting stock of the former corporation; or

(ii) The assets of the former corporation are now owned by a new partnership applicant and the stockholders who had owned at least 50 percent of that corporation are now partners owning at least 50 percent of the assets of the new partnership applicant; or

(iii) The assets of the former corporation are now owned by a new corporation applicant and the stockholders who had owned at least 50 percent of the voting stock of the former corporation are now stockholders owning at least 50 percent of the voting stock of the new corporation applicant.

§ 1980.221 Loan purposes.

EL loans may be guaranteed for purposes which are essential to carrying on livestock operations related to breeding, raising, fattening, or marketing livestock. These purposes are:

(a) Purchase of livestock for replacement or restocking purposes, but not for expansion of livestock operations beyond a level (represented by numbers of livestock) equal to the highest level reached during the eighteen months immediately preceding July 25, 1974. When operations have been expanded beyond that level, the amount of a loan which may be guaranteed will be limited to the amount that would be needed to finance the highest livestock number level reached during the eighteen months immediately preceding July 25, 1974.

(b) Purchase or production of livestock feed.

(c) Payment of customary and equitable charges for grazing permits and for the use of farm or ranch buildings, pasture land, and land for the production of feed crops.

(d) Hiring, repairing, or replacing fixtures, farm machinery, and equipment necessary for livestock production and marketing.

(e) Transportation of livestock, normally incurred in the livestock operation.

(f) Building or repair of fences and holding pens.

(g) Refinancing of secured and unsecured debts incurred for the livestock operation, when:

(1) Such refinancing is essential for the applicant to remain in business, and

(2) The lender would not refinance the loan in the absence of a guarantee, and

(3) The lender is not currently refinancing similar loans to others without such a guarantee.

(h) Payment of real estate or personal property taxes and water or drainage taxes or assessments that must be paid to permit continuation of the livestock operation.

(i) Payment of premiums on insurance necessary to obtain or secure the loan.

(j) Repair or essential improvement of livestock water supplies, and provide any pollution abatement facilities which are necessary to comply with the requirements of Federal, State, or local governments.

(k) Repair of existing irrigation systems necessary for livestock production.

(l) Payment of veterinary fees and charges for livestock medicines.

(m) Payment of the cost of hired labor used in livestock production.

(n) Payment of the cost of construction or repair and normal maintenance of farm and ranch buildings essential to continuance of the authorized level of operation including silos and other feed storage facilities necessary for livestock production.

(o) Purchase of fuel, seed, fertilizer, insecticides, farm supplies, and payment of other operating expenses that are essential to continuation of the livestock operations.

(p) Purchase any stock in a cooperative lending agency that is necessary to obtain the loan.

(q) Payment of a loan fee and costs incident to consummation of the loan as authorized in § 1980.22 of subpart A of this part.

(r) Payment of essential family living expenses.

(s) Payment of not more than 1 year's installment(s) (principal and interest) on debts secured by liens on chattels or real estate related to the livestock operation when a deferment on such obligations cannot be obtained.

§ 1980.222 Prohibited loan purposes.

No EL loan may be guaranteed which will:

(a) Establish or reestablish an applicant in livestock operations, or to permit an expansion of such operations beyond the level set forth in § 1980.221(a) of this subpart.

(b) Be used to finance livestock or poultry feeding operations when the applicant does not maintain ownership of the feeders through the normal feeding period or is only performing a service for others.

(c) Be used to finance or refinance anything not essential to the continuation of livestock enterprise. This includes the purchase of nonessential vehicles, machinery or equipment.

(d) Be used by a landlord to furnish credit, equipment, or supplies to the tenant operators, whether share, cash, or standing rent is paid by the tenants.

(e) Enable an applicant to make major changes or adjustments in the livestock operation.

(f) Be used to pay Federal or State income taxes or to pay social security taxes payable by the borrower in the borrower's own behalf.

(g) Be used to pay for labor performed by the borrower or members of the borrower's immediate family.

(h) Be used to purchase machinery or equipment, or for supplies or labor, which will be used in the handling, processing, or marketing of livestock products such as milk, eggs, wool, and mohair. However, this does not prohibit refinancing debts which have already been created for these purposes when they are part of an "overall" livestock operation indebtedness being refinanced with an EL loan under the conditions set forth in § 1980.221(g) of this subpart.

(i) Be used to pay "hedging" costs including brokerage fees and margins in connection with a futures contract.

(j) Be used to finance the interests of individual stockholders of a corporation or partners of a partnership in the corporate or partnership livestock operation. The corporation or partnership will be considered for one loan to cover the livestock operation being conducted by the entity.

§ 1980.223 Limitations and special provisions.

(a) *Total loans to applicants.* The total principal balance outstanding at any one time on an EL loan(s) made to assist a livestock operation shall not exceed $350,000. An applicant conducting livestock operations may be considered for more than one EL guarantee when more than one lender is involved, if each lender is financing a separate enterprise, provided (1) identifiable separate security is given to each lender and (2) the combined total principal balance outstanding at any one time on guaranteed loans for all lenders involved does not exceed $350,000.

(b) *Applicants involved in more than one operation.* Loans to applicants involved in more than one operation will be considered as follows:

(1) If an applicant who, in addition to the applicant's own livestock operation, owns or controls 50 percent or more of another livestock operation(s), and is actively engaged in both operations, both the applicant and the other livestock operation(s) may be considered for separate loans provided the combined total does not exceed the $350,000 limitation.

(2) If an applicant who, in addition to the applicant's own livestock operation, owns or controls less than 50 percent of another livestock operation(s), and is actively engaged in separate livestock operation(s), the applicant and the other farm operation(s) will be considered as separate entities for application of the $350,000 limitation.

(3) If the first applicant described in subparagraph (b) (1) and (2) of this section is found to be ineligible, such determination shall not preclude the other operation(s) in which the applicant holds an interest from being considered for an EL loan(s).

(c) *County committee certification.* A county committee certification is not required.

(d) *Program termination date.* Neither a loan note guarantee nor a contract of guarantee will be executed after September 30, 1979.

§ 1980.224 Loan rates and terms.

(a) *Interest rate to borrower.* The interest rate to be paid by the borrower to the lender will be any legal rate agreed upon between the lender and the borrower. It may be a variable or fixed rate provided it conforms to State usury laws.

(b) *Variable interest rate.* (1) A variable interest rate must be a rate that is tied to a base rate published periodically in a financial publication specifically agreed upon by the lender and borrower. It must rise and fall with the selected base rate and changes can be made no more often than quarterly. There will be no floor or ceiling on variable interest rates.

(2) It is permissible to have one interest rate on the guaranteed portion of the loan and another interest rate on the unguaranteed portion of the loan, provided the lender and borrower agree, and

(i) The rate on the unguaranteed portion does not exceed that currently being charged on loans of similar size and purpose for borrowers under similar circumstances.

(ii) The rate on the guaranteed portion of the loan will not exceed the rate on the unguaranteed portion. Fixed and variable interest rates cannot be used on the same loan.

(3) When multi-rates are used, the lender will provide FmHA with the overall effective interest rate for the entire loan.

(c) *Loan terms for loan note guarantee and contract of guarantee.* Each loan will be scheduled for repayment over a period not to exceed 7 years from the date of the guarantee or such shorter period as may be necessary to assure that the loan will be adequately secured. The borrower's needs, repayment ability, and type of security the borrower has to offer will be taken into consideration when scheduling loans for repayment. Generally, amounts advanced for annual recurring operating expenses should be scheduled for repayment from that year's income.

(d) *Repayment schedules.* In order for notes to be acceptable, the principal and interest repayment schedules will have to be clearly shown in the note(s). Use of a note with a "payment on demand" feature is not permissible unless it is modified by a supplemental agreement which waives the demand feature and sets forth the repayment schedule.

(e) *Advances under a contract of guarantee—line of credit.* A lender may pay off an outstanding guaranteed advance before the end of its term with funds from a new guaranteed advance, provided the line of credit ceiling is not exceeded. However, no advance may be made for a term which exceeds the period remaining in the original line of credit term. The original line of credit term may be up to 7 years, but is limited to the term established in the "Line of Credit Agreement." A line of credit agreement may be extended to 7 years if the initial agreement was for less than 7 years. The lender should consider extension of the line of credit agreement to the full 7 years before considering a renewal as set forth in paragraph (f) of this section.

(f) *Renewal authority for line of credit under contract of guarantee.* When FmHA and the lender determine that renewal will be in the best interst of the borrower, an EL line of credit which has reached final maturity may be renewed one time only for not more than 3 additional years. Also, additional advances under a contract of guarantee on a line of credit may be made during the renewal period provided:

(1) The borrower meets the eligibility and security requirements for an initial loan as contained in §§ 1980.220 and 1980.225, of this subpart, and

(2) A replacement note(s) is prepared setting forth the new repayment terms, and

(3) The line of credit agreement is extended to cover the renewal period when new advances are to be made, and

(4) The renewal is approved by FmHA in writing.

(g) *Renewal authority for loan note guarantee.* When FmHA and the lender determine that renewal will be in the best interest of the borrower an EL loan which has reached final maturity may be renewed one time only for 3 additional years provided:

(1) The borrower meets the eligibility and security requirements for an initial loan as contained in §§ 1980.220 and 1980.225 of this subpart, and

(2) A replacement note is prepared setting forth new repayment terms, and

(3) Approval is obtained in writing from FmHA and any holder(s).

§ 1980.225 Collateral requirements.

(a) *Collateral.* (1) The lender is responsible for seeing that proper and adequate collateral is obtained and maintained in existence and of record to protect the interest of the lender, the holder, and FmHA.

(2) Except for the modifications contained in subparagraph (c)(1) of this section, collateral must be of such a nature that repayment of the loan is reasonably assured considering the integrity and ability of the applicant's management, soundness of the operation, and the appicant's prospective earnings. Collateral may include, but is not limited to, the following: land, buildings, machinery, equipment, furniture, fixtures, inventory, accounts receivable, cash or special cash collateral accounts, personal and corporate guarantees, marketable securities, and cash surrender value of life insurance.

Collateral may also include assignments of leases or leasehold interest, revenues, patents, and copyrights.

(3) All collateral must secure the entire loan. The lender may not take separate collateral to secure only that portion of the loan or loss not covered by the guarantee. The lender may not require compensating balances or certificates of deposit as a means of eliminating the lender's exposure on the unguaranteed portion of the loan. However, compensating balances or certificates of deposit as used in the ordinary course of business may be used.

(b) *Personal and corporate guarantees.* (1) Personal guarantees from principal stockholders in a corporation and all partners of a partnership usually will be required. Guarantees of parent, subsidiaries, or affiliated companies may also be required. Guarantees will be required in sufficient amounts depending on the credit factors in each loan to reasonably assure repayment of the loan and provide adequate security.

(2) An exception to the requirements for personal guarantees or corporate guarantees may be granted by FmHA if the proposed guarantors provide written evidence through the lender to FmHA that they connot provide such guarantee due to other existing contractual obligations or legal restrictions. For those applicants providing documented evidence of successful operations for the past 3 years, guarantees will be obtained as determined by FmHA.

(3) If a review of all credit factors indicates the need for additional security, FmHA may require additional personal and corporate guarantees. FmHA also may require that such guarantees be secured. Any collateral referred to in paragraph (a)(2) of this section may be used to secure the guarantees.

(4) Guarantors of applicants will:

(i) In the case of personal guarantees, provide current financial statements (not over 60 days old at time of filing), signed by the guarantors and disclosing community or homestead property.

(ii) In the case of corporate guarantees, provide current financial statements (not over 90 days old at time of filing), certified by an officer of the corporation.

(c) *Additional requirements.* (1) If the present market value of the collateral is not in an amount at least equal to the amount of the loan, the applicant's repayment ability may be considered by the lender and FmHA (provided the FmHA loan approval official's opinion is based on the evaluation set forth in § 1980.247 of this subpart) in determining whether the loan should be made. When the applicant's repayment ability is so considered, the following conditions must also be met:

(i) The collateral has depreciated in value due to temporary economic conditions; and

(ii) The applicant's typical operating plans indicate ability to pay the loan in full in a period not exceeding 7 years; and

(iii) The applicant will give a lien on all available security property; and

(iv) The agreement between the lender and FmHA concerning the applicant's repayment ability will be indicated on either form FmHA 449-14 or form FmHA 1980-15.

(2) The lien position securing credit by the lender outside the guarantee must be junior to any liens taken for the guaranteed EL advances, or by a lien on other collateral.

(3) When the same lender is involved in an EL guaranteed loan and a separate unguaranteed loan and there will be like security for each, the EL guaranteed loan must be adequately secured by (1) a lien on separate security property that is clearly identifiable, or (2) a lien of a higher priority if the same property is used to secure both loans. In the latter case when the same security secures both loans the lender must agree in writing that the scheduled installments on the EL guaranteed loan will be paid first.

(4) The use of escrow accounts by lenders to maintain ongoing livestock operations will be established for loan note guarantee cases. This requirement is imposed by FmHA for the purposes of assisting the lender in maintaining security and in order that the lender and FmHA will have available a record of the use of both loan funds and funds received in the normal course of a borrower's livestock operation, such as proceeds received from the sale of security. Such funds placed in such an account must be assigned as collateral for the guaranteed loan made by the lender and provided further that the value of the security and the lien position of such loan is maintained. Funds disbursed will be only for authorized EL loan purposes. Lenders will maintain a running record of funds placed in, and disbursed from, the account. It is intended that escrow accounts be used primarily with loan note guarantee cases. However, the same requirements will apply should the occasion arise to use an escrow account with a contract of guarantee on a line of credit.

(5) The lender must ascertain that the borrower has marketable title in fact to the collateral pledged for the loan and there are no claims or liens of laborers, materialmen, contractors, subcontractors, suppliers of machinery and equipment or other parties against such collateral, and that no suits are pending or threatened that would adversely affect the borrower's collateral when the security instruments are filed.

(6) Hazard insurance with a standard mortgage clause naming the lender as beneficiary will be required when necessary to properly protect the interests of the Government and the lender on every loan in an amount that is at least the lesser of the replacement cost of the real estate property being insured or the amount of the loan. Insurance may be required on personal property when the loan approval official determines that it is necessary to protect the interests of the Government and the lender.

(7) If the applicant's repayment ability is being considered in determining whether the loan should be made, and FmHA and the lender agree, life insurance will be required for the individual borrower or for the principals and key employees of the borrower and will be assigned or pledged to the lender. This life insurance may be decreasing term insurance. A schedule of life insurance available for the benefit of the loan will be included as part of the application.

Administrative: The county supervisor will review and determine whether the lender has required the necessary security to be taken. If necessary, advice and assistance will be sought from the District Director.

§ 1980.226 Promissory notes, security instruments, and financing statements.

(a) *Promissory notes, mortgages, and security agreements.* The lender may use its own promissory notes, real estate mortgages (including deeds of trust and similar instruments), and security agreements (including chattel mortgages in Louisiana and Puerto Rico), provided such forms do not contain any provisions that are in conflict or are inconsistent with the provisions of this subpart or subpart A of this part.

(b) *Financing statements.* Commercial financing statement forms that comply with State laws and regulations may be used. They must be adapted to meet FmHA requirements by inserting provisions:

(1) Covering the "proceeds and products" of the collateral described, and

(2) Stating that "disposition of the collateral is not authorized hereby."

§ 1980.227 Relationship with other FmHA insured or guaranteed loans.

If an applicant for FmHA assistance will qualify for another type or types of FmHA insured or guaranteed loans and an EL guarantee for the same purpose, it will be the policy to process an EL guarantee for that purpose if the repayment and security requirements for the EL guarantee will not preclude furnishing the credit necessary to

enable the applicant to carry on sound farming or ranching operations. However, if the applicant qualifies for an emergency (EM) loan in a designated disaster area, the applicant should be considered first for an EM loan. An EL guarantee may be processed to continue the livestock operation(s) even though the applicant receives an EM loan.

§ 1980.228 Charges and fees by lender.

For both loan note guarantee and contract of guarantee cases, see § 1980.22 of subpart A of this part for these requirements.

§§ 1980.229–1980.245 [Reserved]

§ 1980.246 Receiving and processing applications.

An applicant and/or lender(s) may file either a preliminary application or complete application. A preliminary application may be used when an applicant or lender wants a determination from FmHA on eligibility or feasibility, before proceeding with a completed application. The county supervisor will cooperate with the lender and applicant and provide appropriate assistance in connection with loan application processes. The degree of this assistance will be guided by the lender's experience with FmHA guaranteed loan processing, the lender's farm lending experience, and the complexity of the proposal. The lender and applicant should contact the local FmHA office serving the area where the livestock operation is conducted for guidance and assistance in preparing the request and for obtaining the guarantee. An applicant conducting livestock operations as an individual, corporation, or partnership in different counties or locations will be considered for only one application and will file the application in the county in which the livestock operation headquarters is located unless determined otherwise by the State director. In cases where the operation is located in more than one State, the State directors involved will determine which State, will process the application and service the loan(s). The county supervisor will provide copies of all applicable FmHA forms and regulations. See appendix A of this subpart for a list of these FmHA forms.

(a) *Preliminary application.* The purpose of the preliminary application is to enable FmHA to make an eligibility determination without requiring the lender to complete all material required for issuance of a guarantee. The preliminary application is not intended to discriminate against applicants based on national origin, sex, marital status, religion or age. The preliminary application will consist of:

(1) Form FmHA 449-6, "Application for Guaranteed Loan (Farmer Programs)."

(2) Credit report and/or lien search of county records.

(3) Form FmHA 440-32, "Request for Statement of Debts and Collaterals."

(4) Form FmHA 449-26, "Certificates of Lender and Loan Applicant (Emergency Livestock Loan)."

(5) Form FmHA 1980-25, "Request for Guarantee (Emergency Livestock Loan or Economic Emergency Loan)."

(6) A record of livestock production for each calendar year beginning with 1973 through the most recent completed calendar year.

(7) Proposed "Line of Credit Agreement" for contract of guarantee cases. See subparagraph (c)(4) of this section.

(b) *Preliminary determination by FmHA.* If the preliminary application indicates the proposal will not meet FmHA's minimum credit standards for a sound loan, or if it is determined that the applicant does not meet the eligibility requirements, the county supervisor will so inform the lender using form FmHA 449-13, "Denial Letter." The lender will notify the applicant in writing of all the reasons for the decision indicated. If it appears that the proposal is feasible and the applicant is eligible, the county supervisor will inform the lender in writing and request that the formal application be prepared.

(c) *Completed application.* This will consist of:

(1) Those items listed for the preliminary application in subsection (a) of this section.

(2) Applicable "compliance" items required by §§ 1980.40, 1980.41, 1980.42, 1980.43, 1980.44, and 1980.45 of subpart A of this part.

(3) If a lease of land is involved, a copy of the lease agreement between tenant applicants and their landlords. When a lease is not obtainable, a statement concerning lease terms will be included in the loan docket.

(4) Proposed loan agreements (or line of credit agreement when a contract of guarantee is requested) between the borrower and lender. (See paragraph VIII of form FmHA 449-35, "Lender's Agreement," in loan note guarantee cases or form FmHA 1980-38, in contract of guarantee cases.) Ordinarily, agreements will include information such as the following:

(i) Improved management practices to be implemented, if any.

(ii) Requirements for accounting and recordkeeping and periodic financial reporting.

(iii) A list of security property for the loan and periodic accounting of security property (at least annually).

(iv) Prohibitions against assuming liabilities or obligations of others.

(v) Restrictions on dividend payments if a corporate entity or distribution if a partnership.

(vi) Limitations on purchase or sale of equipment and/or fixed assets.

(vii) Limitations on compensation of officers, partners, and/or owners if applicant is a corporation or partnership.

(viii) Restrictions concerning consolidation, mergers or other circumstances of a corporate entity.

(ix) Repayment schedule for the loan, including the ceiling and duration of any line of credit.

(x) Purposes for which loan funds will be used.

(xi) Interest rate.

(5) *Appraisal report.* (i) Real estate or chattel property that will serve as collateral for loans will be appraised by a qualified appraiser selected by the lender. A real estate appraisal report will be based on at least two comparable sales made within 2 years. Appraisal reports may be on forms approved by the lender and/or form FmHA 422-1, "Appraisal Report (Farm Tract)" and form FmHA 440-21, "Appraisal of Chattel Property." However, for real estate security, an acceptable appraisal not over 3 years old may be used in lieu of a new appraisal providing the appraisal was completed by FmHA or another similarly qualified appraiser and also provided no significant changes in the market value of real estate has occurred in an area within the 3-year period.

(ii) A current chattel appraisal will be required when chattels are taken as security.

(iii) The lender will be responsible for determining that appraisers have the necessary qualifications and experience to make appraisals. If the lender has any questions in this regard, it should consult with FmHA before having an appraisal made.

(6) *Notices of compliance with the Privacy Act of 1974.* (i) Regardless of whether the applicant is acting in a personal capacity or as a representative of a partnership or corporation, and FmHA solicits personal information from the applicant, the applicant will be provided form FmHA 410-9, "Statement Required by the Privacy Act."

(ii) If FmHA desires to obtain information concerning an individual from any source, FmHA will provide such source with form FmHA 410-10, "Privacy Act Statement to References."

(7) If the applicant is a corporation or partnership the following information will also be obtained and included in the loan docket: (i) A complete list of stockholders or partners showing the address, citizenship or permanent residency, principal occupation, and

percentage of ownership or of stock held in the corporation by each or the percentage of interest held in the partnership by each.

(ii) A current personal financial statement from each of the principal partners of a partnership or stockholders of a corporation. Any other member, partner or stockholder whose financial statement, in the judgment of the loan approval official, would be pertinent to a consideration of the financial strength of the corporation or partnership will also be required to provide personal financial statements.

(iii) A current financial statement from the corporation or partnership itself.

(iv) A copy of the corporation's charter or any partnership agreement, any articles of incorporation and bylaws, any certificate or evidence of current registration (good standing) and a resolution(s) adopted by the board of directors or partners or stockholders authorizing specified officers of the corporation or partnership to apply for and obtain the desired loan and execute required debt, security, and other instruments and agreements.

§ 1980.247 FmHA evaluation of applications.

When the county supervisor receives a completed application, the county supervisor will make any proper independent investigations, inspections, and appraisal reviews which are deemed necessary to determine whether (1) the applicant is eligible, (2) the proposed loan is for an eligible purpose, (3) there is reasonable assurance of repayment ability, and (4) there is sufficient collateral and equity. The county supervisor's determinations will be recorded on form FmHA 449-23, "Guaranteed Loan Evaluation—Farmer Programs."

(a) *Indication of unacceptability.* If the evaluation indicates that the guarantee cannot be approved, the county supervisor will inform the lender on form FmHA 449-13 of the reasons and will discuss with the lender the items necessary to overcome any objections and will record such discussion in the county office file.

(b) *Indication of acceptability.* If the evaluation is favorable, the administrative actions set forth in the administrative section which follows will be taken.

Administrative:

A. The county supervisor will:

1. Determine if the material and information submitted is complete.

2. Determine that the compliance information and forms listed in §§ 1980.40 through 1980.45 of subpart A of this part are a part of the application, and the conditions of each section are being complied with when applicable.

3. Review form FmHA 449-10, "Applicant's Environmental Impact Evaluation," submitted by the applicant and follow the requirements of subpart G of part 1901 of this chapter.

B. If the evaluation is favorable, the county supervisor will:

1. Prepare form FmHA 449-14 for loan note guarantee cases or form FmHA 1980-15 for contract of guarantee cases. If it is within the county supervisor's approval authority, the country supervisor will list any special conditions of approval in the space provided on the form, including requirements for security, improved management practices, and type and frequency of financial reports required but not proposed by the lender. The county supervisor is authorized to execute forms FmHA 449-14 and FmHA 1980-15.

2. Prepare and distribute form FmHA 440-1, "Request for Obligation of Funds," in accordance with the forms manual insert (FMI). form FmHA 440-1 should be prepared and funds obligated in the same fiscal year as form FmHA 449-14 or form FmHA 1980-15. The Finance Office will obligate funds and so notify the county supervisor by forwarding the original and one copy of form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request." Unless the county supervisor has received notice that EL funds are not available, the lender will immediately be notified by providing a copy of form FmHA 449-14 or form FmHA 1980-15. The county supervisor will record the actual date of lender notification on the remaining copy of form FmHA 440-1 and make such copy a permanent part of the county office loan file.

3. Forward the loan docket to the appropriate approval official if the loan is not within the county supervisor's approval authority.

C. If the evaluation is favorable, the appropriate approval official will:

1. Set forth any special conditions of approval, including requirements for security, improved management practices, type and frequency of financial reports required but not proposed by the lender in the space provided in form FmHA 449-14 or form FmHA 1980-15 and return the form to the county supervisor for execution and proper distribution.

2. Sign original and one copy of form FmHA 440-1 and distribute copies in accordance with the forms manual insert being sure the lender receives a signed copy.

3. Forward the loan docket to the National Office when assistance is needed in handling any complaints of noncompliance.

§ 1980.248 [Reserved]

§ 1980.249 Review of requirements.

The lender and applicant, after reviewing approval conditions and security requirements as set forth in form FmHA 449-14 or form FmHA 1980-15 should complete and execute the "Acceptance or Rejection of Conditions" and return a copy to the county supervisor. If the conditions cannot be met, the lender and applicant may propose alternate conditions to the county supervisor. These alternatives will be considered by the county supervisor and the lender will be advised of the county supervisor's decision. If altered conditions are acceptable, form FmHA 449-14 or form FmHA 1980-15 will be revised.

§ 1980.250 Conditions precedent to issuance of the guarantee.

See § 1980.60 of subpart A of this part for conditions precedent to the issuance of either a loan note guarantee or a contract of guarantee except:

(a) The provisions of § 1980.60(a)(2) are not applicable to loan note guarantee cases;

(b) The provisions of § 1980.60 (a)(2) and (d) are not applicable to contract of guarantee cases, and

(c) To meet the requirements of § 1980.60(c) in contract of guarantee cases, the lender will execute and deliver form FmHA 1980-38 to FmHA.

Administrative: The county supervisor will:

1. Negotiate with the lender and applicant any changes made to the initially issued or proposed form FmHA 449-14 or form FmHA 1980-15. A copy of the completed form and any amendments thereto will be included in the loan file.

2. Review the loan agreement or line of credit agreement between the borrower and lender. It should provide for the frequency of submission of financial statements to the county supervisor. Quarterly financial statements should be required on new loans needing close monitoring. However, an annual analysis report will always be required.

3. Review plans for inspection made on any construction projects.

4. Review cost overruns, if any are found, and determine with the lender how cost overruns will be met.

5. Review basic loan requirements with the lender.

§ 1980.251 Issuance of guarantee instruments.

Events from issuance of a conditional commitment through issuance of the guarantee instruments may all occur at loan closing in the sequence indicated in § 1980.61 of subpart A of this part.

(a) *Loan note guarantee cases.* See § 1980.61 of subpart A of this part, except that § 1980.61(b)(2) and § 1980.61(f) as well as the "guarantee fee" in § 1980.61(a) shall not apply.

(b) *Contract of guarantee cases.* (1) If FmHA finds that all requirements have been met, FmHA will execute form FmHA 1980-38. The original will be retained by FmHA and a signed duplicate original retained by the lender. There will be a form FmHA 1980-38 executed for all lines of credit guaranteed by FmHA. The lender's agreement will be executed not later than the time the contract of guarantee is signed.

(2) Upon receipt of the form FmHA 1980-38 and after all requirements have been met, FmHA will execute form FmHA 1980-27. The lender will be provided the original and a con-

formed copy will be retained by FmHA.

(3) If FmHA determines that it cannot execute the contract of guarantee because all requirements have not been met, it will promptly inform the lender on form FmHA 449-13 of the reasons, and give the lender a reasonable period within which to satisfy FmHA objections. If the lender writes FmHA within the period allowed requesting additional time to satisfy the objections, FmHA may, in writing, grant such additional time as it considers necessary and reasonable under the circumstances. If the lender satisfies the objections within the time allowed, the guarantee will be issued.

(4) If the conditions for the loan are rejected or cannot be met after completion of any appeal, FmHA will prepare and submit form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," to the Finance Office.

(c) *Authorized FmHA representatives to execute forms.* State directors and county supervisors are authorized to execute the lender's agreement, loan note guarantee, contract of guarantee, and assignment guarantee agreement.

Administrative: A. The original form FmHA 449-35 or form FmHA 1980-38 will be kept in the county office. A copy may be retained in the State office.

B. Copies of form FmHA 449-34 (1980-34) and form FmHA 1980-27 will be kept in the county office. Additional copies may be retained by the State office. Copies of issued guarantees will be kept in each borrower's loan file.

C. For reporting purposes when multinotes are issued, the loan to the borrower will be counted as one loan regardless of the number of notes issued.

D. The county supervisor completes Form FmHA 449-31, "Emergency Livestock Loan Analysis," executes the original, and conforms the copies. This will be done on the same date the guarantee instrument is executed. The original will be sent to the finance office and a copy transmitted to the State office.

E. The guarantee processing actions will be completed as soon as possible, but in no case more than 30 days after FmHA receives a lender's formal written request for an EL guarantee, unless unusual circumstances are involved.

F. The State director may maintain a daily record of all forms FmHA 449-31 received.

G. Upon receipt of form FmHA 440-1, the Finance Office will charge the loan amount or line of credit ceiling (as appropriate for the type of guarantee) against any EL allocation for the particular State. The Finance Office will submit a State summary report on the loan obligations to the State and National Office.

§§ 1980.252-1980.259 [Reserved]

§ 1980.260 Substitution of lenders.

With prior FmHA written approval, a new eligible lender may be substituted for the original lender provided the new lender agrees to assume all servicing responsibilities and acquires the unguaranteed portion of the loan. In loan note guarantee cases, such substitution may be made without the holder's consent but not without notice to the holder(s) by the substituted lender. The new lender will execute form FmHA 449-35 for loan note guarantee cases of form FmHA 1980-38 for contract of guarantee cases at the same time as the substitution. After FmHA approval of the new lender, Form FmHA 471-7, "Notice and Acknowledgement of Sale of Insured Loan or Guaranteed Loan," will be completed by the old lender and mailed to the Finance Office.

§§ 1980.261-1980.268 [Reserved]

§ 1980.269 Extension of line of credit guarantees issued before (October 1, 1978).

New loan advances made after September 30, 1978, will not be automatically covered by "line of credit" guarantees issued before (October 1, 1978), under the terms of the Emergency Livestock Credit Act of 1974, as amended by Pub. L. 95-334. Any advance(s) made under these guarantees after September 30, 1978, requires an extension of the guarantee.

(a) When lenders desire to continue making new advances to borrowers indebted under a contract of guarantee issued prior to (October 1, 1978), it will not be necessary to issue a new contract of guarantee, provided the lender will certify in writing that:

(1) The borrower meets eligibility requirements for an EL loan including a statement that the lender is unable to extend the additional credit without a guarantee, and

(2) The outstanding balance is current, and

(3) Collateral for the new advance(s) will be sufficient to meet EL security requirements, and

(4) The borrower has reasonable repayment ability for the overall guaranteed indebtedness, and

(5) The advance(s) will be within the terms of the existing line of credit ceiling previously approved by FmHA.

(b) For cases meeting the criteria stated in paragraph (a) of this section the county supervisor will strike "before September 30, 1978," in the second line of the existing contract of guarantee and date and initial the change. If the county supervisor questions the proposal and needs supporting information in addition to that previously furnished by the lender, the county supervisor will obtain it before initialing the change in the contract of guarantee.

(c) When a lender desires to make advance(s) above the previously approved line of credit ceiling, or when the advance(s) will not be within the limits of the "Line of Credit Agreement," or when the line of credit loan advances are not paid current, the above method will not be used. In such cases it will be necessary for the lender to prepare a completely new guarantee request with all the supporting forms and information required by this subpart for a contract of guarantee on a new line of credit. If the loan approval official determines that all the requirements of a new guarantee have not been met, the lender will be so informed in accordance with the procedure set forth in § 1980.247(a) of this subpart. If the loan approval official determines that all the requirements for a new guarantee are met, the existing line of credit will be refinanced by the new line of credit, and a new contract of guarantee will be issued. To complete the transaction, the lender must surrender the previous contract of guarantee to the county supervisor who will mail it to the Finance Office with a new form FmHA 449-31. The county supervisor will indicate in the transmittal letter to the Finance Office that the previous contract is being replaced and that the Finance Office records should be adjusted to reflect only the new line of credit guarantee.

§ 1980.270 Changeover of loans covered by 80-percent loss guarantees to line of credit guarantees without sale to holder(s).

This changeover can no longer occur as the last date for such a conversion was July 25, 1978.

§ 1980.271 Conversion of existing EL loans so the guaranteed portions can be sold as permitted by subpart A of part 1980.

(a) Conversion does not constitute a new guarantee. Rather, the process is a substitution of documents which confer additional rights to lenders but do not change what is being guaranteed.

(b) Existing advances constituting an EL guaranteed line of credit may be converted to loan note guarantee loans and structured and sold according to this subpart and subpart A of this part. The percentage guaranteed must be the same as the percentage guaranteed in the old guarantee.

(c) Before the loan note guarantee system can be used, the lender must notify FmHA of the option it has elected to use for sale of the guaranteed portion(s). Where necessary, existing note(s) must be rewritten so that all regulations pertaining to the options found in paragraph III of form FmHA 449-35 will be complied with.

(d) A conversion fee of 1 percent of the principal loan balance owed on the

loan at the time of the conversion multiplied by the percent of guarantee must be paid by the lender to FmHA before a loan note guarantee will be issued.

(e) The lender must certify in writing and FmHA must agree that the loan is in good standing and adequately secured.

(f) The lender's request for conversion will be transmitted to the county supervisor with the following items:

(1) A narrative of the proposal.

(2) Original contract of guarantee. If the lender does not want to deliver its original contract of guarantee with its request for a conversion to a loan note guarantee, the county supervisor will accept a copy of the contract of guarantee and proceed as set forth above. However, the loan note guarantee will be delivered only upon receipt of the contract of guarantee.

(3) Copies of note(s) with lender's identification number(s).

(4) Certification that the loan is current and in good standing.

(5) Certification of outstanding principal and interest owed on loan account.

(6) Executed lender's agreement.

(7) Current maket value appraisals of loan collateral.

Administrative: A. The county supervisor may approve all conversions to loan note guarantee.

B. The original loan must be paid current at the time the loan note guarantee is issued.

C. The county supervisor will:

1. Check to see that the note or notes presented by the lender for sale in the loan note guarantee system are structured to meet all requirements in the regulations.

(i) If the lender has selected the multi-note system, the note representing the unguaranteed portion must not mature before the other notes. If the lender is converting a line of credit represented by separate notes for each advance, these existing, partially amortized notes may be used provided that, if the notes have different maturities, the note with the latest maturity date must represent the unguaranteed portion. The amount represented by this note must be exactly the unguaranteed portion of the face amount of all notes composing the loan which is to be converted to the loan note guarantee system. If both these requirements cannot be met, the lender must get the borrower to execute new notes which do not exceed the limitations of the existing guaranteed line of credit.

(ii) If the lender has elected to sell the guaranteed portions through the assignment route, and is coverting a line of credit, only one note may be presented for attachement to a loan note guarantee. The face amount of the note must be equal to the entire amount of the loan.

2. Review all requirements of § 1980.271 of this subpart.

3. Arrange to inspect the livestock operation with the lender and the borrower. The inspection will include an observation of the farming or ranching facilities, any growing crops, and livestock and chattel security.

4. Reach a mutual understanding concerning the operating plans for farming and ranching enterprises, plans for loan repayment, and the appraised value of the loan collateral.

5. Verify the submitted request, and, if in order, complete the loan note guarantee, date and sign the instrument. Before the form is signed the following statement will be entered at the top of the form: "This loan note guarantee is issued in substitution of the contract of guarantee dated ———." The county supervisor will transfer from the outstanding contract of guarantee all pertinent information pertaining to the substitute loan note guarantee.

6. Execute the lender's agreement either before or contemporaneously with execution of the loan note guarantee.

7. Cancel the contract of guarantee being replaced.

8. Transmit to the lender the original of the loan note guarantee, and a copy of the executed lender's agreement, and retain copies of the loan note guarantee and attached canceled forms in the county office file.

9. Notify the Finance Office of the substitution and cancellation by letter enclosing the conversion fee collected from the lender. The notification will indicate the date and amount of the loan note guarantee and that it is not to be considered as a new loan for record keeping purposes.

§ 1980.272 Refinancing existing EL loans so that the guaranteed portion can be sold through the loan note guarantee system.

(a) Lenders with existing EL loans covered by 80 percent loss guarantee issued by FmHA before July 25, 1975, or with existing guaranteed EL lines of credit, who desire to obtain a loan note guarantee without payment of the fee provided in § 1980.271 of this subpart may apply for a new loan note guarantee under the regular procedure of this subpart. All provisions including §§ 1980.246 through 1980.251 of this subpart will be complied with. If all of the requirements of this subpart and subpart A of this part are met, a new loan note guarantee will be issued. The unpaid balance on the existing loan will be refinanced by the new loan guaranteed by the loan note guarantee.

(b) The previous contract of guarantee must be surrendered by the lender and mailed to the Finance Office by the county supervisor with a new form FmHA 449-31. The county supervisor will indicate in the transmittal letter to the Finance Office that the old guarantee is being replaced and that the Finance Office records should be adjusted to reflect only the new loan note guarantee.

§§ 1980.273–1980.276 [Reserved]

§ 1980.277 Change from livestock to farming operation after guarantee is issued.

(a) When a borrower ceases to carry on a livestock operation, but will continue farming, the borrower is not eligible to receive any more loan advances under the guarantee. In such cases the lender may continue with the loan(s) and reamortize it within the original term provided FmHA and the lender determine that:

(1) There is a reasonable chance for the guaranteed loan advance(s) to be paid in full; and

(2) The remaining collateral plus any to be obtained will be sufficient to meet EL security requirements; and

(3) Proceeds from livestock sales properly have been paid on the guaranteed loan advance(s) or released for authorized EL purposes; and

(4) FmHA and any holders consent to the reamortization and the reamortization documents are attached to all documents evidencing the guarantee.

§ 1980.278 Transfer and assumption of loans.

(a) If the borrower can no longer continue with the loan, the lender may consider transferring the loan to an eligible transferee with the concurrence of FmHA. If the transferor has any equity in the loan the transferee will pay the transferor for this equity either by using cash or by obtaining a loan with or without a guarantee, or a combination of cash and a loan. The total security will be transferred unless unusual circumstances prevail in which case National Office approval will be required. Assumption and transfer of security property agreements, notes, or assumption forms provided by the lender will be executed by the transferee. An "eligible transferee" is one that, after the assumption, meets the eligibility requirements specified in § 1980.220 of this subpart. No applicant shall be deemed "eligible" after September 30, 1979. The transferee's application will be processed by the lender as prescribed in § 1980.246 of this subpart and the following will also apply:

(1) The priorities of the existing lien(s) securing the guarantee will not be adversely affected.

(2) Any cash down payment (other than an equity payment) or proceeds from the sale of any security will be credited on the transferor's guaranteed loan before the transfer and assumption transaction is closed.

(3) The transferor may be released from personal liability with FmHA concurrence provided the total outstanding indebtedness is assumed and providing the collateral being transferred is at least equal to the amount of the loan being assumed and further provided all holders, if any, consent.

(4) The existing guarantee will continue in effect, so a new guarantee instrument will not be issued. However, as soon as the transfer and assumption have been completed, the lender will so indicate on the original loan note

guarantee or contract of guarantee by inserting a check in the assumption agreement box and inserting the name of the assuming party for those purposes on the loan note guarantee or contract of guarantee.

(b) All changes in loan terms must be approved in writing by the loan approval official, the borrower, and lender, and all holders if any, and a copy of the changed terms attached to each portion (both guaranteed and unguaranteed) of the loan.

Administrative: A. Loan approval officials, consistent with their authority to approve guarantees, may consent:

1. To all transfer and assumption cases.

2. To the releases of the transferor and guarantor(s) from liability on the loan and will notify the lender and the transferor and guarantor(s) of the decision in writing.

3. To any changes in the loan terms provided the holder(s), if any, and lender agree.

B. The loan note guarantee or contract of guarantee will be endorsed in the space provided on the form.

C. A copy of the Assumption Agreement will be retained in the county office file. The county supervisor will notify the Finance Office of all approved transfer and assumption cases so that Finance Office records may be adjusted accordingly.

D. When all the security is not transferred the State director will submit to the National Office the full facts and justification for the State director's recommendation and the county office files.

§ 1980.279 Loan servicing.

The lender is responsible for loan servicing. See paragraph X of form FmHA 449-35 for loan note guarantee cases and paragraph IX of form FmHA 1980-38 for contract of guarantee cases for specific requirements.

Administrative: A. The lender has the primary responsibility for loan servicing and protecting the collateral, but the county supervisor is responsible for monitoring the lender's servicing actions. Loan servicing is a preventive rather than a curative action. Prompt followup on delinquent payments and early recognition and solution of problems are keys to resolving many delinquent loan cases.

B. The county supervisor will:

1. Make timely investigations during acquisition or development and at least annually thereafter to determine whether any security property that was to be acquired or constructed after issuance of the contract of guarantee or loan note guarantee has been acquired or constructed, and whether the guaranteed loan is being properly serviced. If a problem develops the county supervisor will promptly contact the lender to resolve it.

2. Review all EL borrowers' financial statements furnished by the lender and will take appropriate servicing action to remind the lender of its servicing responsibilities. See paragraph X of form FmHA 449-35 or paragraph IX of form FmHA 1980-38.

3. take appropriate action immediately when notified by the lender of borrower's failure to fulfill any of the loan approval conditions to determine the action to be taken.

4. Take appropirate action upon receipt of notice from the lender when any guaranteed loan is delinquent more than 30 days or when the loan otherwise appears to be developing into a problem case. See paragraph XI of form FmHA 449-35 or paragraph X of form FmHA 1980-38.

5. Establish an office management system for guaranteed loans in accordance with FmHA instruction 405.1 (available in any FmHA office) to insure timely followup on all required financial statements, and any special requirements for loan servicing conditions.

6. Notify the Finance Office when the lender makes any approved protective advances.

7. Submit to the Finance Office semiannually the lender's statement required in paragraph X B 10 of form FmHA 449-35 or paragraph IX of form FmHA 1980-38, reflecting the unpaid principal balances on the loan.

C. The District Director will:

1. Assure that the responsibilities of the county supervisor are carried out.

2. Provide guidance and assistance to the county supervisor if a loan develops into a problem case and make recommendations or comments and transmit them to the State director, if necessary.

D. County supervisors are authorized to approve or concur in:

1. Alterations in the loan approval conditions which will not prejudice the Government's interest.

2. Any replacement of collateral for the loan.

3. All lien coverage and lien priorities on the collateral established by the lender before issuance of the guarantee.

4. Any renewal of loan notes in concurrence with the lender.

5. Use of proceeds from disposition of collateral meeting the provisions of paragraph X of form FmHA 449-35 or paragraph IX of form FmHA 1980-38.

E. State directors may consult with the National Office on any servicing problem, and if it cannot be handled at the State level, the file will be forwarded to the National Office with proposed recommendations.

§ 1980.280 Protective advances.

See paragraph XIII of form FmHA 449-35 or paragraph XII of form FmHA 1980-38, as appropriate.

Administrative: A. Protective advances will not be made in lieu of additional loans.

B. The county supervisor is authorized to approve protective advances and will consider the following when approving such advances:

1. The total amount of outstanding advances, the amount of those for which approval is requested, the outstanding loan balance, whether the account is current, and, if not, the extent of the delinquencies.

2. The borrower's ability to pay the remaining loan balance and any future advances in accordance with the existing repayment schedule.

§ 1980.281 Termination of guarantee.

See paragraph 12 of Form FmHA 449-34 (1980-34) for termination of loan note guarantee and paragraph 5 of form FmHA 1980-27 for termination of contracts of guarantee.

Administrative: The county supervisor will advise the Finance Office by memorandum when a loan note guarantee or contract of guarantee is terminated.

§ 1980.282 Defaults by borrower.

(a) See paragraph XI of form FmHA 449-35 for loan note guarantee cases and paragraph X of form FmHA 1980-38 for contract of guarantee cases.

(b) The lender will arrange a meeting with the county supervisor and the borrower to resolve the problems.

(c) The lender will summarize the meeting in a memorandum listing the individuals who attended and describing the problems and the proposed solutions. The original will be retained in the lender's loan file and a copy will be submitted to the county supervisor.

Administrative: A. The county supervisor monitoring the loan will coordinate and process any request for FmHA to purchase when the holder(s) are located in close proximity of the local lender. If several holders are located outside the area, the State director will handle the transaction and notify the county supervisor.

B. The county supervisor will review the material submitted, verify the amounts due the holder(s) and transmit the request by memorandum to the State director. Copies of evidence of ownership will be included. Any original evidence of ownership will be retained in the county office. A proposed payment date will be established in order to calculate the interest due the holder(s).

C. The county supervisor will verify the amounts payable to the holder(s) and assure that all necessary material has been obtained. The county supervisor will request a check to pay the holder(s) on the appropriate date entry form. The finance Office will forward the check to the holder within 10 days after receipt of the request.

D. Any evidence of ownership retained in the county office will be considered in any future report of loss calculations. A record of any purchase will be maintained in the loan file.

§ 1980.283 Liquidation.

See paragraph XII of form FmHA 449-35 for loan note guarantee cases and paragraph XI of form FmHA 1980-38 for contract of guarantee cases.

Administrative: A. The District Director determines which FmHA personnel will attend meetings with the lender.

B. *Form FmHA 449-35 or form FmHA 1980-38, paragraphs XII B or XI B, respectively.* FmHA will exercise the option to liquidate only when there is reason to believe the lender's liquidation plan will likely not result in maximum recovery. District Directors are authorized to approve lender liquidation plans or exercise the FmHA option to liquidate.

C. *Form FmHA 449-35 or form FmHA 1980-38, paragraphs XII D or XI D, respectively.* County supervisors are responsible for seeing that the lender complies with the requirements of paragraph XII D or paragraph XI D as appropriate. The concurrence of the District Director will be necessary before the county supervisor may accept the accounting reports as submitted

by the lender and before submission of such reports to lenders when FmHA is conducting liquidation.

D. *Form FmHA 449-35 or Form FmHA 1980-38, paragraphs XII E 2 or XI E 2, respectively.* County supervisors are authorized to accept report of loss determinations for both loan note guarantee and contract of guarantee cases on Form FmHA 449-30 "Loan Note Guarantee Report of Loss," in those cases where loss will not exceed $35,000; District Directors for loss not to exceed $100,000; and State directors for all others. The State director will submit to the Finance Office for payment any losses claimed on form FmHA 449-30. The Finance Office will forward loss payment checks within 10 days of receipt of the claim to the county supervisor for delivery to the lender.

E. *Form FmHA 449-35 or form FmHA 1980-38, paragraphs XII E 3 or XI E 3, respectively.* Final loss payments will be made within the 60 days required but only after a review has been made to accurately determine FmHA liability. State directors are responsible for seeing that such reviews are accomplished in time to be evaluated and accepted or otherwise resolved within the 60-day period. County supervisors may conduct such reviews when the loss does not exceed $35,000; District Directors when the loss does not exceed $100,000; and State directors for amounts not to exceed their loan approval authority. If the State director wishes National Office assistance in the conduct of the review, the State director may request it.

§§ 1980.284–1980.289 [Reserved]

§ 1980.290 Graduation.

There is no "graduation" requirement for EL loans. Therefore, these loans will not be reviewed by FmHA to determine whether lenders should be in position to carry them without a guarantee.

§ 1980.291 Appeal procedure.

See § 1980.80 of subpart A of this part for the method of having adverse decisions of county supervisors, District Directors, and State directors reviewed.

§ 1980.292 Access to records of lenders.

See § 1980.81 of subpart A of this part for this requirement.

§ 1980.293 County and State office files.

(a) *County office files.* County offices having charge of loan guarantees are not expected to maintain complete case files. However, the county office case file for each loan guarantee should contain originals or copies of forms and other material which is needed to monitor the lender's loan servicing actions.

(b) *State office files.* State directors may maintain files on cases which require special servicing attention.

§ 1980.294 FmHA forms.

See appendix A of this subpart for list of applicable FmHA forms, number to be prepared, signatures required, and manner of distribution.

§§ 1980.295–1980.300 [Reserved]

APPENDIX A

General administrative: A. *Office of the General Counsel (OGC).* In performing the FmHA functions with respect to EL loans, the advice and assistance of OGC may be sought and followed on any legal matter. However, in loan making, it is the responsibility of the lender to ascertain that all requirements for making, securing, and servicing the loan are duly met. If FmHA has any questions concerning the lender's resolution of these matters it should consult with OGC.

B. *Delegation of authority.* The State director may delegate to the State director's staff those administrative duties and responsibilities stipulated in the administrative sections of this subpart.

APPENDIX A.—*FmHA Forms*

(a) The following chart lists applicable FmHA forms, number to be prepared, signatures required, and manner of distribution. Any of these FmHA forms and others needed by lenders or applicants may be obtained from FmHA.

FmHA Form No.	Name of form	Total number	Signed by *	Distribution
	Forms needed by a lender for use in preparing the EL guarantee request			
400-1	Equal Opportunity Agreement	3	B-O	O-L, C-B, C-FmHA.
400-3	Notice to Contractors and Applicants	4	L-O	O)-Con, C-B, C-L, C-FmHA.
400-6	Compliance Statement	4	L and Con 3-0	O)-L, C-Con, C-B, C-FmHA.
449-6	Application for Guaranteed Loan (Farmer Programs)	2	B-O	O)-L, C-FmHA.
1980-25	Request for Guarantee (Emergency Livestock Loan or Economic Emergency Loan).	2	L-O	O-FmHA, C-L.
449-26	Certificates of Lender and Loan Applicant (Emergency Livestock Loan).	3	L and B-O	O-FmHA, C-L, C-B.
449-35	Lender's Agreement	2	L and FmHA	O-FmHA, C-L.
449-36	Assignment Guarantee Agreement	3	L, H and FmHA	O-H, C-L, C-FmHA.
1980-38	Lender's Agreement (Emergency Livestock Loan or Economic Emergency Loan Contract of Guarantee).	2	L and FmHA (O and C)	O-FmHA, C-L.
	Forms used by FmHA in processing and handling the guarantee request			
440-1	Request for Obligation of Funds	4	FmHA-O	O-FC, C-County Office, C-State Director.
449-13	Denial Letter	2	FmHA-O	O-L, C-FmHA.
449-14	Conditional Commitment for Guarantee	2	FmHA-O	O-L, C-FmHA.
1980-15	Conditional Commitment for Emergency Livestock Loan or Economic Emergency Loan—Contract of Guarantee.	2	FmHA-O	O-L, C-FmHA.
1980-27	Contract of Guarantee (Emergency Livestock Loan or Economic Emergency Loan).	2	FmHA-O	O-L, C-FmHA.
449-31	Emergency Livestock Loan Analysis	3	FmHA-O	O-FC, C-FmHA, C-State Director.
449-34	Loan Note Guarantee	2	FmHA-O	O-L, C-FmHA.
	Forms used jointly by lender and FmHA			
449-30	Loan Note Guarantee Report of Loss	3	L-O	O—FmHA, C-L, C-FmHA.

* Signature and Distribution "L"—Lender; "H"—Holder; "B"—Borrower or assumptor; "FC"—Finance Office; "FmHA"—Authorized FmHA Official; "Con"—Contractor; "O"—original; "C"—copy.

(b) *Other forms and information.* Any needed forms not furnished by FmHA will be provided by the lender. The lender may obtain information from FmHA and copies of other FmHA forms that may be helpful in various aspects of loan making, construction and development, and loan servicing.

(c) *Racial code.* Some FmHA forms contain space for coding the race of the applicant for the loan or assumption. In the code, "W" means "White," "N/B" means "Negro (Black)," "S" means "Spanish-American," "AI" means "American Indian," and "O" means any other race. The lender is responsible for completing this code on all forms on which it appears, in accordance with its best judgment as to the race involved.

(d) *Revision of existing forms.* Until the present supply is exhausted, the forms described below will be revised on an individual case basis as follows:

(1) *Form FmHA 400-1, "Equal Opportunity Agreement."* In the second paragraph after the word "Recipient", insert "or to Recipient's lender." In subparagraph 1(e), change the word "or" to "issued."

(2) *Form FmHA 400-6, "Compliance Statement."* In the first paragraph between "with" and "assistance," insert "loan guarantee."

(3) *Form FmHA 449-6, "Application for Guaranteed Loan (Farmer Programs)."* The crop and livestock production tables on the face of the form may be omitted.

AUTHORITY: Sec. 10, of Pub. L. 93-357 88 Stat. 392; delegation of authority Secretary of Agriculture (7 CFR 2.23); delegation of authority by Assistant Secretary for Rural Development (7 CFR 2.70).

Dated: October 17, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-29610 Filed 10-20-78; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-18-AD; Amdt. 39-3318]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 152 and A152 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Cessna models 152 and A152 airplanes. It requires inspection of the exhaust system and replacement or conditional repair of cracked or failed KMR heat exchangers having serial No. 2249 or below. This Ad, which is of an emergency nature, is necessary because failures have occurred on these exhaust systems which allow carbon monoxide to enter the cabin air. Such a condition may cause pilot incapacitation and adversely affect safety of flight.

EFFECTIVE DATE: October 6, 1978, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated September 18, 1978.

COMPLIANCE: As required in the body of the AD.

ADDRESSES: Cessna Single Engine Service Letter SE78-57, dated September 19, 1978, and supplement No. 1, dated October 3, 1978, or later revisions, applicable to this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201, telephone 316-685-9111. A copy of the service letter cited above is 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:

Donald L. Page, 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: The FAA has determined that the problem described in the Summary 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 airmail letter from the FAA dated September 18, 1978. The AD became effective as to those individuals upon receipt of the notification letter. Inspections of these airplanes conducted pursuant to the emergency AD have disclosed cracked or failed heat exchangers on a much higher percentage of airplanes than originally anticipated. Consequently, sufficient parts are not available to immediately replace all cracked or failed heat exchangers. This situation is resulting in unnecessary grounding of affected airplanes and undue hardship on the owners/operators of these airplanes. Therefore, the Chief, Engineering and Manufacturing Branch, FAA, Central Region, per the authority in paragraph (C) of the AD, approved an equivalent method of compliance with paragraph (A)3(b)3 of the AD which authorizes conditional repair of cracked heat exchangers and their continuation in service without compromising safety. The above equivalent method of compliance is being incorporated in paragraph (A)3(b)3 of this AD. Since the unsafe condition described herein still exists on other Cessna models 152 and A152 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 notification.

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:

CESSNA. Applies to model 152 (serial Nos. 15279406 through 15282563) and model A152 (serial Nos. A1520735 through A1520829) airplanes having Cessna original equipment type exhaust systems installed.

Compliance: Required as indicated unless already accomplished.

To preclude contamination of cabin heater air with carbon monoxide, accomplish the following:

(A) Before next flight, except that the airplane may be flown with the cabin heat in the "OFF" position to a location where this inspection may be accomplished:

1. Visually inspect the clearance between the exhaust pipe and cowl opening. Minimum clearance must be 0.375 inch in the fore and aft direction and 0.625 inch in the lateral direction with a smooth transition between. Enlarge cowl opening as required to obtain this clearance.

2. Remove the lower engine cowl and visually inspect the nameplate on the exhaust system heat exchanger shroud to determine

whether the exhaust system is a KMR Industries part No. 1-1000, either bearing serial Nos. 1 through 2249 or having an "R" prefix or suffix on any serial number. If the exhaust system is not one specified above, further requirements of this AD are not applicable.

3. If the exhaust system is one as specified above:

(a) Prior to further flight, safety wire the cabin heat valve control arm in the closed position by securing it to the engine mount using 0.032 diameter safety wire.

(b) Within the next 10 hours time-in-service and within each 50 hours time-in-service thereafter:

1. Remove the engine cowling and the KMR Industries heat exchanger shroud.

2. Using a 5-power, or greater, magnifying glass, visually inspect the heat exchanger can for any cracks around the tailpipe and along the three lines of spot welds on the surface of the heat exchanger can itself.

3. If the heat exchanger can is found cracked, prior to next flight:

(i) Replace it with a heat exchanger can having a serial No. 2250 or above; or

(ii) Repair and reinstall heat exchangers having cracked or completely pulled-through spot welds and/or closed cracks that do not extend under the end plates and do not exceed 3 inches continous length, by heliarc welding in accordance with the following:

1. Use rod material compatible with titanium stabilized 321 stainless steel.

2. It is not necessary to reattach the can to the baffle at pulled through spot welds if the can and baffle are separated. In this case, it is only necessary to close the hole or crack in the can at the spot weld location.

3. Disconnect the hose between the heat exchanger shroud and the firewall cabin heat valve at the cabin heat valve and safety wire it to the engine mount tube so that 1.5 inches of the hose extends below the fuselage through the cowl air exit hole and to the right of the nose gear. Install the hose clamp on the valve end of the hose so that it grips the wire supported section of the hose. Route the safety wire between the clamp and the hose to secure the clamp and hose to the engine mount.

4. After installation of a new heat exchanger can having a serial No. 2250 or above, obliterate the existing exhaust system serial number located on the nameplate attached to the shroud.

(B) Upon installation of a KMR Industries heat exchanger can having a serial No. 2250 or above and incorporation of a dam in the heat exchanger shroud in accordance with Cessna service kit 152-3, the cabin heat system may be reactivated and the inspection required by paragraph (A)3(b) discontinued.

NOTE.—The serial number will be stamped on a flange of the replacement heat exchanger can.

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

Cessna Service Letter SE78-57, dated September 19, 1978, and supplement No. 1, dated October 3, 1978, or later revisions, pertain to this subject.

This amendment becomes effective on October 6, 1978.

(Secs. 313(a), 601, 603 of the 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)); sec. 11.89 of the Federal Aviation Regulations (14 CFR sec. 11.89).)

NOTE.—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; Mar. 8, 1978).

Issued in Kansas City, Mo., on October 6, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-29573 Filed 10-20-78; 8:45 am]

[4910-13-M]

[Docket No. 78-WE-18-AD Amdt. 39-3320]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller Model UH-12 Series Helicopters Including Military Models

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An emergency airworthiness directive (AD) was issued on September 22, 1978, and sent by priority mail to all owners and operators of the Hiller model UH-12D, UH-12E, and UH-12E (4 Place) helicopters including military models. This AD was required because of failure of the antinode weight outboard retention system in the main rotor blade which will result in a complete loss of control of the main rotor blade.

DATES: Effective October 27, 1978. Initial compliance—before further flight after receipt of the priority mail letter.

ADDRESSES: The applicable service information may be obtained from: Hiller Aviation, 2075 West Scranton Avenue, Porterville, Calif.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: Threaded portions of the antinode weight attachment rod have been found to be undersized. A failure in this area causes the antinode weight to break loose and hit the blade tip weights. This will cause the main rotor blades to be completely uncontrolled, and this condition will result in the loss of the rotorcraft regardless of the altitude or of the main rotor blade RPM.

Hiller Service Bulletin 54-4, dated September 26, 1978, has been approved by the FAA as an equivalent procedure to paragraph (a)(3) of the priority mail letter, and the AD has been amended to incorporate this alternate means of compliance. Also, the note has been revised to further describe the caution necessary in reinstalling the antinode bar assembly and minor corrections have been made.

The phrase "or later FAA approved revisions" has not been included in the service bulletin citation and a note has been added indicating that the cited version of the service bulletin is the only version acceptable for demonstrating compliance with the AD.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making airworthiness directive effective immediately as to all known U.S. operators of Hiller UH-12 series helicopters by individual priority mail letters dated September 22, 1978. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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:

HILLER HELICOPTER applies to Hiller model UH-12D, UH-12E, and UH-12E (4 Place) certificated in all categories including military models UH-23D, UH-23G, H-23F, and turbine powered models, equipped with main rotor blades assembly, Parson part No. 2253-1101-03 or 2253-1101-04.

Compliance required as indicated.

To prevent failure of the main rotor blade Parson part No. 2253-1101-03 and 2253-1101-04 antinode outboard retention system, which could result in a loss of the rotocraft, accomplish the following:

(a) Before further flight after receipt of this AD, unless already accomplished, in-

spect the threaded end of the antinode bar outboard of the antinode weight anchor nut according to the following instructions:

(1) Remove the antinode bar assembly per paragraph 4.53 of UH-12E/UH-12L Series Structural Repair Manual.

(2) Clean thread outboard of the antinode weight anchor nut with a suitable wire brush.

(3) Using a micrometer, measure the thread major diameter.

(i) If the rod thread major diameter is between 0.3678 and 0.3750 inch, no further action is required for this AD and the rod may be reinstalled per instructions contained in the Structural Repair Manual.

NOTE.—*Caution.* Use extreme care in reinstalling the antinode bar assembly to insure that the screws attaching the anchor nut to the antinode bar are not sheared. Hand pressure is the maximum force allowed.

(ii) If the rod thread major diameter measures 0.3667 inch or less, before returning to service:

(A) Return the rotor blade(s) to Hiller Aviation or an FAA approved repair station to replace the antinode bar assembly, or

(B) Replace the antinode bar assembly per Hiller Service Bulletin 51-4, dated September 26, 1978.

NOTE.—Hiller Service Bulletin 51-4, dated September 26, 1978, is the only version of the service bulletin suitable for compliance with this AD.

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

(c) Equivalent inspection procedures and repairs may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Record the rod thread major diameter on the appropriate blade record card.

(e) Report the helicopter serial number, blade serial number, blade total time and the antinode rod thread major diameter to the Chief, Aircraft Engineering Division, FAA Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009. (Reporting approved by the Bureau of Budget under BOB No. 04-RO174.)

This amendment is effective October 27, 1978, and was effective upon receipt for all recipients of the priority mail letter dated September 22, 1978, which contained this amendment.

(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.)

Issued in Los Angeles, Calif., on October 11, 1978.

LEON C. DAUGHERTY,
Acting Director,
FAA Western Region.

[FR Doc. 78-29790 Filed 10-20-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-41]

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

Alteration of Control Zone and Transition Area, Reading, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: 0901 G.m.t., December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to subparts F and G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter a control zone and transition area. The rule resulted from the development of a revision to the instrument approach for the airport. On page 28207 of the FEDERAL REGISTER for June 29, 1978, the FAA published a proposed amendment to alter the subject control zone and transition area. Interested parties were given time in which to submit comments. No objections were received.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subparts F and G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 G.m.t., December 28, 1978, as published.

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

Issued in Jamaica, N.Y., on October 10, 1978.

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

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

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

[FR Doc. 78-29578 Filed 10-20-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-75]

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

Alteration of Transition Area: Ocean City, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will amend the Ocean City, Md., transition area's description by deleting the extension referenced to the Salisbury, Md., VORTAC 096° radial. This change is the result of the cancellation of the VOR-B instrument approach procedure.

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon publication in the FEDERAL REGISTER by adoption of the amendment, as follows:

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by amending the description of the Ocean City, Md., 700-foot floor transi-

tion area by deleting, "and within 2.5 miles each side of the Salisbury, Md., VORTAC 096° radial, extending from the 5-mile radius area to 15.5 miles east of the VORTAC".

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

Issued in Jamaica, N.Y., on October 10, 1978.

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

[FR Doc. 78-29576 Filed 10-20-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-EA-92]

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

Alteration of Transition Area: Westminster, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the transition area of Westminster, Md., by amending the descriptions to reflect a change of 1° for the transition area extension for Westminster Airport and extending the duration of the transition area from part time to full time. The 1° results from the implementation of a new VOR RWY 34 approach procedure. The full-time transition area is permitted by nighttime use of the new procedure.

EFFECTIVE DATE: 0901 G.m.t., November 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The 1° change is minor in nature and does not impose any additional burden on any person. The change from part-time to full-time transition can be effective November 16, 1978, when the new approach procedure is implemented. In view of the enhancement of air safety and fuller utilization of Westminster Airport, notice and public procedure hereon are impracticable and good cause exists for making the rule effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., November 16, 1978, as follows:

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by amending the description of the Westminster, Md. (Westminster Airport) 700-foot floor transition area as follows:

a. Delete "350°" and insert, "351°" in lieu thereof.

b. Delete "This transition area is effective from sunrise to sunset, daily.".

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

Issued in Jamaica, N.Y., on October 10, 1978.

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

[FR Doc. 78-29575 Filed 10-20-78; 8:45 am]

[4910-13-M]

[Docket No. 18348; Amdt. No. 1122]

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 SIAP's identified as follows:

* * * *effective December 28, 1978.*

Lansing, MI—Capital City, VOR Rwy 6, Amdt. 16.
Lansing, MI—Capital City, VOR Rwy 24, Amdt. 2.

* * * *effective November 30, 1978.*

Auburn, AL—Auburn-Opelika, VOR Rwy 28, Amdt. 6.
Huntsville, AL—Huntsville Airport North, VOR/DME-B, Amdt. 1.
Benton, AR—Saline County, VOR-A, Amdt. 4.
Blythe, CA—Blythe, VOR Rwy 26, Amdt. 2.
Blythe, CA—Blythe, VOR-A, Amdt. 3.
Santa Ynez, CA—Santa Ynez, VOR-A, Amdt. 6.
Santa Ynez, CA—Santa Ynez, VOR-B, Amdt. 4.
Logansport, IN—Logansport Municipal, VOR-A, Amdt. 4.
Pineville, LA—Pineville Municipal, VOR-A, Amdt. 1.
Frederick, MD—Frederick Municipal, VOR Rwy 23, Amdt. 5.
Hattiesburg, MS—Hattiesburg Muni, VOR Rwy 13, Amdt. 7.
Las Vegas, NV—McCarran Int'l, VOR Rwy 25, Amdt. 9.
Raton, NM—Crews Fld, VOR/DME Rwy 2, Amdt. 2.
Pittsburgh, PA—Greater Pittsburgh Int'l, VOR Rwy 28C, Amdt. 3.
Pawtucket, RI—North Central State, VOR-B Original.
Charleston, SC—Charleston AFB/Muni, VOR Rwy 3 (TAC), Amdt. 9.
Cleburne, TX—Cleburne Muni, VOR/DME-A, Amdt. 1.

* * * *effective November 16, 1978.*

Carbondale-Murphysboro, IL—Southern Illinois, VOR-B, Original.
Kirksville, MO—Clarence Cannon Memorial, VOR-A, Amdt. 11.
Kirksville, MO—Clarence Cannon Memorial, VOR/DME-B (TAC), Amdt. 3.

* * * *effective November 2, 1978.*

Lawrenceville, VA—Lawrenceville Municipal, VOR-A, Amdt. 3.

* * * *effective October 5, 1978.*

Charlotte, NC—Douglas Muni, VOR/DME Rwy 18L, Amdt. 1.

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

* * * *effective December 28, 1978.*

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

* * * *effective November 30, 1978.*

Batesville, AR—Batesville Regional, SDF Rwy 7, Amdt. 2.
Charlotte, NC—Douglas Municipal, LOC/DME (BC) Rwy 23, Original.

* * * *effective November 16, 1978.*

Kirksville, MO—Clarence Cannon Memorial, LOC Rwy 35, Original.

* * * *effective October 11, 1978.*

Oklahoma City, OK—Will Rogers World, LOC (BC) Rwy 17L, Amdt. 6, cancelled.

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

* * * *effective December 28, 1978.*

Texarkana, AR—Texarkana Muni/Webb Field, NDB Rwy 22, Amdt. 6.
Wauseon, OH—Fulton County, NDB Rwy 27, Amdt. 4.
Dayton, OH—James M. Cox Dayton International, NDB Rwy 6L, Amdt. 3.
Dayton, OH—James M. Cox Dayton International, NDB Rwy 6R, Amdt. 3.

* * * *effective November 30, 1978.*

Batesville, AR—Batesville Regional, NDB Rwy 7, Amdt. 2.
Strugis, KY—Strugis Muni, NDB Rwy 36, Amdt. 1.
Lebanon, OH—Lebanon-Warren County, NDB-A, Original.
Hattiesburg, MS—Hattiesburg Muni, NDB Rwy 13, Amdt. 6.
Binghamton, NY—Broome County, NDB Rwy 34, Amdt. 14.
Pittsburgh, PA—Greater Pittsburgh Intl., NDB Rwy 10L, Amdt. 8.
Pittsburgh, PA—Greater Pittsburgh Intl., NDB Rwy 28C, Amdt. 3.
Pittsburgh, PA—Greater Pittsburgh Intl., NDB Rwy 28R, Amdt. 3.
Greer, SC—Greenville-Spartanburg, NDB Rwy 3, Amdt. 9.

* * * *effective November 16, 1978.*

Carbondale-Murphysboro, IL—Southern Illinois, NDB Rwy 18, Amdt. 5.

* * * *effective November 2, 1978.*

Port Heiden, AK—Port Heiden, NDB Rwy 5, Original.
Port Heiden, AK—Port Heiden, NDB Rwy 13, Original.
Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley, NDB Rwy 4, Amdt. 4.

* * * *effective October 11, 1978.*

Oklahoma City, OK—Will Rogers World, NDB Rwy 17L, Orig., cancelled.
Oklahoma City, OK—Will Rogers World, NDB Rwy 35R, Amdt. 1, cancelled.

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

* * * *effective December 28, 1978.*

Texarkana, AR—Texarkana Muni/Webb Field, ILS Rwy 22, Amdt. 8.
Dayton, OH—James M. Cox Dayton International, ILS Rwy 6L, Amdt. 2.
Dayton, OH—James M. Cox Dayton International, ILS Rwy 18, Amdt. 5.
Dayton, OH—James M. Cox Dayton International, ILS Rwy 24L, Amdt. 3.
Dayton, OH—James M. Cox Dayton International, ILS Rwy 24R, Original.

* * * *effective November 30, 1978.*

Binghamton, NY—Broome County, ILS Rwy 34, Amdt. 18.
New York, NY—John F. Kennedy Int'l., ILS Rwy 13L, Amdt. 10.
Pittsburgh, PA—Greater Pittsburgh Int'l., ILS Rwy 10L, Amdt. 18.
Pittsburgh, PA—Greater Pittsburgh Int'l., ILS Rwy 28C, Amdt. 18.
Pittsburgh, PA—Greater Pittsburgh Int'l., ILS Rwy 32, Amdt. 1.
Greer, SC—Greenville-Spartanburg, ILS Rwy 3, Amdt. 12.

* * * *effective November 16, 1978.*

Carbondale-Murphrysboro, IL—Southern Illinois, ILS Rwy 18, Amdt. 5.

* * * *effective November 2, 1978.*

New York, NY—LaGuardia, ILS Rwy 4, Amdt. 31.
Dallas-Ft. Worth, TX—Dallas-Ft. Worth, Regional, ILS Rwy 17R, Amdt. 7.
Staunton-Waynesboro-Harrisonburg, VA—Shenandoah Valley, ILS Rwy 4, Amdt. 2.

* * * *effective October 11, 1978.*

Oklahoma City, OK—Will Rogers World, ILS Rwy 35R, Amdt. 5, cancelled.

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

* * * *effective December 28, 1978.*

Lansing, MI—Capital City, RADAR 1, Amdt. 5.
Dayton, OH—James M. Cox Dayton International, RADAR-1, Amdt. 1.

* * * *effective November 30, 1978.*

Pittsburgh, PA—Greater Pittsburgh Int'l., RADAR 1, Amdt. 18.
Charleston, SC—Charleston AFB/Muni, RADAR-1, Amdt. 12.

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

* * * *effective December 28, 1978.*

Dayton, OH—James M. Cox Dayton International, RNAV Rwy 6R, Amdt. 4.
Dayton, OH—James M. Cox Dayton International, RNAV Rwy 24L, Amdt. 3.
Reading, PA—Reading Municipal Gen. Carl A. Spaatz Field, RNAV Rwy 13, Amdt. 1.
Reading, PA—Reading Municipal Gen. Carl A. Spaatz Field, RNAV Rwy 18, Amdt. 1.

* * * *effective November 30, 1978.*

Logansport, IN—Logansport Municipal, RNAV Rwy 27, Original.
Chapel Hill, NC—Horace Williams, RNAV Rwy 8, Amdt. 1, cancelled.
Chapel Hill, NC—Horace Williams, RNAV Rwy 26, Amdt. 1, cancelled.
Pittsburgh, PA—Greater Pittsburgh Int'l., RNAV Rwy 14, Amdt. 3.
Pawtucket, RI—North Central State, RNAV Rwy 5, Original.
Pawtucket, RI—North Central State, RNAV Rwy 23, Original.

* * * *effective November 16, 1978.*

Kirksville, MO—Clarence Cannon Memorial, RNAV Rwy 35, Amdt. 4.

* * * *effective October 11, 1978.*

Oklahoma City, Ok—Will Rogers World, RNAV Rwy 17L, Amdt. 2, cancelled.

(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 October 13, 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. 78-29574 Filed 10-20-78; 8:45 am]

[3510-17-M]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 8—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF COMMERCE—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Appendix A—Federal Financial Assistance to Which This Part Applies [1]

AGENCY: Department of Commerce.

ACTION: Revision and amendment of Department of Commerce appendix A.

SUMMARY: Executive Order 11764 delegated to the Attorney General final approval of regulations to implement title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. In accordance with that authority the Department of Justice issued regulations (28 CFR 42.401-415) to coordinate each Federal agency's title VI regulations. Section 42.403(d) of the Justice regulations requires that each agency publish a current list of the Federal financial assistance covered under its title VI programs. This rule revises the Commerce Department's list of Federal financial assistance which is contained in appendix A to this part.

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Alice K. Helm, Office of Civil Rights, Department of Commerce, 14th and Constitution Avenue, Washington, D.C. 20230, 202-377-5391.

Appendix A to part 8 of title 15, subtitle A of the Code of Federal Regulations is hereby revised and amended as follows:

Dated: September 29, 1978.

JUANITA M. KREPS,
Secretary.

APPENDIX A: PROGRAMS COVERED BY TITLE VI

I. FEDERAL FINANCIAL ASSISTANCE TO WHICH TITLE 15, SUBTITLE A, PART 8 APPLIES

Economic Development Administration

1. Loans, grants, technical and other assistance for public works and development facilities, for supplementing Federal grants-in-aid, for private businesses, and for other purposes, including assistance in connection with designated economic development districts and regions (Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121 et seq.).

2. Financial and technical assistance to firms to aid economic adjustment to the effects of increased imports in direct competition with firm products (Trade Act of 1974, 19 U.S.C. 2341-2354).

3. Assistance to communities adversely affected by increased imports in direct competition with products manufactured in the community area (Trade Act of 1974, 19 U.S.C. 2371-2374.

4. Assistance to projects involving construction of local and State public facilities in order to reduce unemployment and provide State and local governments with badly needed public facilities (Local Public Works Capital Development and Assistance Act of 1976, 42 U.S.C. 6701-6710).

5. Trade adjustment assistance: Loans, dissemination of technical information (title II of the Trade Act of 1974, 19 U.S.C. 2341-2374).

Maritime Administration

1. Operating differential subsidy assistance to operators of U.S. flag vessels engaged in U.S. foreign commerce (46 U.S.C. 1171 et seq.).

2. Assistance to operate State maritime academies and colleges to train merchant marine officers (46 U.S.C. 1381-1388).

3. Ship construction differential subsidies, direct payments (Merchant Marine Act of 1936, as amended, 46 U.S.C. 1151-1161).

National Fire Prevention and Control Administration

1. Academy planning assistance: To assist States in the development of training and education in the fire prevention and control area (15 U.S.C. 2201-2219).

2. State fire incident reporting assistance: To assist States in the establishment and operation of a statewide fire incident and casualty reporting system (15 U.S.C. 2201-2219).

3. Public education assistance planning: Publications, audiovisual presentations and demonstrations, research, testing, and experimentation to determine the most effective means for such public education (15 U.S.C. 2205c).

4. Policy development assistance: Studies of the operations and management aspects of fire services (15 U.S.C. 2207c).

National Oceanic and Atmospheric Administration

1. Assistance to States, educational institutions, and the commercial fishing industry for the development of tuna and other latent fisheries (16 U.S.C. 758e).

2. Assistance to States for the development and implementation of programs to protect and study certain species of marine mammals (16 U.S.C. 1379b).

3. Financial assistance to States with agencies which have entered into a cooperative agreement to assist in the preservation of threatened and endangered species (16 U.S.C. 1535).

4. Assistance to coastal States for the development of estuarine sanctuaries to serve as field laboratories and for acquiring access to public beaches (16 U.S.C. 1461).

5. Assistance to coastal States for the development, implementation, and administration of coastal zone management programs (16 U.S.C. 1454-1455).

6. Assistance to coastal States to help communities in dealing with the economic, social, and environmental consequences re-

[1] NOTE.—Appendix A to this part was added on July 5, 1973, 38 FR 17938. It was inadvertently omitted from title 15 of the Code of Federal Regulations. This rule revises and reinstates appendix A to part 8 of title 15.

sulting from expanded coastal energy activity (16 U.S.C. 1456).

7. Authority to enter into cooperative agreements with "colleges and universities, with game and fish departments of the several States, and with nonprofit organizations relating to cooperative research units." Assistance limited to assignment of personnel, supplies, and incidental expenses (16 U.S.C. 753 a and b).

8. Grants for education and training of personnel in the field of commercial fishing, "to public and nonprofit private universities and colleges * * *" (16 U.S.C. 760d).

9. Grants for "office and any other necessary space" for the Northern Pacific Halibut Commission (16 U.S.C. 772).

10. The "Dingell Johnson Act": Apportionment of dollars to States for restoration and management of sport or recreational species (16 U.S.C. 777-777i; 777k).

11. Authority to cooperate with and provide assistance to States in controlling jellyfish, etc. (16 U.S.C. 1201, 1202).

12. Authority to cooperate with and provide assistance to certain States and territories in the study and control of "Crown of Thorns" starfish (16 U.S.C. 1211-1213).

13. Technical assistance to fishing cooperatives regarding catching and marketing aquatic products (15 U.S.C. 521-522).

14. Fish research and experimentation program cooperation with other agencies in acquisition of lands, construction of buildings, employment of personnel in establishing and maintaining research stations (16 U.S.C. 778a).

15. Assistance to upgrade commercial fishing vessels and gear (16 U.S.C. 742c).

16. Assistance to State projects designed for the research and development of commercial fisheries resources of the nation (16 U.S.C. 779a-779f).

17. Assistance to State and other non-Federal interests under cooperative agreements to conserve, develop, and enhance anadromous and Great Lakes Fisheries (16 U.S.C. 757a et seq.).

18. Grants and other assistance under the National Sea Grant College and Program Act of 1966: To support establishment of major university centers for marine research, education, training, and advisory services (33 U.S.C. 1121-1124).

19. Geodetic surveys and services; advisory services; dissemination of technical information (33 U.S.C. 883a).

20. Nautical charts assistance; advisory services; dissemination of technical information (33 U.S.C. 883a).

21. River and flood forecast and warning services; advisory services (15 U.S.C. 313).

22. Weather forecast and warning services (15 U.S.C. 311 and 313, 49 U.S.C. 1351 and 1463).

23. Commercial fisheries disaster assistance (16 U.S.C. 779b).

24. Provision for the Weather Service to assist in joint projects "of mutual interest" (15 U.S.C. 1525).

Office of Minority Business Enterprise

1. Assistance to minority business enterprises: Grants, contracts, advisory service, technical information (15 U.S.C. 1512; title III of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3151; Executive Order 11625, Oct. 13, 1971).

Regional Action Planning Commissions

1. Supplemental grants to Federal grant-in-aid programs and technical assistance funds for planning, investigations, studies, training programs, and demonstration projects, including demonstrations in energy, transportation, health and nutrition, education and indigenous arts and crafts (title V of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3181-3196).

United States Travel Service

1. Assistance to strengthen the domestic and foreign commerce of the United States, and to promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States (22 U.S.C. 2121 et seq.).

Departmentwide

1. Authority to make basis scientific research grants (42 U.S.C. 1891-1893; to be superseded no later than Feb. 3, 1979, by the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224).

II. A PRIMARY OBJECTIVE OF THE FINANCIAL ASSISTANCE AUTHORIZED BY THE FOLLOWING STATUTES, ALREADY LISTED ABOVE IN APPENDIX AI, IS TO PROVIDE EMPLOYMENT

1. Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 et seq.).
2. Trade Act of 1974 (19 U.S.C. 2341-2354).
3. Local Public Works Capital Development and Assistance Act of 1976 (42 U.S.C. 6701-6710).

[FR Doc. 78-29807 Filed 10-20-78; 8:45 am]

[3510-25-M]

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Embargo on Export Trade With Uganda

AGENCY: Office of Export Administration, Bureau of Trade Regulation, (Industry and Trade Administration) U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: Pub. L. 95-435, signed by President Carter on October 10, 1978, amended the Export Administration Act of 1969 by adding a provision embargoing export trade (except cereal grains and additional food products) with Uganda. This rule announces that, effective October 10, 1978, this embargo supersedes any existing provisions of the Export Administration Regulations to the contrary. The Department is now reviewing the statute to determine what further regulatory changes may be required.

EFFECTIVE DATE: October 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Accordingly, part 385 of the Export Administration Regulations (15 CFR Part 385) is amended to add a new section to read as follows:

§ 385.7 Uganda.

Pub. L. 95-435, effective October 10, 1978, added a new subsection (m) to section 4 of the Export Administration Act of 1969, as amended, as follows:

No article, material, or supply, including technical data or other information, other than cereal grains and additional food products, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States may be exported to Uganda until the President determines and certifies to the Congress that the Government of Uganda is no longer committing a consistent pattern of gross violations of human rights.

Any provision in the Export Administration Regulations contrary to this embargo is superseded.

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; sec. 5(d), Pub. L. 95-435, 92 Stat. 1051; E.O. 12002, 42 FR 35623 (1977); Department Organization order 10-3, dated Dec. 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated Dec. 4, 1977, 42 FR 64716 (1977).)

Dated: October 17, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 78-29803 Filed 10-18-78; 3:37 pm]

[3710-92-M]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

San Miguel Island, Calif.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This document amends the regulations which establish a naval danger zone at San Miguel Island, Calif. This amendment extends the period of use for the danger zone to July 1, 1980.

DATE: Effective on October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard, 202-693-5070, or write: Office of the Chief of Engineers, attention: DAEN-CWO-N, Forrestal Building, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: The proposed revision was published in the FEDERAL REGISTER on August 16, 1978 (43 FR 36283), with the comment period expiring on September 18, 1978. We received no objections to extending the period of use for this danger zone. Pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), 33 CFR 204.203(c)(9) is revised as set forth below:

NOTE.—The Department of the Army 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: October 2, 1978.

Approved:

MICHAEL BLUMENFELD,
Deputy Under Secretary of the Army.

§ 204.203 Pacific Ocean at San Miguel Island, Calif., naval danger zone.

* * * * *

(c) The regulations. * * *

(9) The regulations in this section shall be in effect until July 1, 1980, and shall be reviewed in May 1980 to determine the continuing need.

(33 U.S.C. 1, 3.)

[FR Doc. 78-29768 Filed 10-20-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 992-1; PP 6E1848/R175]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbaryl

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

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide carbaryl. The request was submitted by the Interregional Research Project No. 4. This regulation establishes a maximum permissible level for residues of carbaryl on sweet potatoes.

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW, Washington, D.C. 20460, 202-755-4851.

SUPPLEMENTARY INFORMATION: On August 3, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 34163) in response to a pesticide petition (PP 6E1848) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Florida, Louisiana, and North Carolina. this petition proposed that 40 CFR 180.169 be amended by establishing a tolerance for residues of the insecticide carbaryl (1-napthyl *N*-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as carbaryl, in or on the raw agricultural commodity sweet potatoes at 0.2 part per million (ppm). Two comments were received in response to this notice of proposed rulemaking. One advocated establishment of the proposed tolerance. The other pointed out a typographical error ("rate" should be changed to "rat" in the ninth paragraph, third line) and recommended that the word "teratology" in the ninth paragraph, third line, be changed to "feeding" and that the term "highest level fed" in the ninth paragraph, fifth line, be deleted, all in the preamble.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.169 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before November 22, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on the date of publication in the FEDERAL REGISTER, part 180, subpart C, § 180.169 is amended by alphabetically inserting a tolerance for carbaryl on sweet potatoes at 0.2 ppm as set forth below.

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

Dated: October 16, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, subpart C, § 180.169, is revised by reformatting the section into an alphabetized columnar listing and alphabetically inserting the new tolerance of 0.2 ppm in or on sweet potatoes, as follows:

§ 180.169 Carbaryl; tolerances for residues.

Tolerances are established for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate, in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Alfalfa	100
Alfalfa, hay	100
Almonds	1
Almonds, hulls	40
Apples	10
Apricots	10
Asparagus	10
Bananas	10
Barley, grain	0
Barley, green fodder	100
Barley, straw	100
Beans	10
Beans, forage	100
Beans, hay	100
Beets, garden (roots)	5
Beets, garden (tops)	12
Blackberries	12
Blueberries	10
Boysenberries	12
Broccoli	10
Brussels sprouts	10
Cabbage	10
Carrots	10
Cauliflower	10
Cherries	10
Chinese cabbage	10
Citrus fruits	10
Clover	100
Clover, hay	100
Collards	12
Corn, fresh (including sweet) K+CWHR	5
Corn, fodder	100
Corn, forage	100
Cotton, forage	100
Cottonseed	5
Cowpeas	5
Cowpeas, forage	100
Cowpeas, hay	100
Cranberries	10
Cucumbers	10
Dandelions	12
Dewberries	12
Eggplants	10
Endive (escarole)	10
Filberts (hazelnuts)	1
Grapes	10
Grass	100
Grass, hay	100
Horseradish	5
Kale	12
Kohlrabi	10
Lettuce	10
Loganberries	12

	Parts per
Melons	10
Mustard greens	12
Nectarines	10
Oats, fodder, green	100
Oats, grain	0
Oats, straw	100
Okra	10
Olives	10
Parsley	12
Parsnips	5
Peaches	10
Peanuts	5
Peanuts, hay	100
Pears	10
Peas (with pods)	10
Peavines	100
Pecans	1
Peppers	10
Plums (fresh prunes)	10
Poultry, fat	5
Poultry, meat	5
Potatoes	0.2(N)
Pumpkins	10
Radishes	5
Raspberries	12
Rice	5
Rice, straw	100
Rufabagas	5
Rye, fodder, green	100
Rye, grain	0
Rye, straw	100
Salsify (roots)	5
Salsify (tops)	10
Sorghum, forage	100
Sorghum, grain	10
Soybeans	5
Soybeans, forage	100
Soybeans, hay	100
Spinach	12
Squash, summer	10
Squash, winter	10
Strawberries	10
Sugar beets, tops	100
Sweet potatoes	0.2
Swiss chard	12
Tomatoes	10
Turnips, roots	5
Turnips, tops	12
Walnuts	1
Wheat, fodder, green	100
Wheat, grain	0
Wheat, straw	100

[FR Doc. 78-29729 Filed 10-20-78; 8:45 am]

[6560-01-M]

[FRL 992-8; PP 7E1964/R178]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terbacil

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

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of terbacil on sainfoin forage and hay. The regulation was requested by the Interregional Research Project No. 4. This rule establishes maximum permissible levels for residues of terbacil on sainfoin forage and hay.

EFFECTIVE DATE: Effective on October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-4851.

SUPPLEMENTARY INFORMATION: On August 9, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 35349) in response to a pesticide petition (PP 7E1964) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Montana.

This petition proposed that 40 CFR 180.209 be amended by the establishment of a tolerance for combined residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) and its hydroxylated metabolites (calculated as terbacil) in or on the raw agricultural commodities sainfoin forage and sainfoin hay at 5 parts per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.209 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before November 22, 1978, file written objections with the Hearing Clerk, Environmental Protection Agency, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 23, 1978, part 180, subpart C, § 180.209 is amended by adding tolerances for residues of terbacil on sainfoin forage and hay at 5 ppm as set forth below.

Dated: October 16, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

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

Part 180, subpart C, § 180.209 is amended by alphabetically inserting sainfoin forage and sainfoin hay at 5 ppm in the table in paragraph (b), to read as follows:

§ 180.209 Terbacil; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Sainfoin, forage	5
Sainfoin hay	5
* * * * *	

[FR Doc. 78-29718 Filed 10-20-78; 8:45 am]

[4110-35-M]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Redesignation of PSRO Areas in North Carolina

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This rule amends the professional standards review organization (PSRO) area designations for North Carolina by transferring Watauga County from PSRO area I to PSRO area II. The redesignation of these areas will result in PSRO areas that better coincide with existing medical service areas in North Carolina.

DATE: The transfer is effective October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Arnold Wilson, Health Care Financing Administration, telephone 301-443-5327.

SUPPLEMENTARY INFORMATION: On March 18, 1974, we published regulations (39 FR 10204) designating eight PSRO areas within North Carolina. Area I is composed of 20 counties in the westernmost portion of the State, and area II is composed of 12 counties in the northwestern portion of the State. Area VI is composed of 26 counties in the eastern portion of the State, and area VIII is composed of 13 counties in the southeastern portion of the State.

On October 27, 1977, we published a notice (42 FR 55626) proposing to transfer Watauga County from PSRO area I to PSRO area II and Onslow County from PSRO area VIII to PSRO area VI. Our aim was to have PSRO areas that more accurately reflect the medical referral patterns in those geographical areas.

No comments were received concerning the transfer of Watauga County. Comments were received, however, from the Onslow Medical Society, Onslow Hospital, Health Services Area Planning Agency, and the Southeastern North Carolina Medical Peer Review Foundation, requesting that Onslow County remain in PSRO area VIII. Onslow County is located on the border between areas VI and VIII, and is equally distant from the nearest major medical facilities in both PSRO areas.

The comments indicate that referrals from Onslow County are made as frequently to providers of medical care in area VIII as they are made to providers in area VI. Furthermore, the local review program of the North Carolina State Medicaid Hospital Admissions Review program (HARP) is operating in PSRO area VIII and includes review of medicaid patients in Onslow County.

We have concluded that leaving Onslow County in area VIII is consistent with current medical referral patterns. Therefore, we decided not to transfer Onslow County to area VI.

We have decided to transfer Watauga County from area I to area II so that these PSRO areas will more nearly coincide with the existing medical service areas. Data concerning patients in these two areas indicate that physicians from Watauga County generally refer patients to Winston-Salem in area II rather than to Asheville, the major medical center in area I. Hospitals in Watauga County are linked with health care facilities in Winston-Salem by a radio communication system which facilitates the delivery of emergency medical services to residents of Watauga County. Furthermore, because of the mountainous terrain between Watauga County and Asheville, Winston-Salem is more accessible than Asheville for Watauga County patients who travel by automobile.

42 CFR 460.37 is amended by revising the designation of PSRO area I and area II to read as follows:

§ 460.37 North Carolina.

Eight professional standards review organization areas are designated in North Carolina, composed of the following counties:

AREA I

Avery, Caldwell, Mitchell, Yancey, McDowell, Burke, Haywood, Buncombe, Rutherford, Swain, Transylvania, Jackson, Henderson, Polk, Graham, Macon, Cherokee, Clay, and Madison.

AREA II

Watauga, Surry, Stokes, Yadkin, Forsyth, Iredell, Davie, Rowan, Davidson, Ashe, Alleghany, Wilkes, and Alexander.

AREA III

Rockingham, Caswell, Guilford, Alamance, and Randolph.

AREA IV

Person, Orange, Durham, and Chatham.

AREA V

Granville, Vance, Warren, Franklin, Wake, Lee, Harnett, and Johnston.

AREA VI

Halifax, Northampton, Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, Nash, Edgecombe, Bertie, Martin, Washington, Tyrrell, Dare, Wilson, Greene, Pitt, Beaufort, Hyde, Lenoir, Craven, Pamlico, Jones, and Carteret.

AREA VII

Catawba, Lincoln, Cleveland, Gaston, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Union, Anson, and Richmond.

AREA VIII

Wayne, Hoke, Cumberland, Sampson, Duplin, Onslow, Scotland, Robeson, Bladen, Pender, Columbus, Brunswick, and New Hanover.

(Secs. 1102, 1152, Social Security Act (42 U.S.C. 1302, 1302c-1).)

Dated: September 7, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: October 11, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-29830 Filed 10-20-78; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-710]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to the Chief Administrative Law Judge

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: To encourage and expedite the consolidation for related hearing cases, the FCC authorizes the chief administrative law judge to consolidate such cases.

EFFECTIVE DATE: October 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel, 202-632-6444.

SUPPLEMENTARY INFORMATION:

Adopted: October 5, 1978.
Released: October 17, 1978.

By the Commission.

In the matter of delegation of authority to the chief administrative law judge.

1. Hearing cases involving the same parties, issues and factual disputes should ordinarily be consolidated. We think that the consolidation of such cases will be encouraged and expedited if the chief administrative law judge is authorized to consolidate them.

2. *Accordingly, it is ordered,* effective October 23, 1978, that the chief administrative law judge is authorized to consolidate related proceedings which have been designated for hearing. Authority for the rule amendment set forth below is contained in sections 4 (i) and (j), and 5 (d), of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 155(d). Because the amendment involves a matter of procedure and internal organization, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Section 0.351(i) is added, to read as follows:

§ 0.351 Authority delegated.

* * * * *

(i) The consolidation of related proceedings pursuant to § 1.227(a) of this chapter, after designation of those proceedings for hearing.

[FR Doc. 78-29698 Filed 10-19-78; 8:45 am]

[6712-01-M]

[FCC 78-709]

PART 1—PRACTICE AND PROCEDURE

Implementation of Pub. L. 95-234, Forfeiture Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends its rules to implement the new forfeiture statute (Pub. L. 95-234). The statute and the new regulations provide for forfeitures in amounts up to $20,000 in some cases against persons who willfully or repeatedly violate communications laws or regulations; extend the period for bringing an action to 1 year and in some cases to 3; and provide alterna-

tive hearing and nonhearing procedures for the imposition of forfeitures.

EFFECTIVE DATE: October 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel, 202-632-6444.

SUPPLEMENTARY INFORMATION:

Adopted: October 5, 1978.

Released: October 20, 1978.

By the Commission.

In the matter of implementation of Pub. L. 95-234, forfeiture procedures.

1. By Pub. L. 95-234, February 21, 1978, the Congress enacted new provisions governing the imposition of forfeitures by the Commission. The law applies to conduct taking place on or after March 23, 1978. Conduct which took place on or before March 22, 1978, continues subject to preexisting law and regulation (47 CFR 1.80, 1.621, and 1.991 (Oct. 1, 1977 ed.)).

2. *The law.* The new forfeiture law effectuates the following major changes:

(a) Under the new law, the Commission may impose forfeitures on any person who willfully or repeatedly fails to comply with the Communications Act, the Commission's rules, Commission orders, treaties, or the terms of any instrument of authorization. Thus, a forfeiture may be imposed for operation without a license, for marketing radio equipment in violation of the rules, etc. The previous law applied only to 12 specific offenses.

(b) The new law substantially increases the amount of the forfeiture which may be imposed. Under the new law, the maximum is $2,000. Previously it was $1,000 for broadcast licensees and $100 for other licensees. The maximum penalty imposed for multiple violations in a single notice of apparent liability is now $20,000 for common carriers, broadcast station licensees, and cable television station operators, and $5,000 for others. Previously it was $10,000 for broadcast station licensees and $500 for other licensees ($400 for a radio operator who did not hold a station license).

(c) The new law contains more generous statute of limitations provision—up to 3 years in the case of violations by broadcasters, and 1 year for others. The previous law required issuance of a notice of apparent liability within 1 year for violations by broadcast station licensees and within 90 days for other licensees.

(d) The new law specifies alternative procedures. First, the Commission may issue a notice of apparent liability and impose a forfeiture without holding a hearing; if the forfeiture is not paid, collection is by trial de novo in a Federal district court. Second, the Commission may issue a notice of opportunity for hearing, which is followed by an evidentiary hearing before an administrative law judge; respondent may petition for judicial review of a final forfeiture order under section 402(a) of the Communications Act, but is not entitled to a trial de novo. The previous law provided only for the notice of apparent liability—trial de novo procedure.

2. *Procedure; § 1.80.* Section 1.80, as set out in the attached appendix tracks the provisions of the new law and carries forward some of the administrative provisions of present § 1.80 (see, e.g., 1.80(h), providing details on payment of forfeitures). New § 1.80 would replace existing §§ 1.80, 1.81, 1.621, and 1.991. To preclude repetitive pleadings following issuance of a final forfeiture order, which have heretofore posed a problem, § 1.80(i) provides that requests for remission or mitigation filed pursuant to section 504(b) of the Communications Act shall be filed as petitions for reconsideration. We believe that one opportunity for reconsideration following final Commission action, followed by judicial review or a trial de novo, quite adequately suffices to serve the interests of fairness.

3. Authority for these rules is contained in sections 4(i), 503(b), and 504(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 503(b), and 504(b). Because the rules concern procedure and because they simply track the provisions of Pub. L. 95-234, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

4. *Accordingly, it is ordered,* effective October 23, 1978, That part 1 of the rules and regulations is amended as set out below.

(Secs. 4, 503, 504, 48 Stat., as amended, 1066, 1101, 47 U.S.C. 154, 503, 504.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 1 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.80 is revised to read as follows:

§ 1.80 Forfeiture proceedings.

(a) *Persons against whom and violations for which, a forfeiture may be assessed.* A forfeiture penalty may be assessed against any person found to have:

(1) Willfully or repeatedly failed to comply substantially with the terms and conditions of any license, permit, certificate, or other instrument of authorization issued by the Commission;

(2) Willfully or repeatedly failed to comply with any of the provisions of the Communications Act of 1934, as amended; or of any rule, regulation or order issued by the Commission under that Act or under any treaty, convention, or other agreement to which the United States is a party and which is binding on the United States;

(3) Violated any provision of section 317(c) or 509(a) of the Communications Act; or

(4) Violated any provision of section 1304, 1343, or 1464 of Title 18, United States Code.

A forfeiture penalty assessed under this section is in addition to any other penalty provided for by the Communications Act, except that the penalties provided for in subpargraphs (1) and (2) of paragraph (b) of this section shall not apply to conduct which is subject to a forfeiture penalty under section 202(c), 203(e), 205, 214(d), 219(b), 220(d), 364, 386, or 507 of the Communications Act. The remaining provisions of this section are applicable to such conduct.

(b) *Limits on the amount of the forfeiture assessed—*(1) *Limit for each violation.* The amount of any forfeiture penalty assessed under this section shall not exceed $2,000 for each violation.

(2) *Limits on total penalty.* Each day of a continuing violation shall constitute a separate offense, but the total forfeiture which may be imposed under this section for conduct set forth in any notice of apparent liability or notice of opportunity for hearing shall not exceed: (i) $20,000, if the violator is a common carrier subject to the provisions of the Communications Act, a broadcast station licensee or permittee, or a cable television system operator, and the violation relates to operation of those facilities, and

(ii) $5,000, in the case of any other violator.

NOTE.—For information concerning notices of apparent liability and notices of opportunity for hearing, see paragraphs (e), (f), and (g) of this section.

(3) *Factors considered in determining the amount of the forfeiture penalty.* In determining the amount of the forfeiture penalty, the Commission or its designee will take into account the nature, circumstances, extent and gravity of the violations and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(c) *Limits on the time when a proceeding may be initiated.* (1) In the case of a broadcast station, no forfeiture penalty shall be imposed if the violation occurred more than 3 years prior to the date on which the notice

of apparent liability or notice of opportunity for hearing is issued. In addition, no forfeiture penalty shall be imposed if the violation occurred more than 1 year prior to the issuance of the appropriate notice or prior to the date of commencement of the current license term, whichever is earlier.

(2) In the case of a forfeiture imposed against a carrier under sections 202(c), 203(e), and 220(d), no forfeiture will be imposed if the violation occurred more than 5 years prior to the issuance of a notice of apparent liability.

(3) In all other cases, no penalty shall be imposed if the violation occurred more than 1 year prior to the date on which the appropriate notice is issued.

(d) *Preliminary procedure in some cases; citations.* No forfeiture penalty shall be imposed upon any person under this section, if such person does not hold a license, permit, certificate, or other authorization issued by the commission, unless, prior to the issuance of the appropriate notice, such person: (1) Is sent a citation reciting the violation charged; (2) is given a reasonable opportunity (usually 30 days) to request a personal interview with a Commission official, at the field office which is nearest to such person's place of residence; and (3) subsequently engages in conduct of the type described in the citation. However, a forfeiture penalty may be imposed, if such person is engaged in (and the violation relates to) activities for which a license, permit, certificate, or other authorization is required. Paragraph (c) of this section does not limit the issuance of citations. When the requirements of this paragraph have been satisfied with respect to a particular violation by a particular person, a forfeiture penalty may be imposed upon such person for conduct of the type described in the citation without issuance of an additional citation.

(e) *Alternative procedures.* In the discretion of the Commission, a forfeiture proceeding may be initiated either: (1) By issuing a notice of apparent liability, in accordance with paragraph (f) of this section, or (2) a notice of opportunity for hearing, in accordance with paragraph (g).

(f) *Notice of apparent liability.* Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission or its designee will issue a written notice of apparent liability.

(1) *Content of notice.* The notice of apparent liability will: (i) Identify each specific provision, term, or condition of any act, rule, regulation, order, treaty, convention, or other agreement, license, permit, certificate, or instrument of authorization which the respondent has apparently violated or with which he has failed to comply,

(ii) Set forth the nature of the act or omission charged against the respondent and the facts upon which such charge is based,

(iii) State the date(s) on which such conduct occurred, and

(iv) Specify the amount of the apparent forfeiture penalty.

(2) *Delivery.* The notice of apparent liability will be sent to the respondent, by certified mail, at his last known address (see § 1.15).

(3) *Response.* The respondent will be afforded a reasonable period of time (usually 30 days from the date of the notice) to show, in writing, why a forfeiture penalty should not be imposed or should be reduced, or to pay the forfeiture. Any showing as to why the forfeiture should not be imposed or should be reduced shall include a detailed factual statement and such documentation and affidavits as may be pertinent.

(4) *Forfeiture order.* If the proposed forfeiture penalty is not paid in full in response to the notice of apparent liability, the Commission, upon considering all relevant information available to it, will issue an order canceling or reducing the proposed forfeiture or requiring that it be paid in full and stating the date by which the forfeiture must be paid.

(5) *Judicial enforcement of forfeiture order.* If the forfeiture is not paid, the case will be referred to the Department of Justice for collection under section 504(a) of the Communications Act.

(g) *Notice of opportunity for hearing.* The procedures set out in this paragraph will ordinarily be followed only when a hearing is being held for some reason other than the assessment of a forfeiture (such as, to determine whether a renewal application should be granted) and a forfeiture is to be considered as an alternative or in addition to any other Commission action. However, these procedures may be followed whenever the Commission, in its discretion, determines that they will better serve the ends of justice.

(1) Before imposing a forfeiture penalty under the provisions of this paragraph, the Commission will issue a notice of opportunity for hearing. The hearing will be a full evidentiary hearing before an administrative law judge, conducted under procedures set out in subpart B of this part, including procedures for appeal and review of initial decisions. A final Commission order assessing a forfeiture under the provisions of this paragraph is subject to judicial review under section 402(a) of the Communications Act.

(2) If, after a forfeiture penalty is imposed and not appealed or after a court enters final judgment in favor of the Commission, the forfeiture is not paid, the Commission will refer the matter to the Department of Justice for collection. In an action to recover the forfeiture, the validity and appropriateness of the order imposing the forfeiture are not subject to review.

(h) *Payment.* The forfeiture should be paid by check or money order drawn to the order of the Federal Communications Commission. The Commission does not accept responsibility for cash payments sent through the mails. The check or money order should be mailed to the Fee Collection Section, Finance Branch, Federal Communications Commission, Box 19302, Washington, D.C. 20036, or delivered to the Fee Collection Section, Room 209, 1919 M Street NW., Washington, D.C.

(i) *Remission and mitigation.* In its discretion, the Commission, or its designee, may remit or reduce any forfeiture imposed under this section. After issuance of a forfeiture order, any request that it do so shall be submitted as a petition for reconsideration pursuant to § 1.106.

(j) *Effective date.* In accordance with Pub. L. 95-234, February 21, 1978, the provisions of this section govern the imposition of forfeiture involving conduct which took place on or after March 23, 1978. Provisions which govern the imposition of forfeitures involving conduct which took place on or before March 22, 1978 are set out at 47 CFR 1.80, 1.621, and 1.991 (Oct. 1, 1977 ed.).

§§ 1.81, 1.621, 1.991 [Deleted]

2. Section 1.81 is deleted.
3. Section 1.621 is deleted.
4. Section 1.991 is deleted.

[FR Doc. 78-29832 Filed 10-20-78; 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-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Proposed Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites written comments on a proposal that the supply plant shipping requirements under the Chicago order be temporarily decreased by 5 percentage points for the months of October and November 1978. The action was requested by cooperative associations representing a majority of the producers supplying the market to prevent uneconomic shipments of milk.

DATE: Comments are due on or before October 26, 1978.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(5) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the months of October and November 1978.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than October 26, 1978. All documents filed should be in quadruplicate. The period for filing views is being limited to the above mentioned date to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during October. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be revised is the supply plant shipping percentage of 35 percent set forth in § 1030.7(b) that is applicable during the months of October and November.

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) shall be increased or decreased by up to 10 percentage points during the months of September through March as necessary to obtain needed shipments or to prevent uneconomic shipments.

Cooperative associations representing a majority of producers supplying the Chicago Regional market request that during October and November 1978 the supply plant shipping percentages be reduced 5 percentage points. These cooperatives state that the 35 percent shipping requirements in October and November would cause uneconomic shipments of milk.

There is a reduced demand for Class I milk and an increase in the milk supply on the market. Thus, there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may, accordingly, be appropriate. A reduction in the required shipments of supply plant milk during October and November would allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentages for the months of October and November 1978 to prevent uneconomic shipments.

Signed at Washington, D.C., on October 18, 1978.

H. L. FOREST,
Director, Dairy Division.

[FR Doc. 78-29818 Filed 10-20-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-48]

TRANSITION AREA, GIDDINGS, TEX.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Giddings, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing instrument approach procedures to the Giddings-Lee County Airport. The circumstance which created the need for the action was a requirement to provide capability for flight under instrument weather conditions to the airport. Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR) status.

DATES: Comments must be received by November 22, 1978.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

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

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box

1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARTY INFORMATION: Subpart G 71.181 (43 CFR 440) of FAR Part 71, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Giddings, Tex., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before November 22, 1978, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date of comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Giddings, Tex. The FAA believes this action will enhance IFR operations at the Giddings-Lee County Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the Industry, Tex., VORTAC. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

THE PROPOSED AMENDMENT

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

GIDDINGS, TEX.

That airspace extending upward from 700 feet above the surgface within a 5-mile radius of Giddings-Lee County Airport (lat. 30°10'11" N., long. 96°58'51" W.).

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

NOTE.—The FAA has determined that this document 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 3, 1978).

Issued in Forth Worth, Tex., on October 10, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-29579 Filed 10-20-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-EA-71]

TRANSITION AREA, PITTSTOWN, N.J.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Pittstown, N.J., Transition Area, over Sky Manor Airport, Pittstown, N.J. This alteration will change the approach course by 1 degree and provide protection to aircraft executing the revised instrument approach by increasing the controlled airspace. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before December 4, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before December 4, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

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

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), to alter the transition area over Sky Manor Airport. The alteration will increase the length of the present transition area extension by 1 mile, and increase the width of the extension from a total width of 6 miles to a total width of 9 miles.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations, by deleting the description of the Pittstown, N.J., 700-foot floor transition area and by inserting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°33'59" N., 74°58'43" W., of Sky Manor Airport, Pittstown, N.J., and within 4.5 miles each side of the Solberg, N.J., VORTAC 264° radial, extending from the 7-mile radius area to 23 miles west of the VORTAC.

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

NOTE.—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 Jamaica, N.Y., on October 10, 1978.

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

[FR Doc. 78-29577 Filed 10-20-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-NW-7]

CONTROL AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to enlarge the Omak, Wash., Control Area. This action would aid air traffic control by improving the flow control procedures associated with aircraft arriving/departing the Seattle and Spokane, Wash., Area.

DATES: Comments must be received on or before November 22, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-NW-7, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before November 22, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM/

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

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would enlarge the southern portion of the Omak, Wash., Control Area and would lower the base altitude from 5,500 feet MSL to 4,500 feet MSL in the new area. The portion of the Omak Control Area extending to the United States-Canada border with a base of 8,500 feet MSL would not be changed. This action would improve the flow of traffic around the Seattle and Spokane, Wash. Terminal Areas. This amendment would enhance aircraft flight safety, improve flow control procedures and aid air traffic controllers when applying ATC IFR procedures.[1]

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 348) as follows:

In Section 71.163, Omak, Wash.:

"That airspace extending upward from 5,500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata VOR;" would be deleted and "That airspace extending upward from 4,500 feet MSL beginning at Lat. 48°00' N., Long. 118°36' W., to Lat. 47°45' N., Long. 118°36' W., to Lat. 47°45' N., Long. 120°00' W., to Lat. 48°00' N., Long. 120°00' W., to Lat. 48°00' N., Long. 119°35' W., to Lat. 48°09'30" N., Long. 119°36' W., to Lat. 48°10' N., Long. 119°23' W., to Lat. 48°00' N., Long. 119°22'20" W., to point of beginning." would be substituted therefor.

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

NOTE.—The FAA has determined that this document 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 October 16, 1978.

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

[FR Doc. 78-29794 Filed 10-20-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-NW-13]

TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to enlarge the Seattle, Wash., Transition Area since the currently designated transition area is not large enough to provide for maximum air traffic service. This action would aid air traffic control by improving traffic flow into the Seattle, Spokane, Wash., terminal areas.

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

DATES: Comments must be received on or before November 22, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 78-NW-13, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before November 22, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would enlarge the Seattle, Wash., Transition Area. A part of this transition area has a base of 700 feet, another part a base of 1,200 feet, and a third part a base of 9,500 feet. The proposed addition would extend the portion with a base of 9,500 feet to permit expeditious flow of traffic associated with the Seattle and Spokane, Wash., terminal areas. This would improve aviation safety and aid air traffic controllers by permitting flexibility during radar vectoring.[1] Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) as follows:

Seattle, Wash., beginning on line 10, the description would be amended to read:

All after "that airspace east of Seattle extending upward from 9,500 feet MSL bounded on the north by a line beginning at Lat. 48°00′ N., Long. 121°35′ W.;" would be deleted and "to Lat. 48°00′ N., Long. 120°00′ W., on the east by a line extending south via Long. 120°00′ W., to the north edge of V-2N.; on the south by the north edge of V-2N to Long. 121°35′ W.; and on the west by Long. 121°35′ W., to the point of beginning." would be substituted therefor.

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

NOTE.—The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on October 16, 1978.

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

[FR Doc. 78-29791 Filed 10-20-78; 8:45 am]

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

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-14]

VOR FEDERAL AIRWAYS

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign a segment of V-8 north alternate airway between Seal Beach, Calif., and Pomona, Calif., to begin at the INT of the Seal Beach 058° and Pomona 187° magnetic radials rather than to begin at Seal Beach. This action would designate as airway the route that is presently used as an arrival vector route, thereby reducing the communication and coordination time required for its use.

DATES: Comments must be received on or before November 22, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 78-WE-14, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before November 22, 1978 will be considered before action is taken on the proposed

amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign a segment of V-8N Airway from Pomona to terminate at the INT of Pomona 202°T(287°M) and Seal Beach 073°T(058°M) radials rather than Seal Beach. This action would improve an arrival route into the Long Beach, Calif. terminal airspace by designating a vector route as an airway.

THE PROPOSED AMENDENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) as follows: Under V-8 "including a N alternate from Seal Beach to Morman Mesa via Pomona, Calif.," is deleted and "including a N alternate from the INT of Seal Beach 073° and Pomona, Calif., 202° radials to Morman Mesa via Pomona," is substituted therefor.

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

NOTE.—The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on October 16, 1978.

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

[FR Doc. 78-29792 Filed 10-20-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 78-EA-56]

VOR FEDERAL AIRWAYS

Proposed Alteration and Revocation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke victor airway V-35W in the vicinity of Morgantown, W. Va., realign victor airway V-37 in the vicinity of Elkins, W. Va., and extend victor airway V-469 from Elkins to Johnstown, Pa. This action would aid flight planning, improve traffic flow in the Pittsburgh, Pa., terminal and reduce controller work load.

DATES: Comments must be received on or before November 22, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 78-EA-56, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before November 22, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering an amendment to subpart C of part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would revoke alternate airway V-35W between Morgantown, W. VA., and Johnstown, Pa.; realign V-37 between Elkins, W. Va., and Ellwood City, Pa., and extend V-469 from Elkins to Johnstown.[1] This amendment would reduce the airway distance between Elkins and Ellwood City approximately 6 miles and increase the lateral separation for arrival/departure aircraft in the Pittsburgh, Pa., terminal area. Subpart C of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) as follows:

Under V-35, "including a west alternate from Morgantown to Johnstown via INT Morgantown 010° and Johnston 260° radials;" would be deleted.

Under V-37, "Morgantown, W. Va.; INT Morgantown 331° and Ellwood City, Pa., 185° radials" would be deleted and "Clarksburg, W. Va.; INT Clarksburg 359°T(005°M) and Ellwood City, Pa., 185°T(191°M) radials;" would be substituted therefor.

Under V-469, "to Elkins." would be deleted and "Elkins; Morgantown, W. Va.; INT Morgantown 010°T(016°M) and Johnstown, Pa., 260°T(266°M); to Johnstown." would be substituted therefor.

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

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

NOTE.—The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on October 16, 1978.

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

[FR Doc. 78-29793 Filed 10-20-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[EDR-347E/PDR-49E, Docket No. 32219; Dated: October 18, 1978]

U.S. CORPORATIONS WHICH DO NOT QUALIFY AS A "CITIZEN OF THE UNITED STATES"

Supplemental Advance Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental advance notice of proposed rulemaking.

SUMMARY: This notice denies the motion of British Airways for clarification of how the Board's tentative legal conclusion that U.S. corporations are citizens of the United States for purposes of section 408(a)(4) of the Federal Aviation Act would be applied to foreign governments if finalized, and extends the comment date until November 6.

DATE: Comments by November 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald H. Horn, Routes Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5206.

SUPPLEMENTARY INFORMATION: By advance notice of proposed rulemaking (EDR-347/PDR-49, 43 FR 10938, Mar. 16, 1978), the Civil Aeronautics Board gave notice of its tentative conclusion that U.S. corporations are citizens of the United States for purposes of section 408(a)(4) of the Federal Aviation Act. It requested comments on that tentative conclusion, including the nature and extent of the problems that might be created by finalizing that tentative conclusion, and what regulatory action might be taken to minimize them consistent with statutory objectives. Comments were requested to be filed by May 1, 1978. By a series of supplemental advance notices of proposed rulemaking, the date for the filing of comments has been extended until October 23, 1978 (EDR-347D/PDR-49D, 43 FR 41410, Sept. 18, 1978).

On June 26, 1978, British Airways filed a motion for clarification and extension of time. It states that there are grounds for assuming that the Board intends to apply section 408(a)(4) to all acquisitions of U.S. corporations engaged in a phase of aeronautics by governments which control foreign air carriers. However, the Department of State's statement of further views suggests that the Board had not intended to extend the application of section 408(a)(4) to foreign government acquisitions of U.S. corporations engaged in a phase of aeronautics unrelated to commercial air services, such as the manufacture, distribution, sale or purchase of aerospace products. British Airways asserts that the resulting confusion as to whether and/or how the Board intends to apply section 408(a)(4) to foreign governments controlling foreign air carriers makes it impossible to evaluate the impact of the proposed rulemaking. It, therefore, asks the Board to clarify the point and extend the comment time pending that clarification.

We have decided to deny the motion for clarification. British Airways states that our proposed legal conclusion can be interpreted in at least two ways, and requests that we clarify our interpretation. However, the issues in this rulemaking specifically include how section 408(a)(4) should properly be interpreted and, as to relationship which are covered, what means (including rules, reports, approvals, and disclaimers) should be employed to minimize regulatory requirements consistent with statutory objectives. Thus, British Airways is, in essence, requesting that we resolve, at the outset, issues that this rulemaking was designed to help us decide. The proper course for British Airways is to file comments addressed to these issues. To allow interested persons to address the issues in light of our action here, we will extend the comment date by 2 weeks.

Accordingly, British Airways' motion for clarification of EDR-347/PDR-49 is denied. Comments in this rulemaking are due by November 6, 1978.

Sec. (204(a), Federal Aviation Act of 19758, as amended, 72 Stat. 743, (49 U.S.C. 1324))

By the Civil Aeronautics Board.

PHILLIS T. KAYLOR,
Secretary.

[FR Doc. 78-29826 Filed 10-20-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 782 3065]

NORRIS INDUSTRIES, INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Long Beach, Calif., manufacturer and distributor of dishwashers and other major home appliances to cease misrepresenting or making unsubstantiated claims regarding the qualities, performance, or efficacy of its products.

DATE: Comments must be received on or before December 19, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFOMATION CONTACT:

Wallace S. Snyder, Assistant Director for Advertising Practices, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-724-1499.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

IN THE MATTER OF NORRIS INDUSTRIES, INC., A CORPORATION

[File No. 782-3065]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of certain acts and practices of Norris Industries, Inc., a corporation, sometimes hereinafter referred to as respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated.

It is hereby agreed by and between the said proposed respondent and its attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent Norris Industries, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its principal office and place of business at One Golden Shore, Long Beach, Calif. 90802.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

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

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated or that any of the facts are true as alleged in the draft of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34(b) of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent have read the proposed complaint and order contemplated hereby and understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

ORDER

PART I

It is ordered, That Norris Industries, Inc. [hereinafter referred to as the Respondent], its successors and assigns, either jointly or individually, and its officers, representatives, and agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, distribution or sale of dishwashers in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any dishwasher manufactured or sold by Respondent can sterilize or destroy all microorganisms on utensils placed in the dishwasher.

2. Representing directly, or by implication, that the stainless steel parts in any dishwasher manufacturered or sold by Respondent are rustproof or will not rust under normal household conditions.

3. Representing, directly or by implication, that the dispos-drain in any dishwasher manufactured or sold by Respondent will remove all soft food waste from the dishwasher.

4. Representing, directly or by implication, that any dishwasher manufactured or sold by Respondent can completely clean dishes, cookware, and other utensils placed in the dishwasher, without prior scraping, scouring, or rinsing.

5. Representing, directly or by implication, that any dishwasher manufactured or sold by Respondent can be randomly loaded or that there are no special instructions to follow when loading.

PART II

It is further ordered, That Respondent, its successors and assigns, either jointly or individually, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, distribution or sale of major home appliances in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. (a) Making any statements or representations, directly or by implication, concerning the performance of such products unless at the time that the statements or representations are made Respondents posssess and rely on a reasonable basis for such statements or representations, which shall consist of competent and reliable scientific tests, as defined in paragraph 1(b) hereafter.

(b) For purposes of this order a "competent and reliable scientific test" is one in which one or more persons with education, knowledge, and experience in the field conduct a test and evaluate its results in an objective manner using testing, evaluation, and analysis procedures generally accepted in the profession and which best insure valid and reliable results. Moreover, the test results must either accurately predict, or be correlated with, the results that a consumer ordinarily would obtain using the product under normal household conditions.

2. Failing to make a "clear and conspicuous disclosure" (as that term is defined in the FTC's Statement of Enforcement Policy of October 21, 1970) that product features, depicted or described in advertising for a product, are not applicable to certain models. Such disclosure shall include the model number (and name of the model if applicable) and the product features which do not apply to such model(s).

3. Making any statements or representations, directly or by implication, in connection with the advertisement of any such product which are inconsistent in any material respect with any statements or representations contained directly or by implication in post purchase material(s) supplied to the purchaser of such products.

4. For purposes of this Order the term "major home appliances" means the following appliances presently manufactured or sold by the Respondent: Automatic dishwashers, garbage disposers, trash compactors, and microwave ovens.

PART III

It is further ordered, That Respondent, its successors and assigns, either jointly or individually, and their officers, representatives, and agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, distribution or sale of "major home appliances" in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Documentation in support of and on which respondent relied in making any claim included in advertising, sales promotional material, or post purchase materials, disseminated by respondents or by any division or subdivision of respondent, or by any advertising agency engaged for such purpose by respondent or by any such division or subsidiary, concerning the performance characteristics of any of Respondent's major home appliances;

(b) Documentation which contradicts, qualifies, or calls into serious question any claim included in advertising, sales promotional material, or post purchase materials disseminated by respondents or by any division or subdivision or respondent, or by any advertising agency engaged for such purpose by respondent or by any such division or subsidiary, concerning the performance characteristics of any Respondent's major home appliances.

Such documentation shall be retained by respondent for a period of 3 years from the date such advertising, sales promotional, or post purchase materials were last disseminated.

PART IV

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

It is further ordered, That the Respondent shall forthwith distribute a copy of this Order to each of its officer's agents, representatives, or employees of the Respondent's Thermador/Waste King division who are engaged in the preparation, placement, or review of advertisements for the "major home appliances" defined in this order.

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

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from Norris Industries, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged the respondent with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding Waste King dishwashers. In particular, the complaint alleged that representations made in the Waste King advertisements about a number of product features, such as the dishwashers ability to clean baked-on or cooked-on food, their ease of loading, as well as the rustproof qualities of the stainless steel employed in them, were both false and without a reasonable basis. The complaint further alleged that Waste King's advertising was deceptive in that representations contained therein were inconsistent with statements made in post-purchase materials. Finally, the Waste King advertisements were alleged to be deceptive in the complaint because they failed to qualify certain of their representations as applying only to particular Waste King models.

The Consent Order contains the following provisions designed to remedy the advertising violations charged:

Part I (1)-(5) prohibit the dissemination of claims that Waste King dishwashers can be randomly loaded, can completely clean dishes, cookware, and other utensils without prior scraping, scouring, or rinsing, and can sterilize or destroy all microorganisms on utensils. These paragraphs also prohibit the claims that the stainless steel parts will not rust and that the disposo-drain will eliminate all soft food waste from the dishwasher.

Part II(1)(a) prohibits the making of any representations about the performance of any major home appliance, as defined in II(4), unless a reasonable basis consisting of competent and reliable scientific tests was possessed and relied upon at the time when the representations were made.

Part II(1)(b) defines what constitutes a "competent and reliable scientific test" for purposes of the order requiring that, for a test to be competent and reliable, persons qualified by their education, knowledge, and experience conduct and evaluate the test objectively and according to generally accepted procedures in their profession to best insure valid and reliable results. The results of the test furthermore must correlate with or accurately predict the results a consumer would ordinarily obtain in normal household usage of the appliance.

Part II(2) requires that respondent make a clear and conspicuous disclosure of the model number(s), as well as of product feature(s) which do not apply to such model(s), in circumstances where there is advertising of certain features of a major home appliance which features are not found on all models of that appliance.

Part II(3) prohibits any representations made in the advertising for a major home appliance, as defined in II(4), which are inconsistent with post-purchase materials supplied to the purchaser of the appliance.

Part II(4) defines "major home appliance" as dishwashers, garbage disposers, trash compactors, and microwave ovens.

Part III(a) requires respondent to maintain accurate records which support and which were relied upon by respondent in making any performance claim about its major home appliances in advertising, in sales promotional material, or in post-purchase material. Respondent must keep the records for a period of 3 years from when the advertising, sales promotional, or post-purchase materials were last disseminated.

Part III(b) requires respondent to maintain accurate records which contradict, qualify, or call into serious question any performance claim about its major home appliances in advertising, in sales promotional material, or in post-purchase material. Respondent must maintain such records for a period of 3 years from the date upon which such advertising, sales promotional, or post purchase materials were last disseminated.

Part IV of the Consent Order requires that respondent notify the Commission at least thirty (30) days prior to any proposed structural change in the corporate respondent

which change affects compliance with the Consent Order; distribute a copy of the order to its Thermador/Waste King division; and file an initial compliance report within 60 days of the effective date of the Consent Order.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-29820 Filed 10-20-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 146 and 150]

[CGD 76-170A]

MARINE CASUALTIES

Proposed Rules

Correction

In FR Doc. 78-29483 appearing at page 48982 in the issue of Thursday, October 19, 1978, in the eighth and ninth lines of the "Summary" paragraph, the document referred to as being on "* * * page 48724 (third column) * * *" should have been referred to as being on page "* * * 48982 (third column) * * *".

[1410-01-M]

COPYRIGHT ROYALTY TRIBUNAL

[37 CFR Part 301]

AGENCY RULES OF PROCEDURE

Proposed Rules

AGENCY: Copyright Royalty Tribunal.

ACTION: Proposed rule.

SUMMARY: This document includes the complete text of the proposed Copyright Royalty Tribunal rules of procedure, including regulations required by the Government in the Sunshine Act, the Privacy Act, the Freedom of Information Act, and the equal employment opportunity procedures of the Tribunal.

DATE: Comments must be received on or before November 8, 1978.

ADDRESS: Written comments should be addressed to Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 1111 20th Street NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION: The Tribunal wishes to call attention to those provisions of the proposed rules of procedure (§§ 301.56, 301.58, 301.64, and 301.66) concerning the publication of proposed final determinations and the reopening of proceedings in royalty fee adjustment and royalty fee distribution proceedings. Sections 118(c) and 804(e) of Pub. L. 94-553 for the general revision of the Copyright Law establish statutory deadlines for the conclusion of these proceedings and the publication of a final determination by the Tribunal. The proposed rules reflect the Tribunal's view that it may not conduct any further proceedings after the expiration of the statutory period. Section 809 of the Copyright Act controls the effective date of final determinations of the Tribunal and provides that such determinations shall become effective 30 days after publication in the FEDERAL REGISTER unless an appeal has been filed in the United States Court of Appeals.

In an effort to afford all interested parties as complete participation in the decisionmaking process as is permissible under the time limitations imposed by the Copyright Act, §§ 301.56 and 301.64 of the rules provide for the publication in the FEDERAL REGISTER of a proposed final determination, unless such publication is not feasible because of the statutory time limitations. The Tribunal will afford all parties a reasonable opportunity to submit written comments on the proposed determination, and may, if necessary, conduct additional hearings. Upon publication in the FEDERAL REGISTER of a final determination in a proceeding, the proposed rules preclude the reopening of proceedings for any purpose.

Accordingly, pursuant to 17 U.S.C. 803(a), title 37 would be amended by establishing a chapter III entitled Copyright Royalty Tribunal and by adding the following new part 301, reading as follows:

PART 301—COPYRIGHT ROYALTY TRIBUNAL RULES OF PROCEDURE

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AUTHORITY: 17 U.S.C. 803(a).

Subpart A—Organization

§ 301.1 Purpose.

The Copyright Royalty Tribunal (Tribunal) is an independent agency in the Legislative Branch, created by Public Law 94-553 of October 19, 1976.

The Tribunal's statutory responsibilities are:

(a) To make determinations concerning copyright royalty rates in the areas of cable television covered by 17 U.S.C. 111.

(b) To make determinations concerning copyright royalty rates for phonorecords (17 U.S.C. 115) and for coin-operated phonorecord players (jukeboxes) (17 U.S.C. 116).

(c) To establish and later make determinations concerning royalty rates and terms for non-commercial broadcasting (17 U.S.C. 118).

(d) To distribute cable television and jukebox royalties under 17 U.S.C. 111 and 17 U.S.C. 116 deposited with the Register of Copyrights.

§ 301.2 Address for information.

The official address of the Copyright Royalty Tribunal is 1111 20th Street NW., Washington, D.C. 20036, until March 31, 1979. Office hours are Monday through Friday, 8:30 a.m. to 5:30 p.m., excluding legal holidays.

§ 301.3 Composition of the Tribunal.

The Tribunal is composed of five members appointed by the President with the advice and consent of the Senate.

§ 301.4 The Chairman.

(a) On December 1st of each year the Chairman will be designated for a term of 1 year from the most senior Commissioner who has not yet previously served as Chairman, or, if all the Commissioners have served, the most senior Commissioner who has served the least number of terms will be designated Chairman.

(b) The responsibilities of the Chairman are, first, to preside at meetings and hearings of the Tribunal, and second, to represent the Tribunal officially in all external matters. In matters of legislation and legislative reports, the Chairman will represent the majority opinion of the Tribunal; however, any Commissioner with a minority or supplemental opinion may have that opinion represented also. The Chairman is the initial authority for all communications with other government officials or agencies and is the contracting officer; however, another Commissioner or subordinate official may be designated to act in his stead. The Chairman shall convene a meeting of the Tribunal upon the request of a majority of the Commissioners.

§ 301.5 Standing committee.

The Tribunal may establish standing or temporary committees to act in whatever capacity the Tribunal feels is appropriate. Said committees are authorized, in the areas of their jurisdiction, to conduct hearings, meetings, and other proceedings, but no such subdivision shall be authorized to act on behalf of the agency as a whole within the official meeting of 5 U.S.C. 552(a)(1).

§ 301.6 Administration of the Tribunal.

The administration of the Tribunal denotes chiefly the maintenance of the Tribunal records and the custodianship of Tribunal property. The records to be maintained include legal and public records, a current index of opinions, orders, policy statements, procedures, and rules of practice, and instructions that affect the public. Also, announcements of Tribunal actions must be published in the FEDERAL REGISTER as required, and the observance by the Tribunal of appropriate administrative procedure must be supervised, as well as the disposition of Tribunal correspondence. From time to time other administrative responsibilities may emerge. To manage the above, the Tribunal may choose to install an Administrative Officer; however, if not, it will be the Chairman's duty to see that these responsibilities are met.

§ 301.7 Proceedings.

(a) *Location.* The Tribunal will normally hold all proceedings at its principal office, except under exceptional circumstances, in which case the Tribunal may perform its duties anywhere in the United States. The Tribunal's proceedings will all be public, except as exempted in § 301.15.

(b) *Quorum.* A majority of the members of the Tribunal constitutes a quorum.

(c) *Voting.* Each Commissioner's vote shall be recorded separately, and the votes of the Commissioners shall be taken in order of their seniority, except that the Chairman shall vote last. No proxy votes will be recorded.

Subpart B—Public Access to Tribunal Meetings

§ 301.11 Open meeting.

(a) The purpose of this chapter is to comply with the Government in the Sunshine Act, Pub. L. 94-409; 90 Stat., 1241 et seq., 5 U.S.C. 522(b), and insure that all Tribunal meetings shall be open to the public. The conditions under which meetings, as an exception, may be closed, are listed in § 301.13

(b) Each meeting announcement by the Tribunal shall be made at least 7 calendar days in advance in the FEDERAL REGISTER and shall state the time and place of the meeting, the subject to be discussed, whether the meeting is to be open or closed, and the name and telephone number of the person to contact for further information.

(c) If amendments are made to the original announcement, they must be placed in the FEDERAL REGISTER as soon as practicable. Changes in time and place may be made simply by making such an announcement, but a change in subject matter requires a recorded vote by Commissioners, with the results of that vote appearing in the announcement of the amendment.

(d) If it is decided that a meeting must be held on shorter notice than 7 days, that decision must be made by recorded vote of Commissioners and included in the announcement.

§ 301.12 Conduct of open meetings.

(a) Meetings of the Tribunal will be conducted in a manner to insure both the public's right to observe and the ability of the Tribunal to conduct its business properly. The Chairman or presiding officer will take whatever measures he feels necessary to achieve this.

(b) The right of the public to be present does not include the right to participate or make comments.

(c) Reasonable access for news media will be provided at all public sessions provided that it does not interfere with the comfort of Commissioners, staff, or witnesses. Cameras will be admitted only on the authorization of the Chairman, and no witness may be photographed or have his testimony recorded for broadcast if he objects.

§ 301.13 Closed meetings.

In the following circumstances (as per 5 U.S.C. 552(c), 1-10) the Tribunal may close its meetings or withold information from the public:

(a) If the matter to be discussed has been specifically authorized to be kept secret by Executive order, in the interests of national defense or foreign policy;

(b) If the matter relates solely to the internal personnel rules and practices of the Tribunal;

(c) If the matter has been specifically exempted from disclosure by statute (other than 5 U.S.C. 552) and there is no discretion on the issue;

(d) If the matter involves privileged or confidential trade secrets or financial information;

(e) If the result might be to accuse any person of a crime or formally censure him;

(f) If there would be a clearly unwarranted invasion of personal privacy;

(g) If there would be disclosure of investigatory records compiled for law enforcement, or information which if written would be contained in such records, and to the extent disclosure would (1) interfere with enforcement proceedings, (2) deprive a person of the right to a fair trial or impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclosure the identify of a confidential source or, in the case of a criminal investigation or a national security intelligence investigation, confidential information furnished only by a confidential source, (5) disclosure investigative techniques and procedures,

or (6) endanger the life or safety of law enforcement personnel.

(h) If premature disclosure of the information would frustrate the Tribunal's action, unless the Tribunal has already disclosed the concept or nature of the proposed action, or is required by law to make disclosure before taking final action.

(i) If the matter concerns the Tribunal's participation in a civil action or proceeding or in an action in a foreign court or international tribunal, or an arbitration, or a particular case of formal agency adjudication pursuant to 5 U.S.C. 554, or otherwise involving a determination on the record after opportunity for a hearing.

§ 301.14 Procedure for closing meetings.

(a) Meetings may be closed, or information withheld from the public, only by a recorded vote of a majority of the Commissioners. Each question, either to close a meeting or withhold information, must be voted on separately, unless a series of meetings is involved, in which case the Tribunal may vote to keep the discussions closed for 30 days, starting from the first meetings. If the Tribunal feels that information about a closed meeting must be withheld, the decision to do so must also be the subject of a recorded vote.

(b) Before a discussion to close a meeting or withhold information, the Chairman must certify that, in his opinion, such a step is permissible, and he shall cite the appropriate exemption under § 301.13. This certification shall be included in the announcement of the meeting and be maintained as part of the Tribunal's records.

(c) Following such a vote, and by the end of the working day, the Chairman must transmit the following information to the FEDERAL REGISTER for publication:

(1) The vote of each Commissioner;

(2) The appropriate exemption under § 301.13;

(3) A list of all persons expected to attend the meeting and their affiliation.

§ 301.15 Transcripts of closed meetings.

(a) All meetings closed to the public shall be subject to either a complete transcript or, in the case of § 301.13(i) and at the Tribunal's discretion, detailed minutes. Detailed minutes shall describe all matters discussed, identify all documents considered, summarize action taken as well as the reasons for it, and record all rollcall votes as well as any views expressed.

(b) Such transcripts or minutes shall be kept by the Tribunal for 2 years or 1 year after the conclusion of the proceedings, whichever is later. Any portion of transcripts of meetings which the Chairman does not feel is exempt from disclosure under § 301.13 will ordinarily be available to the public within 20 working days of the meeting. Transcripts or minutes of closed meetings will be reviewed by the Chairman at the end of each calendar year and if he feels they may at that time be disclosed, he will resubmit the question to the Tribunal to gain authorization for their disclosure.

§ 301.16 Requests to open or close meetings.

(a) Any person may request the Tribunal to open or close a meeting or disclose or withhold information. Such a request must be captioned "Request to Open" or "Close" a meeting on a specific date concerning a specific subject. The requester must state his or her reasons, and include name and address, and desirably, telephone number.

(b) In the case of a request to open a meeting the Tribunal has previously voted closed, the Tribunal must receive the request within 3 working days of the meeting's announcement. If not, it will not be heeded, and the requester will be so notified. Requests are desired in seven copies.

(c) For the Tribunal to act on a request to open or close a meeting, the question must be brought to a vote before the Tribunal by one of the Commissioners. If the request is granted, an amended meeting announcement will be issued immediately and the requester notified. If a vote is not taken, or if after a vote the request is denied, the requester will also be notified promptly.

§ 301.17 Ex parte communication.

(a) No person not employed by the Tribunal and no employee of the Tribunal who performs any investigative function in connection with a Trubunal proceeding shall communicate, directly or indirectly, with any member of the Tribunal or with any employee involved in the decisions of the proceeding, with respect to the merits of any proceeding before the Tribunal or of a factually related proceeding.

(b) No member of the Tribunal and no employee involved in the decision of a proceeding shall communicate, directly or indirectly, with any person not employed by the Tribunal or with any employee of the Tribunal who performs an investigative function in connection with the proceeding, with respect to the merit of any proceeding before the Tribnal or of a factually related proceeding.

(c) If an *ex parte* communication is made to or by any member of the Tribunal or employee involved in the decision of the proceeding, in violation of paragraph (a) or (b) of this section, such member or employee shall promptly inform the Tribunal of the substance of such communciation and of the circumstance surrounding it. The Tribunal shall then take such action it considers appropriate; provided that any written *ex parte* communication and a summary of any oral *ex parte* communication shall be made part of the public records of the Tribunal, but shall not be considered part of the record for the purposes of decision unless introduced into evidence by one of the parties.

(d) A request for information with respect to the status of proceeding shall not be considered an *ex parte* communication prohibited by this section.

Subpart C—Public Access To and Inspection of Records

The following is the manner in which Tribunal opinions, recommended decisions, orders, public reports and records shall be made available to the public.

§ 301.21 Public records.

(a) Final official determinations of the Tribunal will be published in the FEDERAL REGISTER and include the relevant facts and the reasons for those determinations.

(b) An annual report, required of the Tribunal to be presented to the President and Congress each fiscal year, along with a detailed fiscal statement of account, will be available both for inspection at the Tribunal and for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) All other Tribunal records are available, for inspection or copying at the Tribunal, except:

(1) Records that relate solely to the internal personnel rules and practices of the Tribunal;

(2) Records exempted by statute from disclosure;

(3) Interoffice memoranda or correspondence not available by law except to a party in litigation with the Tribunal;

(4) Personnel, medical, or similar files whose disclosure would be an invasion of personal privacy;

(5) Communications among Commissioners concerning the drafting of decisions, opinions, reports, and findings on any Tribunal matter or proceeding;

(6) Offers of settlement which have not been accepted unless they have been made public by the offerer;

(7) Records not herein listed but which may be withheld as "exempted" if the Tribunal finds compelling reasons exist.

§ 301.22 Public access.

(a) Information may be requested from the Tribunal in person, by telephone, or by mail.

(b) If the material sought is not a Tribunal record, is exempted, or for some reason is unavailable, the person requesting it will be so informed and, in the case of an "exempted record," will be explained the reason for the exemption and the procedure for appeal under the Freedom of Information Act, § 301.13.

(c) Fees for copies of Tribunal records are: $.45 per page for 24 pages or less, and $.35 per page for 25 copies or more, with a minimum fee of $4; $10 for each hour or fraction thereof spent searching for records; $4 for certification of each document; and the actual cost to the Tribunal for any other costs incurred.

301.23 Freedom of Information Act.

(a) If a request is made under the Freedom of Information Act (5 U.S.C. 552), it must be in writing, be captioned "Freedom of Information Act Request," and identify as accurately as possible, the information desired.

(b) Within 10 working days after the Tribunal has received such a request, the Chairman shall inform the requester how the records may be inspected or copied and the cost (as under § 301.22) of copying. The chairman may, however, extend this time limit up to 10 working days if:

(1) Records must be located or transferred;

(2) Voluminous material must be examined;

(3) Other agencies with substantial interest in the matter must be consulted or other elements of the Tribunal must be consulted.

In this case the requester shall be notified in accordance with 5 U.S.C. 552 (a)(6)(B).

(c) If the request is denied, the Chairman shall so inform the requester in writing, citing the exemption authorizing the denial and informing the requester that he or she may appeal the denial to the Tribunal within 20 working days. Appeals must be in writing and must be acted on by the Tribunal within 20 working days of their receipt. If the appeal is rejected, the requester must be so notified immediately and informed of the provisions for judicial review under 5 U.S.C. 552(a)(4).

§ 301.24 Privacy Act.

(a) The Privacy Act of 1974 (Pub. L. 93-579) 5 U.S.C. 552(a), concerns only requests which contain personal information retrievable by a personal identified. This section does not apply to personnel records located in Government-wide systems elsewhere.

The purpose of the Privacy Act is to enable individuals to:

(1) Learn if the Tribunal maintains records concerning them;

(2) Have access to such records;

(3) Learn if and to whom the Tribunal has disclosed such records; and

(4) Amend such records.

The Tribunal, in compliance with paragraph (a)(4) of this section, will record the disclosures of all records, their dates, the material disclosed, and to whom the material has been disclosed.

(b) A request made under the Privacy Act must be in writing, captioned "Privacy Act Request," and identify as accurately as possible the records in question and the nature of the information desired. This section is not to be construed as allowing an individual access to information compiled in reasonable anticipation of a civil action or proceeding.

(c) The request must be signed by the person making it, and such signature will be considered certification that the person signing is either the individual involved or that person's guardian. If the Chairman considers it necessary, he may require additional verification. Section 552(a)(i)(3) of the Privacy Act; 5 U.S.C. 552(a)(i)(3), states the penalties for false representation.

(d) If a medical record is involved and the chairman feels that its disclosure might adversely affect the individual, he shall require that person to designate a medical doctor to whom the record will be transmitted.

(e) Within 10 working days after the Tribunal has received such a request, the Chairman shall acknowledge its receipt to the requester and within 30 days shall inform the requester how the records may be inspected and the cost for copying, unless the records are exempted under § 301.21(c).

(f) If an individual who has obtained access to personal records wishes to have those records amended, he or she must make such a request in writing, state the nature of the information desired amended, and cite the reasons. Within 10 working days after the Tribunal has received such a request, the Chairman shall acknowledge its receipt and inform the requester whether or not the request has been granted. If the request is denied, the Chairman shall explain why and inform the requester of the right to appeal the denial to the Tribunal. All appeals must be in writing, with the caption "Privacy Act Appeal," and the Chairman will inform the requester of their disposition within 30 working days, unless there is good cause for the time to be extended. If the appeal is denied the requester will be notified of the provision for judicial review under 5 U.S.C. 552(b).

(g) Exempt from this section is all investigatory material compiled for law enforcement purposes as stipulated in 5 U.S.C. 552(k)(2).

Subpart D—Equal Employment Opportunity

§ 301.31 Purpose.

(a) This section sets forth the Tribunal's policy concerning Equal Employment Opportunity and the complaint procedures in the case of discrimination.

(b) The policy of the Tribunal is to oppose discrimination in all areas of job application, employment, and promotion on the basis of race, religion, sex, national origin, age, or physical handicap; this is because such a policy is right and any other would be morally indefensible. This policy will be pursued actively and affirmatively.

§ 301.32 Recruitment and hiring.

(a) Except in the case of the personal staffs of Commissioners, responsibility for equal employment opportunity is the Tribunal's as a whole; however, the authority to execute this policy may be delegated to a Personnel Committee.

(b) All hiring will be done on the basis of individual qualifications, without discrimination. The criteria of who is best qualified to fill a vacancy rests with the Tribunal, but there will be no criteria which discriminates in the areas covered by § 301.31(b).

(c) In soliciting job applicants, systematic efforts will be made to locate and encourage qualified minority and women candidates. Where appropriate, the positions will be advertised in publications with primarily minority and women readership and announced through organizations or groups with high minority and women representation.

(d) Applicants for the same position will be required to have the same skills and to provide the same background information. The total number of applicants considered must reflect the proportion of minorities and women reasonable available for such a position. The criteria by which applicants are screened and selected shall be job related.

§ 301.33 Complaint procedures.

(a) Any person who believes that he or she has been discriminated against on the basis of race, religion, sex, national origin, age, or physical handicap, must first resolve such a complaint through the following procedure before taking civil action. Before a complaint may be presented formally the procedures for resolving it informally must be exhausted.

(1) *Informal complaint procedures.* (i) Within 30 days of an alleged discriminatory act, or in the case of a personnel action, within 30 days of its effective date, the complainant must contact the Chairman of the Personnel Committee and explain the case for the complaint. In case the com-

plaint is against the Chairman of the Personnel Committee, it will be made to the chairman of the Tribunal. The complainant may be accompanied or represented by any person of his or her choosing.

(ii) The chairman of the Personnel Committee, or the Chairman of the Tribunal, or a Commissioner designated by the Chairman, shall then make whatever inquiry seems necessary into the circumstances surrounding the complaint and shall attempt to resolve it informally through counseling. Such counseling shall be completed within twenty-one (21) days of the date on which the complaint was first brought, and written record will be kept. If an informal resolution is reached, its terms will be in writing. The identity of the complainant at this stage, however, will at no time be revealed unless he or she specifically authorizes it.

(iii) If an informal resolution is not reached, the complainant will be advised that he or she may then file a formal complaint.

(2) *Formal complaint procedure.* (i) Within 15 days of the final counseling session under the informal procedure above, and if no resolution has been reached, the complainant may file a formal written complain addressed to the Chairman of the Tribunal, signed by the complainant, and specifying all the details surrounding the complaint.

(ii) On receipt of the complaint, the Chairman shall request an investigation by the Chairman of the Personnel Committee and two Commissioners not on the Committee. This investigation will review thoroughly all the circumstances surrounding the alleged discrimination and analyze the treatment of the complainant as compared with others in the same situation. The results shall be in writing and a copy sent to the complainant. The complainant shall then be given the opportunity to meet with the Commissioners who prepared this report to try to reach an adjustment of the complaint. The complainant may be accompanied or represented by a person of his or her own choosing. If the complainant is an employee of the Tribunal, he or she shall be allowed sufficient official time to present the complaint. If the complainant has designated another Tribunal employee to advise or represent him, that person shall be allowed sufficient official time to perform the appropriate duties.

(iii) If an adjustment is reached at this point, it must be signed by the complainant and shall serve to terminate the matter. If an adjustment is not reached, the investigative report will be transmitted to the Chairman of the Tribunal, and the Tribunal shall make a disposition of the complaint to take affect within 15 days. This disposition will be relayed to the complainant in writing immediately. The complainant shall also be advised of his or her right to file a civil action, or in the case of an employee of the Tribunal to demand a hearing.

(iv) Within 15 days of the announcement of the Tribunal's proposed disposition, a complainant who is an employee of the Tribunal may request a hearing. Upon receipt of such a request, the Chairman shall request from another Federal agency, a qualified Hearing Examiner who has been certified to hear Equal Employment Opportunity complaints.

(v) The Hearing Examiner, within 21 days, shall conduct a hearing. Witnesses will be allowed to testify, but their testimony must relate only to the complaint; information will be admitted into evidence, but only information having a direct bearing on the complaint. Both parties to the complaint shall have the opportunity to cross-examine. The hearing shall be recorded, and the transcript as well as the findings and recommendations of the Hearing Examiner shall be transmitted to the Tribunal for a final decision.

(vi) The Tribunal will give special consideration to the recommendations of the Hearing Examiner, and if he wishes to reject or modify those recommendations, the Tribunal must accompany such a decision with a letter detailing his reasons. The Tribunal's final decision will be accompanied by a copy of the Hearing Examiner's findings and recommendations and a transcript of the hearing.

(vii) After the decision has been issued, the complainant shall be advised immediately that he or she has the right to file a civil action in the appropriate District Court within 30 days.

(viii) If within one hundred eighty (180) days from the date the complainant first brought the complaint, the Tribunal has failed to issue a decision, the complainant will also have the right to file a civil action.

(ix) Where discrimination is found, the Tribunal shall review the matter which gave rise to the complaint and determine whether or not disciplinary action is necessary. The basis for this action shall be in writing, but not included in the complaint file.

§ 301.34 Third party allegation of discrimination.

Organizations or third parties may bring allegations of discrimination against the Tribunal in areas unrelated to individual complaints, but such allegations must be in writing, and in sufficient detail for the Tribunal to investigate them. The Tribunal may order an investigation, and the party bringing the allegations will be informed of its results as well as of any decision by the Tribunal and corrective action.

§ 301.35 Business relations.

Business contracts entered into by the Tribunal shall stipulate that all contractors, subcontractors, and suppliers to the Tribunal conform in their own policies with the substance of the Tribunal's Equal Employment Opportunity Policy.

Subpart E—Procedures and Regulations

§ 301.40 Scope.

All Tribunal proceedings will be governed by the procedures of this Subpart. This subpart does not apply to general statements of policy or to rules of agency organization, procedure, or practice.

§ 301.41 Formal hearings.

(a) The formal hearings which will be conducted pursuant to the rules of this subpart are rate adjustment proceedings, royalty fee distribution proceedings, and all rulemaking proceeding in which it has been determined to conduct a hearing. The Tribunal may also, on its own motion or on the petition of an interested party, hold other proceedings it deems necessary on any matter it has the authority to investigate, in order to obtain information in determining its policies, in exercising its duties, or in formulating or amending its rules and regulations. Such proceedings also will be subject to the rules of this subpart.

(b) Studies or conferences the Tribunal may hold in carrying out its statutory responsibilities may be conducted in whole or in part under the provisions of this subpart, depending upon the discretion of the Tribunal.

§ 301.42 Suspension, amendment, or waiver of rules.

(a) The provisions of this subpart may be suspended, revoked, amended, or waived, in whole or in part, at any time by the Tribunal for good cause shown, subject to the provisions of the Administrative Procedure Act. Where procedures have not been specifically prescribed in this subpart, the Tribunal shall follow those which in its opinion will best serve the purposes of a proceeding.

§ 301.43 Notice of proposed rulemaking.

(a) *General notice.* Public notice for rate adjustment and royalty distribution proceedings is covered in Subparts F and G of this Part. Before the adoption of any rule of general applicability, or the commencement of any hearing on any proposed rulemaking, the Tribunal shall publish a general notice in the FEDERAL REGISTER, such notice to be published not less than 30

days prior to the date on which the proposed rules may be considered by the Tribunal, or the date of any hearing on such proposed rules. However, where the Tribunal, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may adopt the rules without notice by incorporating a finding to such effect and a concise statement of the reasons therefor in the notice.

(b) *Notice.* A rule proceeding shall commence with a notice of proposed rulemaking. Such notice shall be published in the FEDERAL REGISTER, and to the extent practicable, otherwise made available to interested persons. The notice shall include: (1) The terms or substance of the proposed rule or a description of the subjects and issues involved; (2) reference to the legal authority under which the rule is proposed; (3) a statement describing the particular reason for the rule; and (4) an invitation to all interested persons to comment.

(c) *Hearing notice.* A hearing notice of proposed rulemaking shall be published in the FEDERAL REGISTER, and to the extent practicable, otherwise made available to interested persons. The hearing notice shall include: (1) Designated issues which are to be considered; (2) the time and place of hearing, and (3) instructions to interested persons seeking to make oral presentation.

§ 301.44 Conduct of proceedings.

(a) At the opening of the proceeding the Chairman shall announce the subject under consideration.

(b) Only Commissioners of the Tribunal, authorized Tribunal staff, or counsel as provided in this chapter shall question witnesses.

(c) Subject to the approval of the Tribunal, the Chairman will have the responsibility for:

(1) Setting the order of presentation of evidence and appearance of witnesses;

(2) Ruling on objections and motions;

(3) Administering oaths and affirmations to all witnesses;

(4) Making all rulings with respect to introducing or excluding documentary or other evidence;

(5) Regulating the course of the proceedings and the decorum of the parties and their counsel, and insuring that the proceedings are fair and impartial;

(6) Announcing the schedule of subsequent hearing;

(7) Taking any other action which is consistent with this chapter and which has been authorized by the Tribunal.

(d) With all due regard for the convenience of witnesses, proceedings shall be conducted as expeditiously as possible.

(e) Following the opening statement, the Tribunal may convene first in executive session if such is the requirement of a statute or rule.

§ 301.45 Declaratory rulings.

In accordance with 5 U.S.C., Sec. 554(e), the Tribunal may on motion of its own, or on motion of an interested party, issue a declaratory ruling in order to terminate a controversy or remove uncertainty.

§ 301.46 Testimony under oath or affirmation.

All witnesses at Tribunal proceedings shall be required to take an oath or affirmation before testifying; however, attorneys who do not appear as witnesses shall not be required to do so.

§ 301.47 Transcript and record.

(a) An official reporter for the recording and transcribing of hearings will be designated by the Tribunal from time to time. Anyone wishing to inspect the transcript of any hearing may do so at the Tribunal; however, anyone wishing a copy must purchase it from the official reporter.

(b) After the close of the hearing, the complete transcript of testimony together with all exhibits shall be certified as to identity by the Chairman and filed in the offices of the Tribunal.

(c) The transcript of testimony and all exhibits, papers, and requests filed in the proceeding, shall constitute the exclusive record or decision. Any decision resting on official notice of a material fact not appearing in the record shall automatically afford any party, on timely request, to have an opportunity to show the contrary.

§ 301.48 Closing the hearing.

To close the record of hearing, the Chairman shall make an announcement that the taking of testimony has concluded. In its discretion the Tribunal may close the record as of a future specified date, and allow time for exhibits yet to be prepared to be admitted: *Provided,* That the parties to the proceeding stipulate on the record that they waive the opportunity to cross-examine or present evidence with respect to such exhibits. The record in any hearing which has been recessed may not be closed by the Chairman prior to the day on which the hearing is to resume, except upon 10 days' notice to all parties.

§ 301.49 Documents.

(a) *Copies of documents.* The original and 15 copies of every document filed and served in proceedings before the Tribunal shall be furnished for the Tribunal's use, except exhibits made a part of the record.

(b) *Subscription and verification.* (1) The original of all documents filed by any party represented by counsel, shall be signed by at least one attorney of record and list his address and telephone number. All copies shall be confirmed. Except when otherwise specifically provided, documents signed by the attorney for a party need not be verified or accompanied by an affidavit. The signature of an attorney constitutes certification by him that he has read the document, that to the best of his knowledge and belief there is good ground to support it, and that it has not been interposed for delay.

(2) The original of all documents filed by a party not represented by counsel shall be both signed and verified by that party and list that party's address and telephone number.

(3) The original of a document that is not signed, or is signed with intent to defeat the purpose of this section, may be stricken as sham and false and the matter proceed as though the document had not been filed.

§ 301.50 Reopening of proceedings, modification or setting.

(a) *Condition for reopening.* (1) Except in the case of rate adjustment proceedings and distribution proceedings the Tribunal may, upon petition or its own motion, reopen any proceeding, after reasonable notice, for the purpose of rehearing arguments or reconsideration.

(2) After granting an opportunity to be heard, the Tribunal may alter, modify or set aside in whole or in part, the report of its finding or order if it finds such action required by changed conditions, by material mistake of fact or law, or by the public interest

(b) *Petition for reopening.* A petition for reopening shall be made in writing and shall state its grounds. If it is a petition to take further evidence, the nature and purpose of the new evidence to be adduced shall be stated briefly, and an explanation given for why such evidence was not available at the time of the prior hearing. If it is a petition for reargument or reconsideration, the matter that is claimed to have been erroneously decided shall be specified and the alleged errors outlined briefly. Copies of the petition shall be furnished to all participants or their counsel.

(c) *Stay of rule or order.* No petition for reopening nor permission for reopening shall constitute a stay of any Tribunal rule or order; except that the Tribunal may postpone the effective date of any action taken by it pending judicial review and if, in the Tribunal's opinion, justice so requires.

§ 401.51 Rules of evidence.

(a) *Admissibility.* In any public hearing before the Tribunal, evidence which is not unduly repetitious or cumulative and is relevant and material shall be admissable. The testimony of any witness will not be considered evidence in a proceeding unless the witness has been sworn.

(b) *Documentary evidence.* Evidence which is submitted in the form of documents or detailed data and information shall be presented as exhibits. Relevant and material matter embraced in a document containing other matter not material or relevant or not intended as evidence must be plainly designated as the matter offered in evidence, and the immaterial or irrelevant parts shall be marked clearly so as to show they are not intended as evidence. A document in which material and relevant matter occurs which is of such bulk that it would unnecessarily encumber the record, may instead be marked for identification, and the relevant and material parts, once properly authenticated, may be read into the record. If the Tribunal desires, a true copy of the material and relevant matter may be presented in extract and submitted as evidence. Anyone presenting documents as evidence must present copies of all other participants at the hearing or their attorneys, and afford them an opportunity to examine the documents in their entirety and offer any other portion in evidence which may be felt material and relevant.

(c) *Documents filed with the Tribunal.* If the matter offered in evidence is contained in documents already on file with the Tribunal, the documents themselves need not be produced, but may instead be referred to according to how they have been filed with the Tribunal.

(d) *Public documents.* If a public document is offered in evidence either in whole or in part, such as an official report, decision, opinion or published scientific or economic data, and the document has been issued by an Executive Department, a legislative agency or committee, or a Federal administrative agency (Government-owned corporations included), and is proved by the party offering it to be reasonably available to the public, the document need not be produced physically, but may be offered instead by identifying the document and signaling the relevant parts.

(e) *Copies to participants.* Copies of all prepared testimony and exhibits must be distributed to the Tribunal and to other participants or their counsel at a hearing, unless the Chairman directs otherwise. For its use the number of copies the Tribunal requires is seven.

(f) *Reception and ruling.* Any ruling on the admissibility of evidence will be made by the Chairman, and he shall control the reception of evidence and insure that it confines itself to the issues of the proceeding.

(g) *Offers of proof.* If the Chairman rejects or excludes proposed oral testimony and an offer of proof is made, the offer of proof shall consist of a statement of the substance of the evidence which it is contended would have been adduced. In the case of documentary or written evidence, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(h) *Introduction of studies and analysis.* If studies or analysis are offered in evidence, they shall state clearly the study plan, all relevant assumptions, the techniques of data collection, and the techniques of estimation and testing. The facts and judgments upon which conclusions are based shall be stated clearly, together with any alternative courses of action considered. If requested, tabulations of input data shall be made available to the Tribunal.

(i) *Statistical studies.* Statistical studies offered in evidence shall be accompanied by a summary of their assumptions, their study plans, and their procedures. Supplementary details shall be added in appendices. For each of the following types of statistical studies the following should be furnished:

(1) *Sample surveys.* (i) A clear description of the survey design, the definition of the universe under consideration, the sampling frame and units, the validity and confidence limits on major estimates; and

(ii) An explanation of the method of selecting the sample and of which characteristics were measured or counted.

(2) *Econometric investigations.* (i) A complete description of the econometric model, the reasons for each assumption, and the reasons for the statistical specification;

(ii) A clear statement of how any changes in the assumptions might affect the final result; and

(iii) Any available alternative studies, if requested, which employ alternative models and variables.

(3) *Experimental analysis.* (i) A complete description of the design, the controlled conditions, and the implementation of controls; and

(ii) A complete description of the methods of observation and adjustment of observation.

(4) *Studies involving statistical methodology.* (i) The formula used for statistical estimates;

(ii) The standard error for each component;

(iii) The test statistics, the description of how the tests were conducted, related computations, computer programs, and all final results; and

(iv) Summarized descriptions of input data and, if requested, the input data itself.

(j) *Cumulative evidence.* Cumulative evidence will be discouraged by the Tribunal and the Tribunal may limit the number of witnesses that may be heard in behalf of any one party on any one issue.

(k) *Further evidence.* At any state of a hearing the Chairman may call upon any party to furnish further evidence upon any issue.

(l) *Rights of parties as to presentation of evidence.* Every participant shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be necessary to disclose the facts fully and truthfully. The Chairman, however, may limit introduction of evidence, examination, and cross-examination if in his judgment this evidence or examination would be cumulative or cause undue delay.

§ 301.52 Participation in any proceeding.

Interested persons will be afforded an opportunity to participate in any proceeding and submit written data, views, or arguments, with or without the opportunity to present the same orally. If proposed rules are required by statute to be made on the record after opportunity for a hearing, such a hearing shall be conducted pursuant to 5 U.S.C., Subchapter II, and 7 U.S.C., and the procedure will be the same as in § 301.55 herein.

§ 301.53 Examination, cross-examination, and rebuttal.

(a) Each Commissioner may examine any witness at any time.

(b) Examination, cross-examination, and rebuttals relevant to the issues under consideration, shall be allowed by the Chairman, but only to the extent they are necessary for a full and true disclosure of the facts.

(c) *Selection of representatives for cross-examination.* The Tribunal will encourage individuals or groups with the same or similar interests in a proceeding to select a single representative to conduct their examination and cross-examination for them. However, if there is no agreement on the selection of a representative, then each individual or group will be allowed to conduct his own examination and cross-examination, but only on issues affecting his particular interest.

§ 301.54 Proposed findings and conclusions.

(a) Any party to the proceeding may file proposed findings of fact and con-

clusions, briefs, or memoranda of law, or may be directed by the Chairman so to file, such filings to take place within 20 days after the record has been closed, unless additional time is granted.

(b) Failure to file when directed to so do may be considered a waiver of the right to participate further in the proceeding, unless good cause is shown.

(c) Proposed findings of fact shall be numbered by paragraph and include all basic evidentiary facts developed on the record used to support proposed conclusions and cite appropriately the record for each evidentiary fact. Proposed conclusions shall be stated separately. Proposed findings submitted by someone other than an applicant in a proceeding shall be restricted to those issues which specifically affect that person.

(d) Proof of service upon all other counsel or parties in a proceeding must accompany pleadings and all other papers filed under this section.

§ 301.55 Promulgation of rules or orders.

(a) In adopting a rule or order the Tribunal will consider all relevant matters of fact, law, and policy, and all relevant matters which have been presented by interested persons, and will exercise due discretion. Together with a concise general statement of its basis and purpose and any necessary findings, the rule or order will be published in the FEDERAL REGISTER, and if any other public notice is necessary that will be made also.

(b) The effective date of any rule, or its amendment, suspension, or repeal, will be at least 30 days after it is published in the FEDERAL REGISTER, unless good cause has been shown and is published with the rule.

§ 301.56 Public suggestions and comments.

(a) The Tribunal encourages the public, not just those persons subject to its regulations, to submit suggestions and proposals concerning any substantial question before it, when that question will have subtantial impact either upon those directly regulated by the Tribunal or upon others. It is in the best interests of both the Tribunal and the public at large that the Tribunal be advised on issues and problems that are potentially significant to it. This will permit the Tribunal to consider policy questions and administrative reforms early enough so that they may be viewed in a general context and not in the detailed application of a particular proceeding.

(b) Upon receiving such suggestions or proposals, the Tribunal shall review them and take whatever action seems necessary. Further information may be requested from the party submitting the suggestion or proposals, and the Tribunal staff may be asked to make a study, or an informal public conference may be held. Conferences or procedures undertaken pursuant to this section shall not be deemed subject to the Administrative Procedure Act with respect to notice of rulemaking. They are intended by the Tribunal simply as a means of determining the need for Tribunal action, prior to issuing a notice of proposed rulemaking.

(c) Such suggestions or proposals, however, shall be filed in accordance with the Tribunal's rules.

(d) This policy may not be used to advocate ex parte a position in a pending proceeding. Suggestions or proposals offered must relate to general conditions, such as conditions in industry, the public interest, or the policies of the Tribunal.

Subpart F—Rate Adjustment Proceedings

§ 301.60 Scope.

This chapter governs only those proceedings dealing with royalty rate adjustments affecting cable television (17 U.S.C. 111), the production of phonorecords (17 U.S.C. 115), coin-operated phonorecord players (jukeboxes) (17 U.S.C. 116), and non-commercial broadcasting (17 U.S.C. 118). It does not govern unrelated rulemaking proceedings. Those provisions of subpart E generally regulating the conduct of proceedings shall apply to rate adjustment proceedings, unless they are inconsistent with the specific provisions of this subpart.

§ 301.61 Commencement of adjustment proceedings.

(a) In the case of cable television, phonorecords, and coin-operated phonorecord players (jukeboxes) rate adjustment proceedings will commence by the publication of a notice to that effect in the FEDERAL REGISTER on January 1, 1980, pursuant to 17 U.S.C. 804(a)(1). In the case of non-commercial broadcasting the notice will be published on June 30, 1982 and at 5-year intervals thereafter, pursuant 10 U.S.C. 118(c). The notice shall, to the extent feasible, describe the general structure and schedule of the proceeding.

(b) Initially, as outline in paragraph (a) of this section a petition from an interested party is not necessary to commence proceedings. Thereafter, however, for rate adjustment proceedings to commerce, a petition must be filed by an interested party according to the following schedule:

(1) Cable Television: During 1985 and each subsequent fifth calendar year.

(2) Phonorecords: During 1987 and each subsequent 10th calendar year.

(3) Coin-operated phonorecord players (jukeboxes): During 1990 and each subsequent 10th calendar year.

(c) Cable television rate adjustment proceedings may also be commenced by the filing of a petition, according to 17 U.S.C., 801(b)(2) (B) and (C), if the Federal Communications Commission amends certain of its rules concerning the carriage by cable of broadcast signals, or with respect to syndicated and sports program exclusivity.

(d) In the case of non-commercial broadcasting, a petition is not necessary for the commencement of proceedings. They commence automatically according to paragraph (a) of this section.

§ 301.62 Content of petition.

(a) The petition shall detail the petitioner's interest in the royalty rate sufficiently to permit the Tribunal to determine whether the petitioner has "significant interest" in the matter. The petition must also identify the extent to which the petitioner's interest is shared by other owners or users, and owners or users with similar interests may file a petition jointly.

(b) In the case of a petition for rate adjustment as the result of a Federal Communications Commission rule change, the petition shall also set forth the action of the Federal Communications Commission which the party filing the petition feels authorizes a rate adjustment proceeding.

§ 301.63 Consideration of petition.

The Tribunal shall not start to consider any petition before the expiration of 90 days from the start of the calendar year specified in § 301.61(b) or 90 days from the effective date of the Federal Communications Commission action mentioned in § 301.62(c). Similar petitions may be joined together by the Tribunal for the purpose of determining "significant interest", and the Tribunal may permit written comments or a hearing on pending petitions.

§ 301.64 Disposition of petition.

At the end of the 90-day period, the Tribunal shall determine as expeditiously as possible if one or more petitioner's interest is "significant"; and shall publish in the FEDERAL REGISTER a notice of its determination and the reasons therefor, together with a notice of the commencement of proceedings if it has been determined to commence a proceeding. Any commencement notice shall, to the extent feasible, describe the general structure and schedule of the proceeding.

§ 301.65 Rate adjustment proceedings.

In any rate adjustment proceeding, all interested persons shall have the opportunity to present written com-

ments and oral testimony, subject to the general provisions of subpart E.

§ 301.66 Publication of proposed rate determination.

(a) Following the conclusion of the hearings, the Tribunal shall publish as soon as possible in the FEDERAL REGISTER, a notice of its proposed findings and conclusions in the rate adjustment proceeding. The Tribunal shall afford all parties a reasonable opportunity to submit written comments on the proposed determination. The Tribunal may, if necessary, conduct additional hearings.

(b) A proposed determination will not be published if, in the Tribunal's judgment, a final determination cannot feasibly be rendered before the year's end as required by 17 U.S.C. 118(c) and 17 U.S.C. 804(e) concerning the termination of proceedings.

§ 301.67 Final determination.

Upon the conclusion of the procedures for proposed determinations described in § 301.66, or upon the conclusion of the rate adjustment proceedings provided in § 301.65, if the publication of a proposed rate determination is not feasible because of the requirements to reach a final determination before the end of the year (17 U.S.C. 118(c) and 17 U.S.C. 804(e)), the Tribunal shall publish in the FEDERAL REGISTER a written opinion stating in detail the criteria it found applicable, the facts found relevant, and the specific reasons for its determination.

§ 301.68 Reopening of proceedings.

Following the publication of a final determination in the FEDERAL REGISTER the Tribunal shall not reopen or conduct any further proceedings.

§ 301.69 Effective date of final determination.

A final determination by the Tribunal shall become effective thirty days following its publication in the FEDERAL REGISTER, unless an appeal has been filed prior to that time pursuant to 17 U.S.C. 810 to vacate, modify or correct a determination, and notice of the appeal has been served on all parties who appeared in the proceeding.

Subpart G—Royalty Fees Distribution Proceedings

§ 301.70 Scope.

This subpart governs only those proceedings dealing with the distribution of compulsory cable television and coin-operated phonorecord player (jukebox) royalties desposited with the Register of Copyrights, according to the terms of 17 U.S.C., 111(d)(5) and 116(c). It does not govern unrelated rulemaking proceedings. Those provisions of subpart E generally regulating the conduct of proceedings shall apply to royalty fee distribution proceedings, unless they are inconsistent with the specific provisions of this subpart.

§ 301.71 Commencement proceedings.

(a) *Cable television.* In the case of compulsory royalty fees for secondary tranmissions by cable television, any person claiming to be entitled to such fees must file a claim with the Tribunal during the month of July each year in accordance with Tribunal regulations.

(b) *Coin-operated phonorecord players.* In the case of compulsory royalty fees for the use of nondramatic musical works by coin-operated phonorecord players (jukeboxes) any person claiming to be entitled to such fees must file a claim with the Tribunal during the month of January each year in accordance with Tribunal regulations.

§ 301.72 Determination of controversy.

(a) *Cable television.* After the first day of August each year, the Tribunal shall determine whether a controversy exists among the claimants of cable television compulsory royalty fees. In order to determine whether a controversy exists, the Tribunal may conduct whatever proceedings it feels necessary , subject to the procedures and regulations of subpart E. The results of this determination shall be announced in the FEDERAL REGISTER. If the Tribunal decides that a controversy exists, the FEDERAL REGISTER notice shall also announce the commencement of the royalty distribution proceeding, and shall, to the extent feasible, describe the general structure and schedule of the proceeding.

(b) *Coin-operated phonorecord players.* After the first day of October each year, the Tribunal shall determine whether a controversy exists among the claimants of coin-operated phonorecord player (jukebox) compulsory royalty fees. In order to determine whether a controversy exists the Tribunal may conduct whatever proceedings it feels necessary, subject to the procedures and regulations of subpart E. The results of this determination shall be announced in the FEDERAL REGISTER. If the Tribunal decides that a controversy exists, the FEDERAL REGISTER notice shall also announce the commencement of the royalty distribution proceeding, and shall, to the extent feasible, describe the general structure and schedule of the proceeding.

§ 301.73 Royalty distribution proceedings.

In any royalty distribution proceeding all interested claimants shall have the opportunity to present written comments and oral testimony, subject to the general provisions of subpart E.

§ 301.74 Publication of proposed royalty distribution determination.

(a) Following the conclusion of the hearings, the Tribunal shall publish, as soon as possible, in the FEDERAL REGISTER, a notice of its proposed findings and conclusions in the royalty distribution proceeding. The Tribunal shall afford all claimants a reasonable opportunity to submit written comments on the proposed determination. The Tribunal may, if necessary, conduct additional hearings.

(b) A proposed determination will not be published if, in the Tribunal's judgment, a final determination cannot feasibly be rendered before the year's end, as required by 17 U.S.C. 804(e) concerning the termination of proceedings.

§ 301.75 Final determination.

Upon the conclusion of the procedures for proposed determination described in § 301.74, or upon the conclusion of the royalty distribution proceedings provided in § 301.73, if the publication of a proposed rate determination is not feasible because of the requirements to reach a final determination before the end of the year (17 U.S.C. 804(e)), the Tribunal shall publish in the FEDERAL REGISTER a written opinion stating in detail the criteria it found applicable, the facts found relevant, and the specific reasons for its determination.

§ 301.76 Reopening of proceedings.

Following the publication of a final determination in the FEDERAL REGISTER, the Tribunal shall not reopen or conduct any further proceedings.

§ 301.77 Effective date of final determination.

A final determination by the Tribunal shall become effective thirty days following its publication in the FEDERAL REGISTER, unless an appeal has been filed prior to that time pursuant to 17 U.S.C. 810 to vacate, modify, or correct a determination, and notice of the appeal has been served on all parties who appeared in the proceeding.

COPYRIGHT ROYALTY TRIBUNAL,
THOMAS C. BRENNAN,
Chairman.

[FR Doc. 78-29871 Filed 10-20-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 991-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Proposed Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is today giving notice of its intention to approve regulations adopted by the Alabama Air Pollution Control Commission for the charging and pushing of coke in existing conventional batteries. These revised regulations are part of the plan revision submittal Alabama is making pursuant to requirements of the Clean Air Act Amendments of 1977.

DATE: To be considered, comments must be received on or before November 22, 1978.

ADDRESSESS: Comments should be addressed to Eliot Cooper of EPA Region IV's Air Programs Branch at the Atlanta address given below. Telephone: 404-881-3286; FTS 257-3286. Copies of the materials submitted by the State of Alabama are available for public inspection during normal business hours at the following locations:

Alabama Air Pollution Control Commission, 615 South McDonough Street, Montgomery, Ala. 36130.

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Eliot Cooper of EPA Region IV's Air Programs Branch (see address and phone number above).

SUPPLEMENTARY INFORMATION: On March 3, 1978, on the basis of information submitted by the Alabama Air Pollution Control Commission, the Administrator designated areas in Jefferson and Etowah Counties nonattainment for particulate matter. Under section 172 of the Clean Air Act, as amended 1977, plan revisions assuring the attainment of national standards for particulate matter are to "provide for implementation of reasonably available control measures as expeditiously as practicable." The new coke oven regulations described below are intended to serve as part of the attainment plan which Alabama is to submit by January 1, 1979, for the Birmingham and Gadsden areas pursuant to section 172 of the Clean Air Act.

On July 11, 1978, following notice and public hearing in conformity with 40 CFR 51.4 and 51.6, the Alabama Air Pollution Control Commission adopted changes in its regulations for emissions of particulate matter from existing coke batteries. These revised regulations were submitted for EPA's approval on July 14, 1978.

This revision includes changes to the existing charging regulation and requires pushing controls in Jefferson and Etowah Counties. They apply to the charging of wet coal by use of a larry car in existing conventional coke batteries and restrict the allowable visible emission from any five consecutive charges to 94 seconds.

Also, existing coke oven batteries shall be equipped with a device that will capture and collect coke-side emissions resulting from the pushing operation. The collection device shall be such that the outlet gas shall contain no more than 0.03 pounds of noncondensable particulate matter per ton of coal charged for each oven, averaged over five consecutive pushes. In addition, visible emissions from the hot car, capture or collection device cannot exceed 20 percent opacity.

The regulation changes just described, in the Agency's view, represent reasonably available control measures that can be applied now to reduce particulate emissions in the Birmingham and Gadsden nonattainment areas, and it is on that basis that this proposal to approve them is made. The January 1979 plan revision submittal is to contain a control strategy demonstration which will take into account the particulate emission reduction expected from the new coke oven regulations and other control measures which the Alabama Air Pollution Control Commission will have adopted by that time. Under section 172 of the Clean Air Act, the completed January 1979 submittal must show that all particulate standards will be attained by December 1982.

The public is invited to participate in this rulemaking by submitting written comments on the proposed new Alabama coke regulations. After considering all relevant comments received together with other information available to him, the Administrator will take approval/disapproval action on them.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 7410(a).)

Dated: October 12, 1978.

JOHN A. LITTLE,
Acting Regional Administrator.

[FR Doc. 29731 Filed 10-20-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 991-5]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Buckeye Power, Inc., Cardinal Generating Station, Brilliant, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an Administrative Order to Buckeye Power, Inc. The Order requires the Company to bring Unit 2 at Brilliant, Ohio (the source) into compliance with Ohio Regulations AP-3-07 and AP-3-11, part of the federally approved Ohio State implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by April 15, 1980. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATE: Written comments must be received on or before November 22, 1978 and requests for a public hearing must be received on or before November 7, 1978. All requests for a public hearing should be accompanied by a statement of 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.

ADDRESS: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. 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:

Linda M. Buell, Attorney, Enforcement Division, U.S. Environmental

Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604, at 312-3530-2082.

SUPPLEMENTARY INFORMATION: Buckeye Power, Inc. owns Unit 2 at the Cardinal Generating Station at Brilliant, Ohio. The propsed Order addresses emissions from one coal-fired boiler at this facility, which is subject to Regulations AP-3-07 and AP-3-11 of the Ohio Implementation Plan. The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State implementation Plan. The Order requires final compliance with the regulations by April 15, 1980, and the source has consented to its terms. As of the date of this publication, the source has already satisfied the first three increments in this Order.

The proposed Order satisfies the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the Order is issued, source compliance with its terms would preclude further EPA 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 provisions of the Act (sec. 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. After the public comment period and any public hearing, 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 promlgated by EPA soon,[1] and will contain the precedure for EPA's issuance, approval, and disapproval of an Order 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 (Apr. 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: October 10, 1978.

JOEL MCGUIRE,
Regional Administrator,
Region V.

[1] Published at 43 FR 44522, Sept. 28, 1978.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.400, Federal delayed compliance Orders issued under section 113(d) (1), (3), and (4) of the Act, to reflect approval of the following order:

U.S. ENVIRONMENTAL PROTECTION AGENCY

[Order No. EPA-5-78-A-]

In the Matter of Buckeye Power, Inc., Cardinal Generating Station, Brilliant, Ohio. Proceeding Under sections 113 (a), (d) and 114, Clean Air Act, as Amended.

Order

The following Order is issued today under sections 113 (a), (d) and 114 of the Clean Air Act, 42 U.S.C. section 7401 et seq. ("the Act"). The Order contains a compliance schedule with increments of progress, interim emission reduction requirements, and emission monitoring and reporting conditions. Final compliance is required as expeditiously as practicable, but no later than April 15, 1980. Public notice, opportunity for a public hearing and notice to the State of Ohio have been provided under section 113(d)(1) of the Act.

On September 2, 1976, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency ("U.S. EPA"), under authority duly delegated to him by the Administrator of U.S. EPA, issued a Notice of Violation to Buckeye Power, Inc. ("the Company") stating that the Company's generating Unit 2 at the Cardinal Generating Station, located in the vicinity of Brilliant, Ohio, was found to be in violation of the applicable Ohio Implementation Plan, as defined in section 110(d) of the Act. The Notice cited the Company's Unit 2 for violation of Ohio Regulations AP-3-07 and AP-3-11. A copy of that Notice was sent to the State of Ohio Environmental Protection Agency.

Under section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegates was duly given to the Company. On October 14, 1977, a conference was held in Chicago, Ill., to discuss the September 2, 1976, Notice of Violation. Subsequent meetings were held in Chicago on December 1, 1977, and March 30, 1978, to discuss a compliance schedule for the installation of new control equipment on Unit 2 at the Cardinal Generating Station.

U.S. EPA has determined that these violations have continued beyond the 30th day after the date of the Enforcement Director's notification and that the Company is unable to comply with the applicable implementation plan at this time.

After a review of information submitted at the conference, a thorough investigation of all relevant facts, and considering public comments, U.S. EPA has determined that the following schedule requires compliance as expeditiously as practicable, and that the terms of this Order comply with section 113(d) of the Act.

Therefore, it is hereby *ordered and agreed,* That: I. The Company shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 at Unit 2 at the Cardinal Generating Station in accordance with the following schedule:

Increment	*Date*
Submit final control plans and specifications to U.S. EPA	Achieved
Award contract(s) for control equipment	Do.
Begin on-site construction	Do.
Complete erection of precipitator hoppers and shells	August 15, 1979
Achieve compliance with Ohio Regulations AP-3-07 and AP-3-11	April 15, 1980

II. Compliance test results and certification of compliance shall be submitted to U.S. EPA one month after completion of construction and tie-in of control equipment. The Company shall notify U.S. EPA and Ohio EPA at least 10 days before any compliance test is conducted.

III. Nothing contained in this Order shall affect the responsibility of the Company to comply with other Federal, State or local regulations.

IV. No later than 15 days after any date for achievement of an incremental step for final compliance specified in this Order, the Company shall notify U.S. EPA in writing of its compliance, or noncompliance and reasons for any noncompliance, with the requirement. If delay is anticipated in meeting any requirement of this Order, the Company shall immediately notify U.S. EPA in writing of the anticipated delay, reasons for the delay, and the estimated length of the delay.

The Company shall submit quarterly reports to U.S. EPA detailing the current status in meeting each increment of progress in this Order. In addition, photographs shall be submitted along with these reports, showing progress made since the previous quarter. U.S. EPA personnel shall be admitted to the facility at any reasonable time for the purpose of viewing such progress.

V. In issuing this order, the Administrator does not waive any rights or remedies under the Clean Air Act.

VI. Under section 113(d)(7) of the Act, during the period of this order, until completion of the program set out in Paragraph I herein, the Company shall use the best practicable system of emission reduction so

as to maximize the reliability and efficiency of the existing controls on Unit 2, minimize particulate matter emissions, avoid any imminent and substantial endangerment to the public health, and comply with the requirement of the applicable implementation plan to the extent it is able to do so.

The Company shall submit written operating and maintenance procedures for the existing controls to U.S. EPA for approval within one month from the effective date of this order. These procedures shall provide for maximizing reliability and efficiency, malfunction reporting, record keeping, and corporate reviewing. Failure to submit or comply with the procedures will constitute a violation of this order.

VII. A continuous opacity monitoring system for the stack servicing Unit 2 shall be installed, calibrated, maintained and operated in accordance with the procedures set forth in Appendix B of 40 CFR Part 60 no later than July 1, 1979. Monitor data shall be retained by the Company for at least two years. In accordance with Section 114 of the Act, on a quarterly basis, the Company shall report all 6-minute data averages from the monitor [reduced as specified in 40 CFR § 60.13(b)] in excess of 20 percent.

VIII. The Company is notified that failure to achieve final compliance as required by the Act may result in a requirement to pay a noncompliance penalty. In that event, the Company will be formally notified under section 120(b)(3) and any regulations promulgated under that section.

IX. The Company hereby waives its right to file a petition for review of this order under section 307(b)(1) of the Act.

X. All submissions and notifications to U.S. EPA, under this order, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2090. A copy of all submissions and notifications shall be made to the North Ohio Valley Air Authority, 814 Adams Street, Steubenville, Ohio 43952.

XI. This order is effective upon its issuance.

Date: ——————.

——————,

Administrator.

Buckeye Power, Inc. has review ed this order, consents to the terms and conditions of this order, and believes it to be a reasonable means by which Unit 2 at the Cardinal Generating Station can achieve final compliance with Ohio Regulations AP-3-07 and AP-3-11.

Date: ——————.

ROBERT N. CLEVELAND,
President,
Buckeye Power, Inc.

[FR Doc. 78-29722 Filed 10-20-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 991-3]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Kaiser Aluminum & Chemical Corp., Heath, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative Order to the Kaiser Aluminum & Chemical Corp. (Kaiser Aluminum). The Order requires the company to bring air emissions from its two coal-fired boilers in Heath, Ohio, into compliance with certain regulations contained in the federally-approved Ohio State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by March 31, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before November 22, 1978, and requests for a public hearing must be received on or before November 7, 1978. All requests for a public hearing should be accompanied by a statement of 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 twenty-one 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 James O. McDonald, Director, Enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. 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:

Louise Gross, Attorney, at the above address. Telephone at 312-353-2082.

SUPPLEMENTARY INFORMATION: Kaiser Aluminum is engaged in the manufacture of aluminum rod bar and wire products in Heath, Ohio. The proposed Order addresses emissions from its two coal-fired boilers at this facility, which are subject to Ohio Regulation AP-3-11. The regulation limits the emissions of particulate matter, and is part of the federally-approved Ohio SIP. The Order requires final compliance with the regulation by March 31, 1979, and the source has consented to its terms. The source has also agreed to meet the Order's increments during the period of this informal rulemaking and has already satisfied particular increments contained in the Order.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Clean Air Act (the Act). If the order is issued, source compliance with its terms would preclude further EPA 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 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. After the public comment period and any public hearing, 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,[1] and will contain the procedure for EPA's issuance, approval, and disapproval of an Order 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: October 3, 1978.

VALDAS V. ADAMKUS,
Deputy Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending the table in § 65.400, Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act, to reflect approval of the following order:

[1] Published at 43 FR 44522, September 28, 1978.

[Order No. ——]

U.S. ENVIRONMENTAL PROTECTION AGENCY

[Order No. EPA-5-78-A]

In the Matter of Kaiser Aluminum & Chemical Corporation Heath, Ohio. Proceeding Under Section 113(d) of the Clean Air Act, as Amended.

ORDER

The following Order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. section 7401 *et seq.* (hereinafter the Act). Public notice, opportunity for public hearing and thirty days notice to the State of Ohio have been provided pursuant to section 113(d)(1) of the Act. This Order contains a schedule of compliance, interim control requirements and reporting requirements. Final compliance is required as expeditiously as practicable, but no later than March 31, 1979.

On November 15, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, U.S. Environmental Protection Agency (hereinafter U.S. EPA), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation, pursuant to section 113(a)(1) of the Act, to the Kaiser Aluminum & Chemical Corp. in Heath, Ohio (hereinafter Kaiser Aluminum), upon finding that the two coal-fired boilers at its Heath, Ohio facility (hereinafter the Heath facility) were found to be in violation of the applicable Ohio Implementation Plan, as defined in section 110(d) of the Act. The Notice cited Kaiser Aluminum for violation of Ohio Regulation AP-3-11 (hereinafter AP-3-11) as demonstrated by emission factor calculations and material submitted to the U.S. EPA by Kaiser Aluminum pursuant to section 114 of the Act. A copy of this Notice was sent to the State of Ohio.

At Kaiser Aluminum's request, a conference was held on December 12, 1977 to discuss the Notice of Violation. Kaiser explained the State-approved method of calculating compliance on which it had relied. In order to resolve the issue as to Kaiser Aluminum's violations, it was agreed that Kaiser Aluminum would perform stack testing at its Heath facility. Such testing was in fact performed on March 28, 1978, and established the existence of violations of AP-3-11.

After a thorough investigation of all relevant facts, it is determined that Kaiser Aluminum is presently unable to comply with the Ohio Implementation Plan, that the schedule for compliance set forth in this order is as expeditious as practicable, and that the terms of this order comply with section 113(d) of the Act. Therefore, *it is hereby ordered*, That:

I. The Kaiser Aluminum & Chemical Corp. shall achieve compliance with AP-3-11 at its two coal-fired boilers in accordance with the following schedule:

A. Submit control plan to U.S. EPA—Completed.

B. Award contracts—September 1, 1978.

C. Initiate on-site construction—October 6, 1978.

D. Complete construction—February 2, 1979.

E. Perform final compliance testing—March 10, 1979.

F. Demonstrate compliance with AP-3-11—March 31, 1979.

II. Kaiser Aluminum shall achieve and demonstrate final compliance with AP-3-11 at its Heath, Ohio facility by March 31, 1979.

III. Pursuant to section 113(d)(7) of the Act, during the period in which this Order is in effect, Kaiser Aluminum shall utilize the best practicable interim system of emission reduction (taking into account the requirement with which the source must ultimately comply in section 1, above). This shall include operation of the boilers on a seasonal basis only and at minimum practical levels.

IV. Kaiser Aluminum shall submit reports to the U.S. EPA detailing progress made with respect to each requirement of this Order. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than March 31, 1979, Kaiser Aluminum shall certify to the U.S. EPA that its two coal-fired boilers are in final compliance with AP-3-11.

V. All submissions and notifications to the U.S. EPA pursuant to this Order shall be made to the Chief, Air Compliance Section, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604.

VI. Nothing in this Order shall be construed so as to affect Kaiser Aluminum's responsibility to comply with any other Federal, State or local regulations.

VII. Nothing in this Order shall be construed as a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, section 303 of the Act, 42 U.S.C. section 7603.

VIII. Kaiser Aluminum is hereby notified that its failure to achieve final compliance by July 1, 1979, will result in a requirement to pay a noncompliance penalty under section 120. In the event of such failure, Kaiser Aluminum will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

IX. This Order shall be effective upon FEDERAL REGISTER promulgation.

Date: ——————————.

——————————,

Administrator or Delegate.

The Kaiser Aluminum & Chemical Corp. has reviewed this Order and believes it to be a reasonable means by which its Heath, Ohio facility can achieve compliance with Ohio Regulation AP-3-11. Kaiser Aluminum stipulates as to the correctness of all facts stated above and consents to the requirements and terms of this Order. Kaiser Aluminum further agrees not to challenge the reasonableness of this Order.

Date: ——————————.

——————————,

Kaiser Aluminum & Chemical Corp.

[FR Doc. 78-29721 Filed 10-20-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 993-1; Docket No. DCO-78-1]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for St. Joe Paper Co., Port St. Joe, Fla.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior FEDERAL REGISTER notice proposing a delayed compliance order for the No. 4 power boiler at the St. Joe Paper Co. located in Port St. Joe, Fla. This action is being taken because St. Joe Paper Co.'s No. 4 power boiler, the source covered by the order, is no longer in violation of the Florida State implementation plan provisions covered by the proposed order.

EFFECTIVE DATE: This withdrawal is effective October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Wayne Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone 404-881-4253.

SUPPLEMENTARY INFORMATION: On May 24, 1978, a FEDERAL REGISTER notice published at page 22221 FEDERAL REGISTER, volume 43, No. 101, solicited public comments and offered the opportunity to request a public hearing on a proposed delayed compliance order to be issued by the EPA to St, Joe Paper Co. located in Port St. Joe, Fla. The source, which was the subject of the delayed compliance order—St. Joe Paper Co.'s No. 4 power boiler—has subsequently achieved compliance with the Florida State implementation Plan regulations covered by the order. On July 10, 1978, a performance test was conducted at St. Joe Paper Co.'s No. 4 power boiler and the results indicate that the boiler is operating in compliance with Chapter 17-2.04(2), air pollution rules for the State of Florida, dealing with the control of particulate emissions from process sources.

In consideration of the foregoing the proposal published in the FEDERAL REGISTER (22221 FR vol. 43, No. 101) on May 24, 1978, entitled "Proposed Delayed Compliance Order for St. Joe Paper Co., Port St. Joe, Fla.," is hereby withdrawn.

Dated: October 12, 1978.

JOHN A. LITTLE,
Acting Regional Administrator, Region IV.

[FR Doc. 78-29730 Filed 10-20-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2 and 87]

[Gen. Docket No. 78-323; RM-3058; FCC 78-699]

AUTHORIZING THE USE OF AERONAUTICAL ADVISORY FREQUENCIES BY AERONAUTICAL UTILITY MOBILE STATIONS LOCATED AT CERTAIN LANDING AREAS WHICH DO NOT HAVE A CONTROL TOWER OR FAA FLIGHT SERVICE STATION

Withdrawal of Notice of Proposed Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking appearing in the FEDERAL REGISTER, October 11, 1978, at 43 FR 46871, concerning authorizing the use of aeronautical advisory frequencies by aeronautical utility mobile stations located at certain landing areas which do not have a control tower or FAA flight service station.

DATES: Comments must be received on or before November 15, 1978, and reply comments must be received on or before November 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Released: October 16, 1978.

In the matter of amendment of Parts 2 and 87 of the rules to authorize the use of aeronautical advisory frequencies by aeronautical utility mobile stations located at certain landing areas which do not have a control tower or FAA flight service station, Gen. Docket No. 78-323.

In the above captioned matter, FCC 78-699, released October 12, 1978, in the FEDERAL REGISTER at 43 FR 46871, the Notice of Proposed Rulemaking is incorrect, withdrawn, and will be published at a later date.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

EDITORIAL NOTE: The correct document was published Friday, October 20, 1978 at 43 FR 49017.

[FR Doc. 78-29766 Filed 10-20-78; 8:45 am]

[6712-01-M]

[47 CFR Part 73]

[BC Docket No. 78-308; RM-2869; FCC 78-679]

PERMITTING TRANSMISSION OF PROGRAM-RELATED SIGNALS IN VERTICAL BLANKING INTERVAL OF THE STANDARD TELEVISION SIGNAL

Proposed Rulemaking and Memorandum Opinion and Order

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and memorandum opinion and order.

SUMMARY: Proposed amendment would allow the transmission of a digital source identification signal on line 20 of the television vertical blanking interval. Action initiated by a petition from the National Broadcasting Co. in order to improve accuracy and availability of program ratings and automate some recordkeeping and switching functions.

DATES: Comments must be received on or before January 29, 1979, and reply comments must be received on or before February 28, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Gordon W. Godfrey, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 22, 1978.

Released: October 20, 1978.

By the Commission: Commissioners Lee and Fogarty and absent.

In the matter of amendment of § 73.682 of the Commission's rules to permit the transmission of program related signals in the vertical blanking interval of the standard television signal, BC Docket No. 78-308, RM-2869.

1. The Commission has received a petition for rulemaking to amend § 73.682 of the Commission's rules and regulations to permit the transmission of program related signals during the vertical blanking interval ("VBI") of the standard television signal. The petition (RM-2869) was filed by the National Broadcasting Co., Inc. ("NBC") on March 30, 1977. Statements supporting the petition were received from the Public Broadcasting Service ("PBS"), American Broadcasting Co., Inc. ("ABC"), Columbia Broadcasting System, Inc. ("CBS"), the Joint Committee on Intersociety Coordination Ad Hoc Committee on Television Broadcast Ancillary Signals ("JCIC Ad Hoc Committee"), and from Mr. Daniel L. Rapak, a television station broadcast engineer. On November 11, 1977, the Board of Delegates of the National Broadcasting Co., Inc., television network affiliates ("Board"), submitted comments on the petition for rulemaking and a motion for leave to accept late filed comments.[1] The Board states that its members only recently became aware of the proposed rulemaking, and subsequently their investigation of the proposal and possible alternatives resulted in late filed comments. Although the comments were filed well after the close of the comment period, they provide additional information on areas which require consideration in this proceeding and will be accepted. An additional statement in opposition was received on December 5, 1977, from the Association for Maximum Service Telecaster ("AMST"). On March 15, 1978, the ABC Television Affiliates Association filed reply comments supporting the petition. These will similarly be accepted in this proceeding despite the late dates of their filing.

2. NBC proposes that § 73.682(a)(21) be amended to allow the transmission of a digital source identification ("SID") signal on line 20 of the VBI. Specifically, NBC requests that this section be amended by adding the underlined material as follows:

> The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals and cue and control signals, subject to the conditions and restrictions set forth below. Test signals may include signals used to supply reference modulation levels so that variations in light intensity of the scene viewed by the camera will be faithfully transmitted, and signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the television broadcast station *and may include signals to identify the broadcast material or its source.* Figures 6 and 7 of § 73.699 identify the numbered lines referred to in this subparagraph.

Although this section currently allows test signals and cue and control signals to be transmitted on lines 17 thorugh 20 of the VBI, three of these four lines are reserved for specific signals; § 73.682(a)(21)(iv) reserves the use of line 19, in each field, for the transmis-

[1] Pursuant to § 1.405 of the Commission's rules and regulations, the period for filing statements in support of or in opposition to a petition for rulemaking is 30 days from the date of the Commission's "Public Notice" of the filing of the petition. Public Notice was given Apr. 12, 1977. (Rept. No. 1038).

sion of the vertical interval reference signal described in figure 16 of § 73.699 of the rules. In addition, § 73.676(f) requires that television broadcast stations authorized to operate by remote control shall utilize specified test signals inserted in the VBI on lines 17 and 18 of both fields. Line 20 of he VBI is not currently reserved for any specific use and is thus available for the transmission of any other test or cue and control signal that is in compliance with § 73.682(a)(21).

3. NBC proposes to use the SID signal to identify the originating network, the city of origination and the date and time of origination. NBC projects potential use of the proposed signal for verification of network service transmitted; faster and more accurate program ratings; automatic logging; and automatic operation of cable television nonduplication switching equipment. In their comments, ABC and Mr. Rapak stated that an SID signal such as that proposed by NBC could also be used to give network affiliates much more reliable time references, allowing a more synchronized switching to the network feed.

4. It is the inclusion of the proposed SID signal in the over-the-air television transmissions which would necessitate a change in the Commission's rules. If the SID signal is deleted from the television signal before it is broadcast, no changes in the rules are required. NBC states that radiation of the signal is necessary to allow monitoring of the total television system, from the picture source to the transmitter output, and to allow use of the signal at affiliate stations which receive the network programing off-the-air from other affiliates. In Addition, NBC submits that its radiation will offer any interested party equal access to the SID signal.

5. In February of 1973, the networks (ABC, CBS, NBC and PBS), in a joint letter to the Commission, sought informal authority to implement an off-the-air monitoring system using a vertical interval digital signal. The Commission, by letter dated April 4, 1973, rejected this approach and indicated that such authorization could be obtained only through a rulemaking. Since then, pursuant to special temporary authorization ("STA") first issued by the Commission to each network in November of 1974, development and testing have been conducted by NBC, ABC, and CBS. The results of these field tests, as analyzed by the networks and reported to the Commission, show that recovery of the SID signal is accurate and extremely reliable, even when radiated, after traversing long network circuits.

6. NBC does not propose that technical restrictions or a required format for the SID signal should be adopted. Currently, test, cue and control signals are permitted in the VBI, pursuant to § 73.682(a)(21)(ii), on condition that their use shall not result in significant degradation of the program transmissions of the television broadcast station, nor produce emission outside of the frequency band occupied for normal program transmissions. Filings in this proceeding indicate that there is virtually no potential for program degradation by the proposed SID transmissions, and the testing done pursuant to the STA's seems to confirm this. Therefore, we would anticipate no problems in allowing the SID signals to be transmitted on the same noninterfering basis as currently applies for other test signals and cue and control signals. However, if it were to become evident that the transmission of the SID signal caused interference to other signals in the VBI, or that it required an unreasonable amount of spectrum space in the VBI, we would consider, at that point, such technical restrictions as appeared necessary.

7. NBC claims that development of technology to further utilize the VBI spectrum space would not be inhibited by the action it has requested since it does not propose that line 20 be reserved for the SID signal. In addition, NBC states that the transmission of the SID signal in the odd fields of only two frames per second is sufficient to permit full recovery of the required data. Approximately 30 frames per second are transmitted, and each frame is comprised of two fields, thus, by time sharing, NBC states that almost all of the active line 20 time would remian available for other test, cue and control signals, or for other signals which may be developed in the future. Statements filed in support of this petition concur with the contention that this would be an efficient use of the scarce VBI spectrum space available.

8. The NBC petition limits its discussion to the use of SID signals with network distributed material. However, no such restriction is included in the rule amendment requested by NBC and we do not believe such a limitation is necessary. An SID signal could also be included on video tape programing that is syndicated or individual stations could transmit it for the identification of local programs.

9. In its comments, the Board indicates reservations with regard to the SID proposal. It expresses the belief that line 20 would be effectively dedicated to SID use, precluding possible alternative uses of this scarce spectrum. The Board states that since line 20 is the last VBI spectrum space remaining available for use by each local television station, an SID system would prevent future use of the VBI for other services, specifically public information systems such as "Teletext".[2] The Board indicates that a teletext type system in this country would permit each television station to transmit a great variety of local news and information which might not otherwise be broadcast. In conclusion, the Board requests that the NBC petition for rulemaking be denied, and in lieu of a rulemaking proceeding, a notice of inquiry be instituted to explore all alternative uses of the vertical blanking interval.

10. AMST concurs in many of the Board's arguments, and stresses that the VBI signals transmitted must remain under the exclusive control of the individual broadcasters. AMST further points out that the SID proposal would be used by the "broadcasting industry" and would not provide a signal for reception or use by the public. AMST questions the usefulness of the proposed signal indicating that the primary purpose of the SID system does not require the over-the-air transmission of the signal and that there is no desire for several of the other potential uses listed by NBC.

11. While a teletext type system in this country could prove beneficial, there has been no indication that institution of such service would be proposed in the near future. However, we are aware that testing and development of teletext systems is being carried on at this time.

Earlier this year, the Commission granted special temporary authority to Boneville International Corp., licensee of television station KSL-TV, channel 5, Salt Lake City, Utah, to transmit a teletext signal for test purposes on lines 15 ad 16 of the VBI. However, no proposal to allow regular transmission of such signals has been submitted, and none is expected until further testing and development is completed. Furthermore, it may be technically possible to combine closed captioning and teletext operations through reallocation or expanded use of the lines in the VBI. For example, in response to a petition (RM-2859) filed by AVC, we are presently examining a proposal which could reduce the number of lines in the VBI which are used for vertical interval test signals during remote control of television transmitters. In any case, there is sufficient spectrum space in the vertical blanking interval to accomodate the current demands upon it. If it is desirable in the future to consider use of line 20 for teletext or other general purpose data transmission systems, we will not allow the currently proposed

[2] A high data-rate system, using space in the VBI, capable of providing a multiplicity of services, possibly including closed captioning. The Board included in its comments information concerning the British Broadcasting Corporation ("BBC") teletext type system called "CEEFAX".

use of line 20 by the SID signal to preclude the ultimate use of line 20 by a general purpose data system. We would instead expect the transmission of the information contained in the SID signal to be integrated with the general purpose system, possibly including some form of time sharing. Otherwise, relocation of the SID signal may be necessary, if possible. In addition, the action proposed by NBC would neither reserve line 20 for SID nor require individual stations to broadcast the SID signal supplied by the networks. The individual licensee would retain responsibility for the signal it broadcasts and would have the options of deleting the SID signal or substituting its own test or cue and control signals. We believe that information regarding alternative uses of the vertical blanking interval in addition to information on the usefulness and necessity of the proposed SID transmissions can be adequately considered in a rulemaking context and that a comprehensive VBI notice of inquiry is not necessary at this time. For these reasons, the Board's request for dismissal of the NBC petition and for institution of a notice of inquiry will be denied, but its filing, along with that of AMST, will be treated as comments in this proceeding.

12. PBS, in its statement in this proceeding, raised the question of whether the proposed SID signal is program related or broadcast related. PBS contends that the SID signal is broadcast related, and thus should not be considered an obstacle should line 20 be needed in the future for a program related signal. Petitioner, and some other respondents to the petition, view the SID signal as program related since it would be unique for each program transmitted, and when used in conjunction with a program schedule or log, it will provide information as to the particular programs broadcast by a station. "Broadcast related" implies that a signal's primary use is as an aid in the operation of a television or radio station. "Program related" indicates a direct correlation of the signal with the material that is being broadcast at the same time. While some signals fall neatly into one of the two categories (e.g., the vertical interval test signals are broadcast related and the closed captioning signal is program related) the proposed SID signal includes aspects of each. It is the program related uses of the SID signal which differentiate if from the test, cue and control signals currently allowed by the rules. For the purposes of this proceeding, we will therefore consider the SID signal to be program related.

13. Examination of the wording which NBC offers for the rule amendment suggests that a comprehensive VBI program identification signal is also being considered. However, no information has been submitted regarding this type of system even though some of the uses of a comprehensive program identification system (e.g, automatic logging and faster, more accurate ratings) can apparently be derived from the proposed SID signal. We are proposing to amend the rules as requested by NBC. However, comments concerning the application and utility of the SID signal for program identification purposes are requested.

14. This is not the first proposal for transmission of program related signals that has been before the Commission and a finding that such transmissions are in the public interest has previously been made. For a period of several years in the early 1970s, a program identification system utilizing encoded signals inserted in the extreme four corners of the active television picture was sanctioned by the Commission's rules.[3] Additionally, a "submerged signalling" technique of program identification using insertion of coded information into the audio signal is presently being considered in Docket 18877. In the Commission's considerations of these systems it was necessary to determine that the use of broadcast frequencies for such a purpose was in the public interest. The Commission has "found that the transmission on broadcast frequencies of signals intended to be used in the rendition of a nonbroadcast automatic program identification service to be in the public interest."[4] In view of the limited program identification functions of the proposed SID signal, we consider that public interest finding to be valid with respect to the instant proposal.

15. As an alternative to rulemaking, NBC suggests that its proposal could be implemented by an order, since the action requested could be considered interpretive in nature. We do not believe that the issuance of an order is appropriate. Because the proposal involves a new utilization of the very limited VBI spectrum space which remains available, we believe that a rulemaking is in order. This proceeding will provide an opportunity for comments on the potential benefits and uses of the SID signal; the impact of the proposal on present and future use of the VBI spectrum; and on the possible existence of other technologies which might produce the same benefits more effectively or more reliably.

16. In sum, the requisite public interest finding has been made to warrant consideration of the instant proposal in a rulemaking proceeding. In view of the field test reports filed by the networks and the statements filed in support of this petition, we are convinced that the techniques involved in providing this service are technically viable. Further, we are persuaded that such a system is potentially beneficial to the general public, as well as to the networks and broadcasters.

17. Accordingly, pursuant to authority found in sections 1, 4 (i) and (o) and 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.682(a)(21) as set forth below.

18. Comments are requested addressing all of the above mentioned areas as well as any other considerations respondents consider important.[5] The Commission notes also that there appears to be some confusion among cable systems regarding their obligations under § 76.55(b)[6] in handling signals transmitted in the VBI. The Commission contemplates affording cable systems the same options as television broadcast stations in handling SID signals. Specific comments addressing this matter are requested. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before January 29, 1979, and reply comments on or before February 28, 1979.

19. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and five copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional six copies. Responses will be made available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, NW.).

20. *It is ordered,* That the request contained in the Board's comments for institution of a Notice of Inquiry and for dismissal of the NBC petition, is denied as discussed in paragraph 11, above.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

It is proposed to amend § 73.682 (a)(21) of the Commission's rules and

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[3] See report and order in Docket 18605, adopted Apr. 15, 1970 (35 FR 6484); report and order in Docket 19314, 43 FCC 2d 927, 944 (1973); and memorandum opinion and order in Docket 19314, 57 FCC 2d 1025 (1976).

[4] Par. 72, report and order in Docket 19314, supra.

[5] Reports submitted to the Commission of tests made pursuant STA's are being made a part of the record in this proceeding. Comments on the methods and results summarized in these reports are invited.

[6] Section 76.55(b) states: "Where a television broadcast signal is carried by a cable television * * * the programs broadcast shall be carried in full, without deletion or alteration of any portion except as required by this part."

regulations by the addition of the phrase "and may include signals to identify the broadcast material of its source as follows:

§ 73.682 Transmission standards and changes.

* * * * *

(a) * * *

(21) The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals and cue and control signals, subject to the condition and restrictions set forth below. Test signals may include signals used to supply reference modulation levels so that variations in light intensity of the scene viewed by the camera will be faithfully transmitted, and signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the television broadcast station and may include signals to identify the broadcast material or its source. Figures 6 and 7 of § 73.699 identify the numbered lines referred to in this subparagraph.

* * * * *

[FR Doc. 78-29748 Filed 10-20-78; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 192]

[Docket No. PS-54; Notice No. 1]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Joining of Plastic Pipe

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to amend its regulations, relating to qualifying procedures and personnel to make all types of joints used with plastic pipe, including heat fusion, solvent cement, adhesive, or mechanical joints. Accident reports filed with the MTB in recent years indicate that many pipeline operators have not established effective procedures for properly joining plastic pipe, have not trained construction personnel, or performed effective inspection of construction to insure that plastic pipe is properly installed and joined. The regulations are intended to reduce the potential for accidents as a result of poor workmanship in making joints.

DATE: Interested persons are invited to submit written comments on this proposal before December 15, 1978. Late filed comments will be considered to the extent practicable.

ADDRESS: Communications should refer to the docket and notice, and should be sent to: Docket Branch, Materials Transportation Bureau, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Paul J. Cory, 202-426-2392.

SUPPLEMENTARY INFORMATION: Individual accident reports, Form DOT F 7100.1 (Leak Report—Distribution System), submitted to the Materials Transportation Bureau (MTB) by gas pipeline operators over the past several years, as well as the National Transportation Safety Board (NTSB) reports of accidents that occured at Fort Worth, Tex., October 4, 1971, and Fremont, Nebr., January 10, 1976, have indicated that many pipeline operators have not established effective procedures for properly joining plastic pipe, have not trained construction personnel, or performed effective inspection of construction to insure that plastic pipe is properly installed and joined.

In an NTSB report NTSB-Par-72-5 titled "Pipeline Accident Report, Lone Star Gas Co., Fort Worth, Tex., October 4, 1971," NTSB found that improper joint fusion due either to overheating or joint disturbance before setting was partially to blame for the failure. The Fort Worth failure occurred in a plastic service line where the service line was connected by heat fusion to a service saddle that had previously been fused to the gas main. The conclusions to this report stressed, in part, the following:

(1) The plastic gas distribution system which suffered failures in this area was installed improperly and was not inspected during construction.

(2) The plastic service connection was weakened additionally by improper fusion and by an incorrect reinforcing sleeve. The connection failed under the stress applied to it by the rainsoaked, heaving soil.

The investigation of this accident revealed that in the area near the failed joint responsible for the explosion and fire, there were four other leaks that resulted from similar failures on other service connections in the joint between the plastic service saddle and the plastic pipe.

In NTSB Report No. NTSB-Par-76-6, titled "Pipeline Accident Report, Nebraska Natural Gas Co., Pathfinder Hotel Explosion and Fire, Fremont, Nebr., January 10, 1976," NTSB indicated that the plastic pipe installation was made with an insufficient allowance for the expansion and contraction of plastic material due to temperature changes, and that a compression coupling was improperly installed.

The Fremont failure resulted from the forces of thermal contraction in a 348-foot length of 2-inch plastic pipe that had been inserted through a leaking 4-inch steel gas main during warm weather without proper allowance being made for the contraction that takes place in cold weather.

Conclusions to this report stressed, in part, the following:

(1) The pipeline was not designed and installed so that the tie-in compression coupling would sustain the longitudinal pull or the thrust forces which were caused by the pipe's contraction within its 4-inch steel casing.

(2) The pipe was not installed in accordance with several important manufacturer's recommendations and the quality of workmanship at the tie-ins was marginal.

NTSB has made the following specific recommendations as a result of these two incidents:

BSTS-P-72-63: Undertake a study in the field of heat fusion of plastics and, as a result of that study, issue regulations for the heat-fusion welding of plastic piping systems in 49 CFR Part 192, Fusion Welding, in as much detail as is contained in the existing welding specifications for steel piping systems.

BSTS-P-76-43: Study the plastic-to-steel transition problems and take appropriate regulatory action to correct any unsafe practices.

An MTB sponsored contract study, DOT/OPS-75/07, "Pipeline Industry's Practices Using Plastic Pipe in Gas Pipeline Facilities and the Resulting Safety Factors," conducted by Toups Corp., of Santa Ana, Calif., repeatedly stresses that poor workmanship in making joints is one of the major causes of plastic pipeline failures. Toups review of MTB accident records and the response to a questionnaire sent be Toups to pipeline operators support this position. This study further indicates that four basic factors contribute to the problem of poor workmanship in joining plastic pipe: Absence of effective procedures, not following procedures even in those cases when procedures were in existence, inadequate training of construction crews regarding joining procedures, and inadequate field inspection of joints. The amendment proposed by the notice addresses each of these factors.

Effective procedures. Procedures and tools for joining plastic pipe have continually been improved since plastic pipe was first used over 40 years ago. Currently available procedures and tools will produce satisfactory plastic pipe joints by utilizing the various types of joining techniques developed

by the plastic pipe manufacturers and fitting manufacturers if the procedures are appropriately applied and carefully followed. To produce consistently sound joints, procedures must cover details such as, joint preparation, alinement, equipment condition, time limits, temperature, and force applied. Because of the importance of covering such details, it is imperative that a proper testing method be used to qualify each joining procedure to be used in producing plastic pipe joints.

The current standards in Part 192 relating to the effectiveness of joining procedures are written in performance terms in § 192.273 (a) and (b) and § 192.281(a). Under § 192.281(a), each plastic pipe joint must be made in accordance with written procedures that have been proven by destructive burst test to produce joints at least as strong as the pipe being joined. Sections 192.273 (a) and (b) require that joints must sustain longitudinal pull out and thrust forces and be gas tight. Part 192 does not describe, however, either the characteristics of the test to be used or how test results are to be evaluated in determining whether a joining procedure is effective in meeting the performance objectives. Thus, the current standards leave to the operator's judgment the testing and proof needed to qualify procedures to produce joints as strong as the pipe or sustain pull out or thrust forces. As a consequence, the use of different test methods can produce different test results. Because of this variation, MTB believes that a standard test method and standard for evaluating test results are needed in Part 192 to qualify procedures for each type of plastic pipe joint.

In this regard, MTB believes that Part 192 should be amended to require that joining procedures be qualified for use by both burst tests and tensile pull tests. The present performance requirement regarding a burst test in § 192.281(a) would be revised to require burst testing in a manner similar to that provided by ASTM D1599-74, "Standard Method of Test for Short-Time Rupture Strength of Plastic Pipe, Tubing, and Fittings." This testing consists of applying a steadily increasing internal hydraulic pressure to the piping being tested at a controlled rate of pressure increase such that failure occurs between 60 and 70 seconds from beginning the application of the pressure. The ASTM test method includes such details as temperature control and conditioning, pressure control, timing devices, pipe specimen dimensions, and preparations.

Consistent with the existing performance language in § 192.281(a), MTB also proposes that the following criteria be used to evaluate the test results: If rupture occurs in the pipe and not in the joint, the joint is qualified; if the failure involves the joint in any way, the joint is unacceptable.

At present, the ASTM D1599 is used by industry to establish quality control during manufacture of pipe or for procurement specifications. However, if this ASTM test is adopted as a standard burst test under Part 192, it would be used to determine whether joining procedures will produce joints that resist hoop stress as well as the pipe being joined. Because both the purpose and criteria for evaluating the results of the ASTM burst test would be different under Part 192 than in current usage, the test is modified in the proposal by eliminating the determination of the stress at which failure occurs.

The accident at Fremont, Nebr., resulted in part from improper installation of a compression coupling. This failure focused MTB's attention on the fact that a standard test was not available to determine the capability of a joining procedure to produce a plastic pipe joint that would satisfactorily resist a longitudinal stress as required by § 192.273(a).

Subsequently, the Plastic Pipe Institute (PPI), a research group sponsored by plastic pipe manufacturers, and the ASTM F-17.60 Gas Piping Systems Subcommittee, who are responsible for development of standards for the use of plastic pipe in gas piping systems, combined to develop a test method for use in demonstrating the capability of any type of joint used in plastic natural gas piping to resist longitudinal forces due to thermal contraction and expansion.

Approval was given by ASTM on September 21, 1978, to add the proposed test method on an interim basis to ASTM D2513-75b "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings." The following is excerpted from this revision;

EM8.14 Categorization of Mechanical Joints

This method of test provides a uniform procedure by which the gas engineer can qualify or categorize short-term pullout resistance of mechanical joints. The apparatus, conditioning, and report shall be as specified in Method D-638-77a (see ASTM Handbook 35). The speed of the testing shall be 5 (mm ±0.20 inch) per minute + 25 percent (speed B). Five specimens shall be prepared following the manufacturer's fabrication procedures. Length of the specimen shall be such that the distance between the grip of the apparatus and the end of the stiffener is at least five times the nominal o.d. of the pipe size being tested.

Start the machine. Pull until pipe or tubing yields to an elongation of 25 percent or is pulled from fitting. Length of yield is to be ascertained over a 50 mm (2 inch) span. Specimens that fail at the grips should be retested using new pipe or tubing. If pipe or tubing pulls from fitting, the lowest of the five values shall be used in design calculations for stress * * *.

Results obtained from the above method pertain only to the specific outside diameter, wall thickness and resin of the pipe or tubing used in the test.

The Method ASTM D683-77a, "Standard Test Method for Tensile Properties of Plastics," referenced in section EM8.14, provides for determination of the tensile properties of plastics in the form of standard test specimens when tested under defined conditions of pretreatment, temperature, humidity, and testing machine speed. The apparatus referred to in EM8.14 includes the testing machine and tools needed to perform the testing operation. The conditioning referred to is the procedure for control of the termperature and humidity at which testing is to be done.

The ASTM test procedure is being issued in ASTM D2513 as a pull test for use with mechanical fittings. MTB is proposing that this method be used to qualify joining procedures for all types of joints in plastic pipelines transporting gas within the scope of Part 192.

Training and Qualification of Personnel

At present, Part 192 has no requirements for qualifying personnel to make plastic pipe joints. As mentioned previously, leak reports filed with MTB and NTSB accident investigations have pointed out the need for improving the reliability of plastic pipe joining personnel. One of the major points stressed by the study done for MTB on the use of plastic pipe in gas systems was that even when procedures were properly established, they were often not followed by those doing the work. Thus, not only is there a need for qualifying proposed procedures, but there is also a need for qualifying the persons who are actually carrying out those procedures. As a result, MTB is also proposing that Part 192 be amended to require that persons who join plastic pipe be trained and qualified under the same testing procedure used to qualify the joining procedure.

Inspection

There are basic differences in the four types of joints and joining procedures used on plastic pipe (i.e., adhesive, fusion, solvent cement, and mechanical joints). Thus, persons making inspections of joints as required by § 192.273(c) need to have a thorough knowledge of each type of joint to be inspected including the procedure by which a joint is made. To make their qualification mandatory, MTB is proposing that a new standard be adopted to require that persons who perform

joint inspections be qualified by training or experience in making the type of joint being inspected. MTB has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under DOT procedures.

It is proposed that Part 192 of Title 49 of the CFR be amended as follows:

§ 192.281 [Amended]

1. By deleting the first sentence in § 192.281(a).

2. By adding a new § 192.283 to read as follows:

§ 192.283 Qualifying plastic pipe procedures and personnel.

(a) Written procedure required by § 192.273(b) for making plastic pipe joints must be qualified by testing in accordance with paragraph (c) of this section.

(b) An operator may only use a person to make plastic pipe joints who has demonstrated his capability to make sound joints by—

(1) Appropriate training or experience in the joining procedure to be followed;

(2) Making within the preceding 12 months, five consecutively made test joints that have been tested and found acceptable in accordance with each test method required in paragraph (c) of this section for the joining procedure to be followed; and

(3) Having in his possession a certificate signed by an operator stating that the requirement of this paragraph for testing and training or experience has been met.

(c) Testing required by paragraphs (a) and (b) of this section must be performed as follows by a person who is familiar with the testing method and apparatus:

(1) Burst tests must be conducted in accordance with ASTM D1599 except that the burst stress need not be calculated. If as a result of these burst tests, failure occurs only outside of the joint area, the joint tested is acceptable.

(2) Tensile testing of all types of joints must be conducted in accordance with paragraph EM8.14 of ASTM D2513-75b, as amended September 21, 1978, except that a report is not required.

(d) The inspection required by § 192.273(c) for joints made on plastic pipelines must be performed by persons qualified by appropriate training or experience in following the procedure for the type of joint being inspected.

3. In Section II of Appendix A, by redesignating items (19) and (20) as items (20) and (21), respectively, and adding a new item (19) as follows:

APPENDIX A—INCORPORATED BY REFERENCE

* * * * *

(19) ASTM Specification D1599 "Standard Method of Test for Short-Time Rupture Strength of Plastic Pipe, Tubing, and Fittings: (D1599-74)."

* * * * *

4. By amending the Table Sections to include under Subpart F—Joining of Materials Other Than by Welding, the following section:

* * * * *

Section 192.283 Qualifying Plastic Pipe Procedures and Personnel

* * * * *

(49 U.S.C. 1692; 49 U.S.C. 1804; 49 CFR 1.53, App. A of Part 1, and App. A of Part 106.)

Issued in Washington, D.C., on October 18, 1978.

CESAR DELEON,
Associate Director for Pipeline Safety Regulation.

[FR Doc. 78-29870 Filed 10-20-78; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[49 CFR Part 531]

[Docket No. LVM 77-03; Notice 4]

PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Proposed Decision to Grant Exemption

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

ACTION: Proposed decision to grant exemption from average fuel economy standards and to establish alternative standards.

SUMMARY: This notice is being issued in response to a petition by Checker Motors Corp. (Checker) requesting that it be exempted from the generally applicable average fuel economy standards of 19 miles per gallon (mpg) and 20 mpg for 1979 and 1980 model year passenger automobiles, respectively, and that lower alternative standards be established for it. This notice proposes that the requested exemptions be granted and that alternative standards of 17.6 mpg and 18.6 mpg be established for Checker for those model years.

DATE: Comment closing date: November 22, 1978.

ADDRESS: Comments on this notice must refer to Docket LVM 77-03 and should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh 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 (202-755-9384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost-Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the National Highway Traffic Safety Administration (NHTSA) establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one which manufactures less than 10,000 passenger automobiles worldwide in the model year for which the exemption is sought (the affected model year) and which manufactured less than 10,000 passenger automobiles worldwide in the second model year before the affected model year. In determining maximum feasible average fuel economy, the agency is required by section 502(e) of 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.

To implement section 502(c), NHTSA issued Part 525, Exemptions from Average Fuel Economy Standards (42 FR 38374: July 28, 1977). Part 525 prescribes the contents of exemption petitions and sets forth the procedures for processing those petitions. After receipt of a complete petition, the agency publishes a notice of receipt which summarizes the petition and invites comments on it. Subsequently, the agency publishes a proposed decision to grant or deny the petition and provides a further opportunity for comment. Finally, the agency publishes a final decision to grant or deny the petition.

Checker originally filed an incomplete petition in September 1977 for exemption from the generally applicable standards for the 1979 and 1980 model year passenger automobiles. After obtaining further information on these automobiles from Checker, NHTSA issued a notice announcing receipt of a complete petition for exemption from the model year 1978-1980

standards generally applicable to passenger automobiles (42 FR 64169); December 22, 1977). That notice summarized the Checker petition and invited public comment on it.

Only one comment on the notice of receipt was submitted. The commenter urged that Checker be exempted "in the name of commonsense."

The NHTSA then issued a proposed decision to grant Checker an exemption from the generally applicable passenger automobile average fuel economy standard for the 1978 model year, and to establish an alternative standard of 17.6 mpg for 1978 model year Checker automobiles (43 FR 24871; June 8, 1978). No comments were received on this notice. A final decision exempting Checker from the generally applicable average fuel economy standard for the 1978 model year and establishing an alternative standard of 17.6 mpg for Checker 1978 model year automobiles was published at 43 FR 34785; August 7, 1978.

Requested alternative standards. In its petition, Checker requested that its alternative standard for the 1979 model year be set at 16.7 mpg and that its standard for the 1980 model year be set at 16.5 mpg. These requests were premised on the assumption by Checker that its four base levels of automobiles would achieve the same level of fuel economy in the 1978–1980 model years as they had in the 1977 model year. A base level is a classification of automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine and transmission type (e.g., manual, automatic, or semi-automatic). This description of a base level is a simplification of the Environmental Protection Agency's (EPA) definition of the term, which can be found at 40 CFR 600.002-77(a)(23). Checker projects that its automobiles during the affected model years will not differ technically from its 1978 model year automobiles.

Baseline fuel economy. Since the submission of Checker's petition for exemption for the 1979 and 1980 model years, EPA has reported Checker's average fuel economy for the 1978 model year as 17.6 mpg, assuming Checker sells the mix it projected, rather than the 16.8 mpg level projected by Checker for the 1978 model year. This agency will use the 1978 fuel economy level instead of Checker's projected 1978 fuel economy level as Checker's baseline fuel economy. Since Checker stated that its 1979–1980 model year base levels would have the same fuel economy as its 1978 model year base levels, the agency believes that the minimum levels which could be established as Checker's maximum feasible average fuel economy would be 17.6 mpg for model year 1979 and 17.5 mpg for model year 1980.

Technological feasibility and economic practicability. In considering whether Checker could improve its average fuel economy for the 1979 and 1980 model years, NHTSA examined the same methods for improving average fuel economy that it examined in establishing average fuel economy standards for 1981–1984 passenger automobiles (42 FR 33534; June 30, 1977) and for model year 1980–1981 light trucks (43 FR 11995; March 23, 1978). These methods were weight reduction, aerodynamic improvements, engine efficiency improvements, engine accessory efficiency improvements, alternative engines, turbochargers, automatic transmission improvements, improved lubricants, reduced rolling resistance, engine displacement or drive ratio reductions, and mix shifts. The tenative results of this analysis are indicated below for each model year.

Weight reduction. For purposes of this proposed decision, weight reduction refers to two options—downsizing and materials substitution. "Downsizing" means the reduction of vehicle weight and exterior dimensions by optimizing the vehicle design. The goal of downsizing is to reduce the exterior dimensions of the automobile without reducing significantly the interior passenger and luggage volume of the automobile.

According to Checker, its automobiles are designed to serve as taxicabs, which requires those automobiles to have a large passenger carrying area. Thus, the automobiles feature, in Checker's words,"a flat floor in the rear compartment, chair-height seats, larger interior volume with ample headroom, and large door openings for ease of entry and exit." The Checker automobiles have either six, eight, or nine designated seating positions.

In addition to a large passenger and cargo carrying capacity, Checker asserts that its automobiles are also designed for maximum durability and ease of maintenance. As examples of its efforts to insure low maintenance costs, Checker cites its use of bolt-on front and rear fenders, interchangeable aluminum bumpers on the front and rear, and the same vehicle design since 1956. This constancy of design is said to permit taxicab fleet owners to use parts from scrapped vehicles as replacement parts for newer Checkers.

Downsizing of the Checkers while retaining these design features would be extremely difficult in the time frame of the 1979 and 1980 model years. Given the difficulty of the task and the limited assets available to Checker for the task, NHTSA tentatively concludes that weight reduction by downsizing is not economically practicable for Checker for the affected model years.

"Material substitution", the other weight reduction option indicated above, refers to the substitution of materials with lighter weight for a given strength, such as aluminum, plastics, and high-strength steel, for currently used materials. For the 1978 model year, the Checker base levels with 6-cylinder engines were tested in the 4,000-pound inertia weight class and the base levels with 8-cylinder engines were tested in the 4,500-pound inertia weight class. The loaded vehicle weights for the 1978 Checker models were as follows:

Model	Loaded vehicle weight	Inertia weight class
6-cylinder Federal	4,197	4,000
6-cylinder California	4,225	4,000
V-8 Federal	4,328	4,500
V-8 Federal (long wheelbase)	4,528	4,500
V-8 California	4,328	4,500
V-8 California (long wheelbase)	4,528	4,500

Under EPA procedures for the 1979 model year, automobiles with a loaded vehicle weight of 3,251 to 3,750 pounds are placed in the 3,500-pound inertia weight class, 3,751 to 4,250 pounds are placed in the 4,000-pound inertia weight class, and 4,251 to 4,750 pounds are placed in the 4,500-pound inertia weight class.

For the results of any weight reduction to show up on the EPA fuel economy tests, the Checker automobiles would have to drop to a lower inertia weight class. In the case of the 1979 Checker automobiles, about 450 pounds would have to be removed from the 6-cylinder models and about 275 pounds would have to be removed from the long wheelbase 8-cylinder models to place the vehicles in the next lowest inertia weight class. The lack of leadtime available to Checker for making weight reductions of this magnitude on its 1979 automobiles has led NHTSA to the proposed conclusion that weight reductions on these models are not technologically feasible and economically practicable for the 1979 model year.

As can be seen from the above table, the normal wheelbase V-8 models would have to shed 78 pounds from the 1978 model to be placed in a lower inertia weight class. If this reduction were effected, the automobiles would be tested in the 4,000-pound inertia weight class and their fuel economy would increase by about five percent. This change would raise Checker's 1979 corporate average fuel economy by 0.1 mpg. However, the minimal leadtime available to Checker for making this reduction leads this

agency to tentatively conclude that this weight reduction is not technologically feasible and economically practicable for the 1979 model year.

For the 1980 model year, Checker plans to reduce the body weight of each base level by 58 pounds. Additionally, the weight of the 6-cylinder base levels will be further reduced by 76 pounds from a reduction in the weight of the engine, for a total weight reduction of 134 pounds on the 1980 6-cylinder Checker automobiles.

For the 1980 model year, EPA will change the test weight groupings. In the 1980 model year, automobiles with a loaded vehicle weight of 3,813 to 3,937 pounds will be placed in the 3,875-pound inertia weight class, 3,938 to 4,125 pounds will be placed in the 4,000-pound inertia weight class, 4,126 to 4,375 will be placed in the 4,350-pound inertia weight class, and 4,376 to 4,625 will be placed in the 4,500-pound inertia weight class. The table below shows the effects this change in inertia weight classes will have on Checker's automobiles.

1980 Model Year

Model	Loaded vehicle weight	Inertia weight class	Weight reduction needed for lower inertia weight class
6-cylinder Federal	4,063	4,000	126
6-cylinder California	4,091	4,000	154
V-8	4,270	4,250	145
V-8 (long wheelbase)	4,470	4,500	95

As the above table shows, the weight reductions by Checker will by themselves have no effect on the inertia weight classes in which the 1980 Checker automobiles will be tested. The change in EPA test procedures will, however, place the normal wheelbase V-8 in a lower inertia weight class. The lower inertia weight class will allow these vehicles to show a 2.5-percent improvement in fuel economy.

To lower the inertia weight classes of its vehicles in the 1980 model year, Checker would have to further reduce the weight of its automobiles by at least 100 pounds.

This further reduction could be accomplished by Checker by making significant materials substitution. However, the short leadtime available to Checker makes it very difficult for Checker to design components from alternate materials, find suppliers of those alternate materials, test the component, and incorporate the redesigned components in its production for the 1980 model year. Checker already uses aluminum bumpers, so material substitution would not significantly improve fuel economy with respect to that component. Given the small staff of Checker and its general economic position, this agency has tentatively decided that material substitution would not be economically practicable for the 1980 model year to a greater extent than Checker projected in its petition.

In summary, this agency would find that no improvement in fuel economy above the 1978 level through weight reduction is technologically feasible and economically practicable for Checker in the 1979 model year. For the 1980 model year, Checker's maximum feasible average fuel economy due to weight reduction would be a 2.5-percent improvement on the normal wheelbase 8-cylinder models, as a result of being tested in a lower inertia weight class. The normal wheelbase 8-cylinder configuration is projected to constitute 90 percent of Checker's production of 8-cylinder automobiles in the 1980 model year.

Aerodynamic improvements and reduced rolling resistance. At present, neither the aerodynamics of an automobile nor the lower rolling resistance of radial tires necessarily affect the fuel economy of that automobile as measured by the EPA. The EPA procedures will change for the 1979 and subsequent model years, so that a vehicle's frontal area and its use of radial tires will affect its road load setting on the dynamometer. The road load setting will increase for vehicles which do not use radial tires and will increase to the extent that a vehicle's frontal area is greater than average. Increasing the road load setting increases the power drain on the engine and lowers the measured fuel economy for that engine.

Alternative procedures for determining the road load setting, which would measure the entire aerodynamic design of the vehicle rather than simply the frontal area, may be used by manufacturers, if approved by EPA. Checker stated that its investigation of the possibility of using these alternative procedures ended when the company determined that a measurement of the entire aerodynamic design yield lower fuel economy results than simply using the formula which factors in the vehicle's frontal area and use of radial tires.

The frontal area of the Checker automobiles in the 1979 and 1980 model years will be 25.7 square feet, the same as the frontal area of the 1978 Checker automobiles. This is a relatively large frontal area, but is comparable to the 25 square feet of the 1978 Chevrolet and 1978 Chevrolet Nova, and smaller than the 26 square feet of the 1978 Chevrolet station wagon.

As a result of the vehicle's frontal area necessarily being considered in determining a vehicle's road load setting for the 1979 model year fuel economy tests, the setting for Checker's 6-cylinder base levels will increase from 12.0 horsepower to 15.1 and the setting for Checker's 8-cylinder base levels will increase from 14.0 to 15.2 horsepower. The consequences of these changes will be to lower the fuel economy of the 6-cylinder Federal base level by 0.8 mpg, that of the 6-cylinder California base level by 0.7 mpg, and that of the 8-cylinder base levels by 0.2 mpg.

A design change by Checker to improve its aerodynamics is tentatively determined to be not feasible, because of Checker's financial situation and the lack of leadtime available to it, as explained above in the discussion of *weight reduction.* Furthermore, aerodynamic drag increases geometrically at speeds above 40 miles per hour, while the fuel economy effects are not very significant at lower speeds. Since taxicabs spend most of their operating time at speeds lower than 40 miles per hour, the actual fuel savings that would be achieved by Checker improving its aerodynamics would be minimal. Accordingly, the agency tentatively concludes that Checker's maximum feasible average fuel economy for the 1979 model year should include the fuel economy loss for each base level shown above, as a result of the vehicle's aerodynamics.

Checker automobiles do not use radial tires, which do offer better fuel economy than bias-ply tires. The use of radial tires has not been taken into account by the EPA in its fuel economy testing to date, but will be for the 1979 and subsequent model years. Those vehicles not using radial tires will be tested at an increased road load setting.

The type of tires to be used on the Checker automobiles is specified by the customer in the sales contract. The vast majority of Checker's customers are taxi fleet owners. In most

cases, these fleet owners have a contract with a tire company which requires that tire company to provide the fleet owner with all the tires needed on his taxis for the coming year. Under the terms of these contracts, the tire companies are free to install any tire they wish, and they never have chosen to provide radial tires under these contracts. The reason for this choice is that the tire manufacturer attempts to minimize its costs, and certain nonradial tires deliver the best total mileage on the taxis per dollar of cost for the tire manufacturer. Accordingly, these nonradial tires are always installed on the taxis. For Checker to install radial tires on its vehicles, it would be forced to purchase the original equipment tires itself, which would raise Checker's costs and raise the initial price and the operating costs to the customers. This change could result in some Checker customers purchasing automobiles of other manufacturers for use as taxicabs. The risk of a loss of sales has resulted in this agency's tentative concluion that the use of radial tires would not be economically practicable for Checker in the 1979 and 1980 model years.

Accordingly, Checker's maximum feasible average fuel economy for the 1979 model year will tentatively include a 1.7 percent fuel economy reduction since the Checker automobiles will not use radial tires and since the EPA procedures will require testing such automobiles at an increased road load beginning in 1979.

Engine improvements. The 6-cylinder engine used in Checker's automobiles is a 250 cubic inch displacement in-line 6-cylinder engine made by the Chevrolet Division of General Motors. According to the petition, Checker selected this engine for use in its vehicles because of its durability and ease of maintenance. The 250 engine is presently installed in 85 percent of the automobiles produced by Checker. An engine change to either the 6-cylinder or the 8-cylinder base levels for the 1979 model year is tentatively deemed not to be feasible because of the very short leadtime available to Checker and the fact that they have already ordered their 1979 engines from the Chevrolet Division.

General Motors will discontinue the production of the 250 cubic inch in-line 6-cylinder engine as a passenger car engine after the 1979 model year. Therefore, Checker will need to change its 6-cylinder engine for the 1980 model year. Checker could attempt to purchase an in-line 6-cylinder engine from Ford or Chrysler, but a change in engine suppliers by Checker does not appear practicable for two reasons. First, Checker's petition refers to its 14-year history of good relations with General Motors, which handles the emissions certification process for the engines it sells Checker, thereby saving Checker a significant expenditure of staff and resources. Second, the in-line 6-cylinder engine will eventually be phased out of passenger cars by all manufacturers because of the long installation space required by this engine. Since a change to a V-6 engine is inevitable, it is very unlikely that Checker could afford to change its engine mounts and other components to accommodate a different in-line engine, only to soon to make another change to accommodate a V-6 engine.

Hence, it seems most practicable for Checker to use a General Motors V-6 engine in its 6-cylinder 1980 model year automobiles. General Motors produces two V-6 engines at this time. The smaller 200 cubic inch displacement engine is not certified for use in automobiles of more than 3,875 pounds inertia weight. For the reasons set forth above in the *weight reduction* section, it is tentatively deemed not feasible for Checker to reduce the weight of its automobiles sufficiently so that they would be classed in that inertia weight class. That leaves the 231 cubic inch displacement V-6 engine as the only 6-cylinder General Motors engine which could be used by Checker. This engine has been certified for use on automobiles in Checker's inertia weight class. On those automobiles, the 231 V-6 engine delivers 4 percent better fuel economy than the 250. This agency tentatively concludes that this 4 percent fuel economy improvement would be technologically feasible and economically practicable for Checker's 6-cylinder base levels in the 1980 model year.

With respect to the 8-cylinder engine to be used by Checker in the 1980 model year, Checker has no plans to change the V-8 engines currently used in its automobiles. General Motors has provided Checker with a prototype 350 cubic inch displacement V-8 diesel engine (currently available on certain models of Oldsmobile). This is the engine which Checker's petition states is the engine Checker would like to install in its 8-cylinder automobiles in the future. General Motors has indicated that this engine may be available to Checker in the 1981 model year. NHTSA tentatively concludes that it would not be economically practicable for Checker to redesign its frame and engine compartment to accommodate a different 8-cylinder engine for the 1980 model year, and then change those specifications again to accommodate the diesel engine in the 1981 model year.

Checker's 49-State 8-cylinder base level currently uses a 305 cubic inch displacement engine, the smallest V-8 engine manufactured by its supplier, General Motors. Checker indicated that its California 8-cylinder base level was tested with the 305 engine, but did not comply with the California emissions requirements. Checker then decided to use the next largest size V-8 engine, the 350 V-8 for its 8-cylinder California automobiles. This agency tentatively concludes that no change to the 8-cylinder engines would be practicable for the 1980 model year.

If Checker were to make any changes to the General Motors engines, it would be required to recertify the engines for compliance with the aplicable emissions standards. Checker has no emissions and fuel economy test facilities or staff of its own. For Checker to test and certify its vehicles is estimated by NHTSA to cost between $160,000 and $200,000, assuming that Checker can gain access to some manufacturer's test facilities. Checker's annual rate of return on equity has been about 1 percent, and net income has been about $300,000. Given this economic position, the agency tentatively concludes that it is not economically practicable for Checker to conduct its own testing.

Another potential fuel economy improvement can be gained by improving the efficiency of the fuel metering system. However, during the affected model years, Checker will be completely dependent upon outside suppliers for the design and manufacture of the fuel metering system used on the engines in the Checker automobiles. As long as Checker purchases General Motors engines, it can use the fuel metering system on that engine. If Checker were to purchase a fuel metering system from a different supplier and install it on the General Motors engine, it would be required to recertify the vehicles compliance with the emissions standards, and this is tentatively judged not to be economically practicable for the reasons set forth above.

In summary, this agency tentatively concludes that it would not be technologically feasible and economically practicable for Checker to improve its 1979 average fuel economy by engine improvements. For the 1980 model year, it would be feasible for Checker to achieve a 4-percent improvement for the 6-cylinder base levels. No other engine improvements are judged to be economically practicable and technologically feasible.

Automatic transmission improvements. An automatic transmission has been standard equipment on all Checker automobiles since the 1970 model year. The automatic transmission currently used on Checkers is a heavy duty General Motors transmission. The transmission will be unchanged for the 1979 model year, so

no fuel economy improvement will result. Since Checker has already ordered the transmissions for its 1979 automobiles, and the leadtime for substituting different transmissions is so short, this agency has tentatively decided that a transmission change on the 1979 Checkers would not be technologically feasible, and economically practicable.

With respect to the 1980 model year, General Motors has indicated to this agency that it does not sell sufficient quantities of the particular transmission used by Checker to warrant making the extensive capital investments necessary to improve this transmission. At present, General Motors plans to replace this transmission with a new four speed heavy duty transmission with a lockup torque converter, but this replacement will not occur before the 1981 model year at the earliest.

General Motors has forecast to this agency that a lighter duty three speed automatic transmission with lockup torque converter would be available to Checker in the 1980 model year and that the use of this transmission would improve fuel economy by 3 percent. However, since this is a lighter duty transmission, this agency tentatively concludes that it would not be feasible for use on the heavier Checker automobiles, i.e., the V-8's. The agency does, however, believe that it would be feasible for Checker to install this lighter duty transmission on its 6-cylinder automobiles. Hence, the NHTSA has tentatively concluded that it is feasible for Checker's 1980 average fuel economy to include a 3-percent fuel economy improvement on its 6-cylinder base levels due to transmission improvements.

Improved lubricants. In connection with the final rule setting forth the 1980 and 1981 average fuel economy standards for light trucks (43 FR 11995; Mar. 23, 1978), this agency projected that the use of synthetic, lower viscosity, or friction modified lubricants in the crankcase or axle of an automobile would result in at least a 3-percent fuel economy benefit. However, the use of these lubricants has not yet been approved by EPA in the fuel economy testing. Accordingly, to assure ample time for the approval of these lubricants for use in fuel economy testing, NHTSA indicated in that rule that this agency would not project the use of these lubricants before the 1981 model year. This proposal would continue that policy, so no fuel economy benefits from the use of these lubricants is included in Checker's maximum feasible average fuel economy for the 1979 and 1980 model years.

Drive ratio reductions. Checker reduced its rear axle ratio in the 1977 model year from 3.31 to 3.07. In the 1978 model year, a rear axle ratio of 2.72 was made standard on the 8-cylinder models sold by Checker and optional on the 6-cylinder models. Checker has stated that it will make this lower ratio standard equipment on all its 1979 automobiles if emissions standards can be met, but did not forecast any fuel economy improvement from this change. The reduction of the axle ratio would, in this agency's estimation, improve the fuel economy of the 6-cylinder Checker automobiles by 5 percent in the 1979 model year.

Further reductions of the axle ratio by Checker are said to depend upon General Motors making lower ratios available. During the 1979 and 1980 model years, the 2.72 axle ratio will be the lowest ratio made by General Motors. Accordingly, this agency proposes to determine that it is feasible in the 1979 model year for Checker to achieve a 5-percent fuel economy benefit for its 6-cylinder automobiles as a result of the axle ratio reduction. No further reduction would be found technologically feasible and economically practicable for Checker.

Mix shifts. The term "mix shifts" as used in this proposal refers to shifting the percentages of vehicles sold in each of Checker's base levels (6-cylinder Federal, 6-cylinder California, 8-cylinder Federal, and 8-cylinder California) for the purpose of increasing average fuel economy. A mix shift by Checker away from the lower mileage California base levels to the higher mileage 49-State base levels would raise Checker's average fuel economy. However, Checker's petition explains that the reason it plans to shift to a higher percentage of California vehicles is that, beginning in the 1978 model year, New York City requires all new vehicles to be used as taxicabs or limousines in New York City to comply with the applicable California emissions standards. New York City is one of Checker's largest markets. Thus, if Checker does not increase the percentage of its fleet built to comply with the California emissions standards, it will be forced to decrease its sales in this major market. This decrease in sales has been tentatively determined not to be economically practicable.

The other mix shift that could improve fuel economy would be for Checker to decrease the percentage of 8-cylinder automobiles it produces. In Checker's case, approximately 15 percent of its annual production consists of 8-cylinder engine models. Checker's 8-cylinder models are generally ordered by taxicab fleet owners along with all the 6-cylinder automobiles those fleet owners need. There is reason to believe that these owners would not order more 6-cylinder automobiles if Checker restricted the availability of its 8-cylinder automobiles, but, rather, that these fleet owners would look elsewhere for 8-cylinder automobiles to be used as taxicabs. This would result in Checker losing a significant portion of its sales, a result which causes this agency to tentatively conclude that this mix shift would not be economically practicable. Accordingly, this agency has tentatively decided that no mix shifts to improve fuel economy are economically practicable for Checker for the 1979 and 1980 model years.

Impact of other Federal standards. Checker did not claim any negative fuel economy impacts on its 1979 or 1980 average fuel economy resulting from Federal safety, damageability, emissions, or noise standards applicable in those model years. In the absence of a showing to the contrary, NHTSA will assume that there is no negative impact on fuel economy caused by the applicable Federal standards.

The need of the Nation to conserve energy. The daily extra U.S. demand for petroleum that will result from Checker achieving an average fuel economy of 17.6 and 18.6 mpg in the 1979 and 1980 model years, respectively, rather than the generally applicable average fuel economy standard of 19 and 20 mpg in those model years is estimated to average 51.8 barrels perday over the life of the 1979 Checkers and 49.1 barrels per day over the life of the 1980 Checkers. To give a perspective on these numbers, the fuel consumed by passenger automobiles in the United States is about 5 million barrels each day. For all purposes, the United States currently consumes about 17 million barrels of petroleum each day.

Summary of fuel economy improvements. The improvements projected for each model year in this proposal are conbined in a straightforward arithmentically additive manner. This technique has been used by this agency in both the rulemaking to establish average fuel economy standards for 1981-1984 passenger automobiles (42 FR 33534; June 30, 1977) and the rulemaking to establish average fuel economy standards for 1980-1981 light trucks (43 FR 11995; March 23, 1978). It has not been seriously questioned by any commenter in either of the two prior rulemakings.

For the 1979 model year, the 6-cylinder Checker automobiles could achieve 5 percent better fuel economy by use of a lower rear axle ratio, but all Checker models would suffer a fuel economy loss because of some changes in the EPA test procedures, since these automobiles have larger than average frontal areas and will not use radial tires. Compared to model year

1978 Checkers, the 6-cylinder Checker base levels would show a net gain of 0.1 mpg as a result of these changes, but the 8-cylinder base levels would incur a net 0.2 mpg fuel economy loss. The combined effect of these changes would give Checker for 1979 the same corporate average fuel economy as it showed in the 1978 model year, 17.6 mpg.

Compared to the 1979 model year Checkers, the 1980 model year 6-cylinder base levels would show a four percent fuel economy gain from the use of a smaller 6-cylinder engine and a three percent gain from the use of an improved automatic transmission. The model year 1980 normal wheel base 8-cylinder models would show a 2.5 percent fuel economy improvement since they would be tested in a lower inertia weight class. The combined effect of these changes would be to increase Checker's average fuel economy by 1.0 mpg, to a level of 18.6 mpg for 1980.

Selecton of the type of alternative standard. The Act permits NHTSA to establish an alternative average fuel economy standard applicable to exempted manufacturers in one of three ways: (1) A separate standard may be established for each exempted manufacturer; (2) classes, based on design, size, price, or other factors, may be established for the automobiles of exempted manufacturers, with a separate average fuel eoconomy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

The NHTSA believes that it is appropriate to establish a separate standard for Checker. The analyses of the petitions submitted by other low volume manufacturers for exemptions in the 1979 and 1980 model years have not yet been completed, so the agency cannot practicably use the second or third approaches described in the preceding paragraph.

Proposed alternative standard. Based on its tentative conclusions that it is not technologically feasible and economically practicable for checker to improve the fuel economy of its 1979 and 1980 model year automobiles above an average of 17.6 and 18.6 mpg, respectively, that other Federal automobile standards will not adversely affect achievable fuel economy, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions and establishment of alternative standards, this agency proposes to conclude that the maximum feasible average fuel economy for Checker in the 1979 and 1980 model years is 17.6 and 18.6 mpg, respectively. Therefore, the agency proposes to exempt Checker from the generally applicable standards of 19.0 mpg and 20.0 mpg and to establish alternative standards of 17.6 mpg for the 1979 model year n 18.6 mpg for the 1980 model year.

In consideration of the foregoing, it is proposed that 49 CFR Part 531 be amended by revising § 531.5(b)(3) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

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

* * * * *

(3) Checker Motors Corporation.

Model year:	*Average fuel economy standard (miles per gallon)*
1978	17.6
1979	17.6
1980	18.6

Interested persons are invited to submit comments on this proposed decision. Comments must be limited so as 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.

NHTSA typically allows at least 45 days for the public to comment on its proposals. With respect to this decision, however, the agency has shortened the comment period to 30 days. There are several reasons for taking this action. First, it is desirable to give Checker as much notice as possible about the fuel economy levels which will be applicable to that company during the 1979 and 1980 model year. Second, the agency already provided a 25 day comment period on this petition when the notice of receipt was published.

All comments received before the close of businesss on the comment closing date indicated at the beginning of this proposal will be considered, and will be available for public inspection in the docket both before and after the comment closing date. To the extent possible, comments filed after the comment closing date will also be considered. The agency will continue to file relevant material in the docket as it becomes available after the comment closing date, and it is recommended that interested persons continue to examine the docket for new material.

The agency has reveiwed the impacts of this proposal and determined that they are minimal and that the proposal is not a significant regulation within the meaning of Executive Order 12044.

The program offical and attorney principally responsible for the development of this proposed regulation are Douglas Pritchard and Stephen Kratzke, respectively.

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976, and 43 FR 8525, March 2, 1978.)

Issued on October 17, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-29789 Filed 10-20-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS ACT ADVISORY COMMITTEE

Cancellation of Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the cancellation of the following committee meeting as published in 43 FR 4655.

Name: Grain Standards Act Advisory Committee.

Date: October 25, 1978.

Place: U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 6451 South Building, Washington, D.C. 20250.

Time: 9 a.m.

Purpose: The meeting has been canceled because it was determined the committee members did not require additional discussion of their comments on the study draft regulation published in the FEDERAL REGISTER [43 FR 33612), on July 31, 1978, which are to be submitted on or before October 29, 1978.

Dated: October 17, 1978.

DAVID C. MANGUM,
Acting Administrator.

[FR Doc. 78-29777 Filed 10-20-78; 8:45 am]

[3410-16-M]

Soil Conservation Service

PINE CREEK WATERSHED PROJECT, TENNESSEE

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Pine Creek Watershed project, Scott County, Tenn.

The EIS concerns a plan for watershed protection and flood prevention. The planned work of improvement is channel work.

The final EIS incorporates changes subsequent to comments received during the draft statement review period.

Comments pertaining to the proposed action or requests for additional information should be addressed to Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tenn. 37203; 615-749-5471. A limited supply of the final EIS is available to fill single copy requests.

No administrative action concerning this project will be taken until November 22, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, (16 U.S.C. 1001-1008).)

Dated: October 10, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C.

[FR Doc. 78-29757 Filed 10-20-78; 8:45 am]

[3410-16-M]

TRINITY RIVER WATERSHED (AUTHORIZED), TEXAS

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Polcy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Trinity River Watershed (authorized), Texas.

The environmental assessment of this Federal action indicates that the project will cause significant, local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is needed for installing the remaining measures in this project.

The project concerns remaining planned measures for watershed protection, flood prevention, improved water quality and quantity, and improved quality of life for the area. The planned action for the remaining measures provides for the installation of 134 floodwater retarding structures, 3 multiple-purpose structures with recreational facilities, 12 grade stabilization structures (stream), critical area treatment on 27,000 acres of critically eroding lands, channel work on 15.93 miles of clogged streams, and technical assistance for application of land treatment measures on watershed lands. Accelerated technical assistance for land treatment has been provided for application of approximately 67 percent of the land treatment needs for the watershed. Other measures that have been installed are 840 floodwater retarding structures, 5 multiple-purpose structures, 32,600 acres of critical area treatment, and 90.9 miles of channel work. Measures in the watershed not installed but covered by previous actions under NEPA guidelines include 89 floodwater retarding structures and one multiple-purpose structure.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environment impact statement is being developed by Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Tex. 76501; 817-774-1255.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Pub. L. 78-534, 58 Stat. 905)

Dated: October 10, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, Department of Agriculture.

[FR Doc. 78-29760 Filed 10-20-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

AIRLINE INDUSTRY MERGER POLICY SEMINARS

Notice is hereby given that a series of seminars on airline industry merger policy will be conducted by the Board's Office of Economic Analysis on the following dates:

	Time	Guest Speakers
Wednesday, Oct. 25, 1978	2:30 p.m	Prof. Gary Dorman (University of Maryland), "Airline Mergers—An Overview."
Tuesday, Oct. 31, 1978	do	Prof. Dennis Mueller (University of Maryland), "The Performance of Firms Before and After Merging: An Empirical Analysis."
Monday, Nov. 6, 1978	9:30 a.m	Prof. Ted Keeler (University of California at Berkeley), "Potential Gains and Losses from Airline Mergers."
Monday, Nov. 13, 1978	2:30p.m	Dr. John Haring and Dr. Richard Ippolito (Office of Economic Analysis, CAB), "Barriers to Entry in the Airline Industry."

All seminars will be held at room 1027, 1825 Connecticut Avenue NW., Washington, D.C.

For further information contact: Robert H. Frank, Office of Economic Analysis, CAB, Washington, D.C. 20428, 202-673-5357.

Dated at Washington, D.C., October 18, 1978.

ROBERT H. FRANK, *Director-Designate, Office of Economic Analysis, Civil Aeronautics Board.*

[FR Doc. 78-29831 Filed 10-20-78; 8:34 am]

[6320-01-M]

CONTINENTAL AIR LINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

OCTOBER 16, 1978.

Notice is hereby given that the Civil Aeronautics Board on October 16, 1978, received an application, Docket 33695, from Continental Air Lines, Inc., for amendment of its certificate of public convenience and necessity for Route 29 so as to authorize unrestricted nonstop air transportation between Midland/Odessa and Lubbock, Tex., on the one hand, and Los Angeles, Calif., on the other hand.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

PHYLLIS T. KAYLOR, *Secretary.*

[FR Doc. 78-29827 Filed 10-20-78; 8:45 am]

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census will convene on November 9, 1978, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

This Committee was established in June 1976 to advise the Director, Bureau of the Census, during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Asian and Pacific Americans population, suggesting areas of research, recommending subject content and tabulations of particular use to the Asian and Pacific Americans population, and expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community.

This Committee is composed of 21 members appointed by the Secretary of Commerce, and constitutes a broad spectrum of community leaders, scholars, and other appropriate persons.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census; (2) current status of 1980 census planning; (3) Affirmative Action Program; (4) Community Services Program; (5) decentralized processing plans; (6) public information campaign in lower Manhattan; and (7) Committee discussion, recommendations, and plans for future meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Deputy Chief, Demographic Census Division, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. (Mailing address: Washington, D.C. 20233.) Telephone 301-763-5169.

Dated: October 17, 1978.

MANUEL D. PLOTKIN, *Director, Bureau of the Census*

[FR Doc. 78-29778 Filed 10-20-78; 8:45 am]

[3510-24-M]

Economic Development Administration

NCC INDUSTRIES, INC. ET AL.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from three firms: (1) NCC Industries, Inc., 105 Madison Avenue, New York, N.Y. 10016, a producer of women's body-supporting garments (accepted October 6, 1978); (2) Gaiety Sportswear, Inc., 130-29 180th Street, Springfield Gardens, N.Y. 11434, a producer of women's pants, blouses, blazers, and skirts and (accepted October 13, 1978); and (3) Norwalk Dyeing & Finishing Corp., P.O. Box 737, Muller Avenue, Norwalk, Conn. 06852, a producer of dyed and finished piece goods for apparel (accepted October 17, 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 November 2, 1978.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-29787 Filed 10-20-78; 8:45 am]

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Thursday, November 9, 1978, at 1 p.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Nomination and election of a new chairman.

(4) Report on the work programs of the subcommittees:

(a) Technology transfer;

(b) Foreign availability;

(c) Hardware; and

(d) Licensing procedures.

Executive Session

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

The general session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the general counsel, formally determined on September 6, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act relating to open meetings and public participation therein, because the Executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on September 14, 1978 (43 FR 41073).

Date: October 1, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-29717 Filed 10-20-78; 8:45 am]

[3510-25-M]

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, November 8, 1978, at 9 a.m. in Room 3708, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977 and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975. On October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The subcommittee meeting agenda has five parts:

(1) Opening remarks by the subcommittee chairman.
(2) Presentation of papers or comments by the public.
(3) Additional comments or inputs on the RYAD II report.
(4) Brief review of highlights of trip to the U.S.S.R.
(5) Discussion of future work program for the subcommittee.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202-377-4196.

Dated: October 17, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-29716 Filed 10-20-78; 8:45 am]

[3510-25-M]

Industry and Trade Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that meetings of the Management-Labor Textile Advisory Committee will be held on November 8, 1978 at 1:30 p.m. in Room 5611, and on December 12, 1978 at 1:30 p.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961, to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meetings to the extent time is available.

Copies of the minutes of the meetings will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Telephone requests for the minutes of the meetings and requests for further information concerning the committee may be directed to Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: October 18, 1978.

ROBERT E. SHEPHERD,
Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-29806 Filed 10-20-78; 8:45 am]

[3510-25-M]

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Thursday, November 9, 1978, at 9 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this subcommittee, pursuant to the charter of the committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the subcommittee pursuant to the charter of the committee.

The committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The subcommittee meeting agenda has seven parts:

1. Opening remarks by the subcommittee chairman.
2. Presentation of papers or comments by the public.
3. Discussion of recommendations which were submitted to the full Computer Systems Technical Advisory Committee on September 21, 1978.
4. Status of and discussion on industry recommendation for establishment of a Qualified Product Distribution License.
5. Requirement for full information of add-ons to small computers, i.e., below certain PDR levels.
6. Requirement for extensive information on Form DIB-6031P related to add-ons for computer installed several years previously.
7. Delegation of authority for parts and supplies and other items.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Dated: October 17, 1978.

RAUER H. MEYER,
Director Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-27999 Filed 10-20-78; 8:45 am]

[3510-25-M]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, November 8, 1978, at 1:30 p.m. in Room 3708, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this subcommittee, pursuant to the charter of the committee. And, on October 16, 1978, the Assistant Secretary for Industry and Trade approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The subcommittee meeting agenda has four parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of possible future activities for the subcommittee.

EXECUTIVE SESSION

4. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4) the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the subcommittee during the executive session of the meeting have been properly classified under Executive Order 11652. All subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on September 14, 1978 (43 FR 41072).

Dated: October 18, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-29800 Filed 10-20-78; 8:45 am]

[3510-15-M]

Maritime Administration

[Docket No. S-623]

CHAS. KURZ & CO., INC.

Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy on the SS *Chilbar* to engage in bulk carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1978, unless extended. The *Chilbar* is a 33,692 DWT tanker built in March 1959.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if its application for operating-differential subsidy is to be granted.

The written permission requested by Chas. Kurz & Co., Inc. was previously granted under section 805(a) to Margate Shipping Co., Chestnut Shipping Co., Juniper Tankers, Inc., Keystone Shipping Co., Keystone Tankship Corp., and Fredericksburg Shipping Co., affiliates of Kurz, and is as follows:

For affiliated or associated companies to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among those areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

U.S. Gulf-Atlantic Coastwise, 17 vessels.
U.S. Gulf-Atlantic-Puerto Rico, 2 vessels.
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii), 10 vessels.
Pacific Coast-Alaska-Hawaii, 15 vessels.

Such written permission is required under section 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desir-

ing to submit comments or views concerning the application must, by close of business on October 27, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: October 16, 1978.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-29749 Filed 10-20-78; 8:45 am]

[3510-13-M]

National Bureau of Standards

RECOMMENDED VOLUNTARY PRODUCT STANDARD NOTICE OF CIRCULATION

In accordance with the provisions of § 10.5 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR part 10), the National Bureau of Standards is giving public notice and circulating for acceptance Recommended Voluntary Product Standard TS 223, "Body Measurements for the Sizing of Men's, Women's, and Children's Knee-High and Shorter Hosiery."

The purpose of the standard is to provide standard size designations and body measurements for consistent sizing of all categories of hosiery fitting below the knee. It is intended to provide information for the guidance of manufacturers, distributors, and consumers, and serve as a basis for common understanding of the relationship of hosiery size to foot and leg dimensions. The standard should eliminate misunderstandings by providing nationally recognized definitions and methods of measuring.

Copies of TS 223 may be obtained from Standards Development Services, National Bureau of Standards, Washington, D.C. 20234. Written comments concerning the standard should be submitted to Standards Development Services on or before December 7, 1978.

Dated October 17, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-29436 Filed 10-20-78; 8:45 am]

[3510-17-M]

Office of the Secretary

U.S. INMARSAT (INTERNATIONAL MARITIME SATELLITE) PREPARATORY COMMITTEE WORKING GROUP

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March, 1974, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the U.S. INMARSAT Preparatory Committee Working Group is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established by Order No. 11 of the Office of Telecommunications Policy on October 15, 1976, and it was scheduled to terminate on October 15, 1978. Pursuant to Executive Order No. 12046, effective March 26, 1978, most functions of the Office of Telecommunications Policy have been transferred to the National Telecommunications and Information Administration, U.S. Department of Commerce.

The purpose of the Committee is to advise the Secretary of Commerce on matters pertinent to the Department's responsibilities regarding the various positions to be taken by the U.S. Government on issues under consideration by the INMARSAT Preparatory Committee. That Preparatory Committee was established by the Second Session of the International Conference on the Establishment of an International Maritime Satellite System (INMARSAT) to conduct economic and technical studies and to prepare draft organizational structure, financial, and staff regulations. The Secretary will require the advice of the Advisory Committee until the INMARSAT Preparatory Committee is replaced by a fully functioning INMARSAT organization.

The Committee will continue with a balanced representation of not more than twenty members, chaired by the Department's Assistant Secretary for Communications and Information or his or her delegate, and will operate in compliance with the provisions of the Federal Advisory Committee Act, as amended.

Copies of the committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress.

Inquires or comments may be addressed to the Committee Control Officer, Dr. Wladimir Naleszkiewicz, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street NW., Room 790, Washington, D.C. 20504, telephone 202-395-3782.

Dated: October 16, 1978

GUY W. CHAMBERLAIN,
Assistant Secretary of for Administration

[FR Doc 78-29788 Filed 10-20-78 8:45 am]

[3910-01-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

FAMILY HOUSING AT GRAND FORKS AFB, N. DAK.

Candidate Environmental Impact Statement; Negative Determination

OCTOBER 16, 1978.

A Candidate Environmental Impact Statement was prepared by Strategic Air Command for a Family Housing project at Grand Forks Air Force Base, N. Dak. After careful review of this document, I have concluded that this project will not constitute a major Federal action having a significant effect on the quality of the human environment, it is not likely to be controversial with regard to its environmental impacts, and that a Draft Environmental Impact Statement will not be filed with the Environmental Protection Agency. This determination is based on the following considerations:

a. Description of Action: The proposed project will move 197 relocatable frame-type family housing units from the previously deactivated Army Safeguard Site near Nekoma, N. Dak., to Grand Forks Air Force Base, N. Dak. The 197 units are included in 100 buildings. These buildings will be disassembled into divisions that can be conveniently moved and reassembled at the new location. The distance between current and proposed locations is about 100 miles. Purchase of approximately 51 acres is required at the proposed site. The current estimated cost of the project is $4.8 million.

b. Principal Environmental Effects. (1) Air: There will not be a significant impact on air quality. Temporary generation of dust during construction and moving of the units will occur.

However, the contractor will be required to use appropriate dust control measures. The minor impact due to additional furnaces burning fuel oil will be partially offset by the reduced consumption of gasoline by off-base commuters moving into base housing.

(2) Water: The additional consumption of water (6 percent maximum) will increase the total consumption to only 46 percent of the contracted available supply. The storm runoff from the additional built-over area will increase the drainage by only 0.5 percent. This is not a significant amount and all drainage system capacities are more than adequate.

(3) Solid Waste: All solid wastes are disposed of off base by contract operations in a privately owned sanitary landfill in accordance with State of North Dakota Health Department regulations. This landfill area will soon be discontinued and the contractor will use the city of Grand Forks landfill area with extensive capacity.

(4) Sanitary Waste: The sanitary wastes generated by occupants of the new units will be discharged into the existing two-stage lagoon. The estimated increase in sewage volume is under 8 percent. While this will elevate the level of the primary lagoon about ½ foot through the winter period, it will not exceed the design capacity of the lagoon. Discharge from the lagoon will continue to meet NPDES permit requirements.

(5) Fish and Wildlife: There are no known species on the endangered lists in the area surrounding Grand Forks Air Force Base.

(6) Energy: There will be an increased demand for approximately 23,000 gallons of fuel oil per year for heating the proposed housing units. This will be partially offset by reduced consumption of gasoline by off-base commuters moving into base housing.

(7) Schools: There will be about 125 school students added to the elementary and junior high schools on base. Both schools have adequate capacities. Some transfer of Pub. L. 81-874 funds between counties will be involved.

(8) Land Use: The proposed project will require that 51 acres of prime farmland be acquired for siting of the housing units. Land of less than prime production quality, and suitable for construction, is not available in the vicinity of Grand Forks Air Force Base.

(9) Socioeconomic: Upon completion of the proposed project, 197 rental properties will be released on the local market. It is anticipated that these units will be reoccupied within a relatively short period of time and no long term impact will result. Relocation of the housing units may make the Safeguard Site at Nekoma, N. Dak. less desirable for redevelopment by the State or other agency; however, the best interest of the Air Force must be the deciding factor in utilizing available facilities.

(10) Alternatives: Other locations on base will not singularly contain all the units. Splitting the units between two sites increases the cost. Also the noise levels will be higher from base operations and attenuation of the relocatable units is slightly less than conventionally framed housing. The other sites are therefore less desirable economically and environmentally. A "no-action" alternative will not provide the needed base housing at Grand Forks Air Force Base.

(11) Controversies: There are no unresolved environmental issues. The only controversies will be with regard to whether or not the housing units are significant in redevelopment of the Nekoma Safeguard site by another agency.

Any comments or questions should be directed to the Deputy for Environment and Safety, Office of the Secretary of the Air Force, Room 4C885, The Pentagon, Washington, D.C. 20330, telephone 202-697-9297.

CAROL M. ROSE,
Air Force Alternate Federal Register Liaison Officer.

[FR Doc. 78-29761 Filed 10-20-78; 8:45 am]

[3901-01-M]

FAMILY HOUSING AT KI SAWYER AFB, MICH.

Candidate Environmental Impact Statement; Negative Determination

OCTOBER 16, 1978.

A candidate environmental impact statement was prepared by Strategic Air Command for a family housing project at KI Sawyer AFB, Mich. After careful review of this document, I have concluded that this project will not constitute a major Federal action having a significant effect on the quality of the human environment, it is not likely to be controversial with regard to its environmental impacts, and that a draft environmental impact statement need not be filed with the Environmental Protection Agency. This determination is based on the following considerations:

a. Description of action. The proposed project will move 198 relocatable frame-type family housing units from Kincheloe AFB to KI Sawyer AFB. These relocatable housing units were designed and constructed using hinges in the walls, floors, and roofs. When the units are folded, they can be transported over the highway similar to a mobile home. The distance between current and proposed locations is about 150 miles. Purchase of 139 acres is required at the proposed site. The current estimated cost of the project is $4.6 million.

b. Principal environmental effects.

(1) Air. There will not be a significant impact on air quality. Temporary generation of dust during construction and moving of the units will occur. However, the contractor will be required to use appropriate dust control measures. The minor impact due to additional oil-fired furnaces will be partially offset by the reduced consumption of gasoline by off-base commuters moving into base housing.

(2) Water. The additional consumption of water (about 5 percent) will increase the total consumption to only about 81 percent of the total capacity from the installation's wells. The storm runoff from the additional built-over area will be dispersed to natural drainage in the ravines radiating from the project site.

(3) Solid waste. All solid wastes will be disposed of in the on-base sanitary landfill. The landfill reserves have an estimated life of 80 years.

(4) Sanitary waste. The sanitary wastes generated by occupants of the new units will be discharged into the existing base sewage treatment plant. In November 1977, EPA issued a notice of violation of effluent limitations in the treatment plant NPDES permit. Corrective actions will be accomplished in two phases to be completed in December 1978 and December 1979 respectively. The treatment plant will be in compliance with the NPDES permit by the time the initial units are occupied. Plant capacity is adequate for the new units.

(5) Fish and wildlife. There are no known species on the threatened or endangered lists in this area.

(6) Energy. There will be an increased demand for fuel oil for heating the proposed housing units. This will be partially offset by reduced consumption of gasoline by off-base commuters moving into base housing.

(7) Schools. It is estimated that about 165 school children now attending neighboring school districts will be transferring to the local district. The student/teacher ratio will increase from 21:1 to 22:1. School capacities are adequate.

(8) Land use. The proposed project will require that 139 acres of land be purchased. The ridge and valley topography is covered with a poorly stocked stand of jack pine timber. Forty-seven acres on flat ridge areas will be utilized for construction of the housing project. The balance of the acreage will be incorporated into the KI Sawyer AFB timber management program.

(9) Socioeconomic. Upon completion of the proposed project, 198 residential properties will be released on the local market. Due to the rapidly expanding mining industry in the area, it is anticipated that these units will be

reoccupied within a relatively short period of time and no long term impact will result.

(10) Alternatives. On-base sites are not suitable for housing because of aircraft noise levels. Other off-base sites will incur additional costs ($300,000 to $500,000) for land acquisition and utilities extensions. A "no-action" alternative will not provide the needed base housing at KI Sawyer AFB.

(11) Controversies. There are no unresolved environmental issues.

Any comments or questions should be directed to the Deputy for Environment and Safety, Office of the Secretary of the Air Force, Room 4C885, The Pentagon, Washington, D.C. 20330, telephone 202-697-9297.

CAROL M. ROSE,
Air Force Alternate Federal Register Liaison Officer.

[FR Doc. 78-29756 Filed 10-20-78; 8:45 am]

[3710-08-M]

Department of the Army

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of committee: The National Board for the Promotion of Rifle Practice.
Date of meeting: November 17, 1978.
Place: Secretary of the Army conference room, Room 2E 687, The Pentagon.
Time: 0900 hours.

PROPOSED AGENDA

1. Distinguished International Shooter Badge.
2. M-14 Rifle (National Match-Defined).
3. M-1 Rifle Sale.
4. Air Gun Shooting.
5. NBPRP Responsibility for International Shooting.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Board at the time and in the manner permitted by the committee.

Dated: October 11, 1978.

GARY R. CHITTESTER,
Executive Officer.

[FR Doc. 78-29755 Filed 10-20-78; 8:45 am]

[3810-70-M]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ECM

Advisory Committee Meeting

The Defense Science Board Task Force on ECM will meet in closed session on November 9 and 10, 1978 in the Pentagon, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Task Force on ECM has been scheduled for November 9 and 10, 1978 to discuss potential technical solutions to several current problems in electronic countermeasures.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board Task Force meeting concerns matters listed in Section 552b(c) of Title 5, of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives DOD/WHS

[FR Doc. 78-29797 Filed 10-20-78; 8:45 am]

[3810-70-M]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session at the Naval Postgraduate School, Monterey, Calif. 93940 on November 13, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

OCTOBER 18, 1978.

[FR Doc. 78-29801 Filed 10-20-78; 8:45 am]

[3810-70-M]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at the Institute for Defense Analyses, 400 Army Navy Drive, Arlington, VA., on November 6-8, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs on Large Scale Integrated Circuits which the Military Departments propose to initiate with industry, universities or in their laboratories. The review will include classified program details and technical and financial information provided in confidence by business throughout the meeting.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

OCTOBER 18, 1978.

[FR Doc. 78-29802 Filed 10-20-78; 8:45 am]

[6740-02-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CI78-1000, et al.]

CITIES SERVICE COMPANY, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 13, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. [3]	Pressure base
CI78-1000, A, July 17, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., No. 1 Arnold Well, sec. 1-15N-18W, Custer County, Okla., limited from the surface to the base of the Springer Formation.	(1)	14.65
CI78-1003, B, July 18, 1978	Mineral Services Corp., 1121 Walker, Suite 1503 (Melrose Bldg.), Houston, Tex. 77002.	Transwestern Pipeline Co., Crawar field, Crane and Ward Counties, Tex.	(2)	
CI78-1004 (CI64-375), B, July 17, 1978.	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401.	Natural Gas Pipe Line Co. of America, Hostetter and Eubank fields, Duval and McMullen Counties, Tex.	No known physically recoverable gas reserves in acreage and leases released.	
CI78-1005, A, July 17, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	United Gas Pipe Line Co., Waveland field, Hancock County, Miss.	(1)	15.025
CI78-1008, F, July 17, 1978	Kerr-McGee Corp. (successor) in interest to Carter-Jones Drilling Co., Inc. et al., P.O. Box 25861, Oklahoma City, Okla. 73125.	Texas Eastern Transmission Corp., E. H. Pepper unit, Cherokee Lake field area, Rusk County, Tex.	(13)	14.65
CI78-1019, F, Aug. 10, 1978	Energy Reserves Group, Inc. (partial successor in interest to Shenandoah Oil Corp.), P.O. Box 1201, Wichita, Kans. 67201.	Natural Gas Pipeline Co. of America, Boonville field, Wise County, Tex.	(13)	14.65
CI78-1020, A, July 11, 1978	CIG Exploration, Inc., 5 Greenway Plaza East, Houston, Tex. 77046.	El Paso Natural Gas Co., Allison Parks field, Wheeler County, Tex.	(1)	14.73
CI78-1027, A, July 26, 1978	Columbia Gas Development Corp., P.O. Box 1350, 1700 West Loop South, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Keohane Federal Com No. 1 well in Eddy County, N. Mex.	(14)	14.73
CI78-1042, A, Aug. 8, 1978	Chevron U.S.A. Inc., 575 Market St., San Francisco, Calif. 94105.	Natural Gas Pipeline Co. of America, OCS-G-2855 No. 1, No. 2, No. 3, and No. 4 wells, East Cameron block 34, offshore Louisiana.	(1)	15.025
CI78-1053, B, July 28, 1978	Petro-Lewis Corp., P.O. Box 2250, Denver, Colo. 80201.	Michigan Wisconsin Pipe Line Co., Delcambre No. 1 well, Loisel field, Iberia Parish, La.	Reserves depleted.	
CI78-1054, B, Aug. 1, 1978	McMoRan Exploration Co., P.O. Box 6800, Metairie, La. 70009.	Tanscontinental Gas Pipe Line Corp., Andrus Cove field, Jefferson Davis and Acadia Parishes, La.	Ceased production, plugged and abandoned in October 1974 and leases released.	
CI78-1058, A, July 31, 1978	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	Northern Natural Gas Co., Nordan Trust "45" No. 1 well, sec. 45, block 33, H & TC RR Co. survey, Barstow (Wolfcamp) field, Ward County, Tex.	(1)	14.73
CI78-1072, A, Aug. 8, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipe Line Co., Kent Bayou field, Terrebonne Parish, La.	(1)	15.025
CI78-1073, A, Aug. 7, 1978	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., B. H. Lemert well No. 1, Seward County, Kans.	(1)	14.65
CI78-1074, A, Aug. 9, 1978	Mobil Oil Corp., 9 Greenway Plaza—Suite 2700, Houston, Tex. 77046.	United Gas Pipe Line Co., certain portions of blocks 72, 73, and 74, located in the Main Pass area, Federal offshore, La.	(1)	15.025
CI78-1075, A, Aug. 9, 1978	Mobil Oil Corp	Southern Natural Gas Co., certain portions of blocks 72, 73, and 74, located in the Main Pass area, Federal offshore, La.	(1)	15.025
CI78-1077 (CI62-1101), B, Aug. 10, 1978.	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Blanco field, San Juan County, N. Mex.	Lease expired due to lack of production.	
CI78-1078, A, Aug. 10, 1978	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Southern Natural Gas Co., S. L. 1230 well No. 3 in the north half of Breton Sound block 36, Plaquemines Parish, La.	(1)	15.025
CI78-1079, A, Aug. 10, 1978	Kerr-McGee Corp	Southern Natural Gas Co., S. L. 6802 well No. 1 in the north half of Breton Sound block 35, Plaquemines Parish, La.	(1)	15.025

See footnotes at end of document.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI78-1080, A, Aug. 11, 1978	Belco Petroleum Corp., agent for Belring Co., 1 Dag Hammarskjold Plaza, New York, N.Y. 10017.	United Gas Pipe Line Co., 13,100' Sand of the Kirby Lumber Co. No. 1 well, Billiams Creek Southeast field, Tyler County, Tex.	(1)	14.65
CI78-1081 (CI72-461), B, Aug. 14, 1978.	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	United Gas Pipe Line Co., Cabeza Creek South field, Goliad County, Tex.	Sale is superseded by rate schedule No. 96.	
CI78-1082 (CI72-497), B, Aug. 14, 1978.	American Petrofina Co. of Texas	do	Do.	
CI78-1083, A, Aug. 14, 1978	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Transwestern Pipeline Co., Coffee Estate No. 2 and Feeney Coffee No. 1 wells in the Shriekey field, Roberts County, Tex., in the Morrow Formation only.	(1)	14.65
CI78-1084 (CI72-396) B, Aug. 7, 1978.	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Northwest Pipeline Corp., Cisco Dome field, Grand County, Utah.	(5)	
CI78-1085 (G-17789), B, Aug. 7, 1978.	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Cities Service Gas Co., Eureka field (Wakita area), Grant County, Okla.	(9)	
CI78-1086 (CI70-673), B, Aug. 8, 1978.	The Ballard & Cordell Corp., Box 52151, Lafayette, La. 70505.	Michigan Wisconsin Pipe Line Co., North Krotz Springs field, St. Landry Parish, La.	Uneconomical.	
CI78-1087, B, Aug. 9, 1978	Payne, Inc., 720 Northeast 63d—Suite 103, Oklahoma City, Okla. 73105.	Colorado Interstate Gas Co., Cimarron County, Okla.	Do.	
CI78-1088, B, Aug. 9, 1978	Payne, Inc	Northern Natural Gas Co., Beaver County, Okla.	Do.	
CI78-1089, A, Aug. 9, 1978	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	Panhandle Eastern Pipe Line Co., certain acreage in Ellis County, Okla.	(1)	14.65
CI78-1090 (CI61-691), B, Aug. 7, 1978.	Kirkpatrick Oil & Gas Co. (successor in interest to Atlantic Richfield Corp.), 1300 North Broadway, Oklahoma City, Okla. 73103.	Michigan Wisconsin Pipe Line Co., sec. 8-T22N-R16W, Major County, Okla.	(10)	
CI78-1091, A, Aug. 9, 1978	Gulf Oil Corp	Texas Eastern Transmission Co., Bethany-Longstreet field, De Soto Parish, La.	(1)	15.025
CI78-1092 (CI63-1139), B, Aug. 11, 1978.	Harper Oil Co., 904 Hightower Bldg., 105 North Hudson, Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., North Drummond area, Garfield County, Okla.	Release by purchaser.	
CI78-1093, B, Aug. 9, 1978	Payne, Inc., 720 Northeast 63d—Suite 103, Oklahoma City, Okla. 73105.	Panhandle Eastern Pipe Line Co., George Smithson well No. 1, located 150 feet SW of C of NE/4 sec. 20-27N-16W, Cora (Oswego) field, Woods County, Okla.	(11)	
CI78-1094, A, Aug. 11, 1978	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	El Paso Natural Gas Co., Turkey Tract State No. 1 well, Turkey Tract Morrow north field, Eddy County, N. Mex., limited to the Morrow series of the Pennsylvanian system.	(1)	14.65
CI78-1095, (CI65-1009), B, Aug. 14, 1978.	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, above the base of the Missouri Formation, sec. 37, block A-5, H and GN RR Survey, Wheeler County, Tex.	Depleted.	
CI78-1096, A, Aug. 14, 1978	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	Sea Robin Pipeline Co., OCS-G-2300 No. A-2 and No. A-3 wells, from the 22-Sand and 24-Sand underlying blocks 234 and 235, South Marsh Island area, offshore Louisiana.	(1)	15.025
CI78-1097, A, Aug. 17, 1978	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Columbia Gas Transmission Corp., Lake Hatch-Orange Grove area, Terrebonne Parish, La.	(1)	15.025
CI78-1098, A, Aug. 18, 1978	Continental Oil Co	Natural Gas Pipeline Co. of America, South Marsh Island block 288, offshore Louisana.	(12)	15.025
CI78-1099, A, Aug. 18, 1978	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., Cedarlake field, Canadian County, Okla.	(1)	14.73
CI78-1100, A, Aug. 15, 1978	Ocean Production Co. et al., P.O. Box 61780, New Orleans, La. 70161.	Tennessee Gas Pipeline Co., Ship Shoal block 167, in the Gulf of Mexico, offshore Louisiana.	(1)	15.025
CI78-1101, A, Aug. 15, 1978	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., the Stephens-Cody No. 1 well, sec. 35-T2N-R9E, Centrahoma field, Coal County, Okla.	(13)	14.65
CI78-1102, A, Aug. 18, 1978	American Natural Gas Production Co., 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Montana-Dakota Utilities Co., certain acreage in Fremont County, Wyo.	(1)	14.73
CI79-4, A, Oct. 5, 1978	Chevron U.S.A., Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., High Island block 140, offshore Texas.	(1)	14.65

[1] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

[2] Although seller allegedly is not subject to FPC jurisdiction a declaration of abandonment is sought to remove any question of FPC jurisdiction over these gas reserves which cannot be sold in interstate commerce.

[3] By reason of Kerr-McGee's not having been signatory to the C-J-TETC contract under which Kerr-McGee's gas was previously sold by C-J to TETC and by reason of the failure of either C-J or TETC to advise Kerr-McGee of C-J's small producer certificate, Kerr-McGee was left in the position of possessing neither contract nor certificate authority to deliver its gas to TETC on and after July 12, 1973.

[4] Applicant is willing to accept the applicable rate pursuant to opinion No. 749, for both temporary and permanent partial successor in interest certifications.

[5] Applicant acquired an interest in the Boonville area from Red River Drilling Co. Shenandoah Oil Corp. succeeded to the interest of Delmar petroleum, Inc., with all gas being covered under Shenandoah's small producer certificate issued Oct. 12, 1971 in docket No. CS71-354.

[6] Applicant and purchaser are affiliated.

[7] Applicant is filing under gas purchase agreement dated Aug. 10, 1978.

[8] by instrument effective Mar. 1, 1976, continental assigned all of its rights, title and interest in and to the lease covered by this certificate and rate schedule to Willard Pease Oil & Gas Co. also assignment by Continental's joint interest owner of said property, Tenneco Oil Co., inasmuch as Tenneco was the record title owner of this and other property jointly acquired through the Delhi-Taylor acquisition.

[9] bilderback "A" unit well No. 1 was the only well that was completed on the unit acreage covered by the contract on file as Gulf's FERC gas rate schedule No. 340. This well was depleted to the extent that it could produce only 35 Mcf per day and was plugged and abandoned.

[10] The acreage involved is nondeveloped acreage from which service was never commenced under rate schedule No. 443. Michigan Wisconsin Pipe Line Co. has determined that it is economically unfeasible to purchase the gas from this well and has executed its consent to a partial release of the acreage covered by contract dated Oct. 17, 1960, as supplemented by agreement dated Feb. 6, 1961.

[11] Nonproduction since February 1978, leases expired and returned back to the lessors and no further exploration of the leases is contemplated by Payne, Inc., or any other party.
[12] Applicant is filing under gas purchase and sales agreement dated Aug. 4, 1978.
[13] Applicant is filing under gas purchase contract dated July 13, 1978.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—total succession. F—Partial succession.

[FR Doc. 78-29620 Filed 10-20-78; 8:45 am]

[6740-02-M]

[Docket No. RI77-128]

HERBERT S. WOODS & ASSOCIATES

Order Granting Special Relief

OCTOBER 4, 1978.

On August 29, 1977, Herbert S. Woods & Associates (Woods), a small producer, filed a petition for special relief pursuant to § 2.76 of the Commission's [1] general policy and interpretations (18 CFR 2.76). Woods requested a rate of $2.00/Mcf for gas from the J. L. Swiney No. 1 well, Hall Wood Ben Conglomerate Field, Jack County, Tex., sold to Natural Gas Pipeline Co. of America (Natural). Woods currently is authorized a rate of 13¢/Mcf plus Btu adjustments.

Woods, the well's operator, owns 81.25 percent of the working interest, and has a small producer certificate in docket No. CS77-580, issued November 25, 1977. This petition for special relief is joined by 100 percent of the well's working interest owners.

Woods amended his petition to a rate of $1.55/Mcf on April 1, 1978.

The original petition was noticed on September 29, 1977, and the amendment was noticed April 25, 1978. Natural intervened on October 20, 1977, stating it would pay Woods the rate authorized by the Commission.

Woods proposes to purchase a $35,000 two-stage compressor and a $30,000 pumping unit and spend a total of $123,000 to place the well back into production. Woods states that the well presently lacks pressure sufficient to prevent water encroachment and flooding. Staff estimates the expenditures of the stated funds will result in the gross production of 187,554 Mcf of natural gas (at 14.65 psia) and 1,951 bbls of liquids, over 6 years 7 months.

Staff estimates that the proposed investment is reasonable and it calculated that a rate of $1.56/Mcf would yield Woods a return of his costs plus a 15-percent return. Staff recommends the rate of $1.55/Mcf be authorized Woods for the gas sales from the subject well.[2]

Our review of the costs to be incurred and the reserves to be recovered convinces us that it is in the public interest to grant Woods' amended petition for special relief. The authorized rate is $1.55/Mcf at 14.65 psia under the terms of this order.

The Commission orders:

(A) Herbert S. Woods & Associates is authorized to collect a total rate of $1.55/Mcf at 14.65 psia for the sale of the subject gas to Natural Gas Pipeline Co. of America, effective the date of this order or the date the proposed work is completed, whichever is later, subject to ordering paragraphs (B) and (C).

(B) The special relief rate authorized in ordering paragraph (A) shall not become effective as provided therein unless Woods files a statement, signed by Natural, setting forth the date the proposed work has been completed to Natural's satisfaction, within 30 days of the effective date of ordering paragraph (A).

(C) The special relief rate authorized in ordering paragraph (A) shall not become effective as provided therein, unless within 30 days of the date of issuance of this order, Woods files a copy of an executed contract amendment with Natural, providing for payment of the rate authorized herein, and a notice of independent producer rate change filing in docket No. CS77-580 for such rate.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Herbert S. Woods and Associates, Docket No. RI77-128*

[Unit cost of gas]

Line No. and item (a)	Amount (b)
1. Net working interest volumes:	
2. Gas—Mcf at 14.65 psia [1]	158,249
3. Liquids—bbl [2]	1,646
4. Cost of production:	
5. Return on rate base [3]	66,384
6. D.D. & A [4]	124,800
7. Production expense [5]	56,598
8. Subtotal	247,782
9. Allocated to gas [6]	283,455
10. Regulatory expense [7]	158
11. Total cost of production	$228,613
12. Unit cost of production (cents per Mcf):	
13. Cost of production [8]	144.47
14. Tax at 7.5 pct [9]	11.71
15. Total unit cost of production [10]	156.18

[1] Staff reserve estimate of 187,554 Mcf times 84.375 pct net working interest.
[2] Staff reserve estimate of 1,951 bbl times 84.375 pct net working interest.
[3] 15 pct per yr times 6 yr, 7 mo times $67,225 (from schedule 3, line 13).
[4] From schedule 2, line 8.
[5] Estimate of future production costs based on latest year's data, adjusted 5 pct per yr.
[6] Line 8 times 92.20 pct (from schedule 2, line 15).
[7] Line 2 times $0.001/Mcf, per opinion No. 749.
[8] Line 11 divided by line 2.
[9] 7.50 pct times line 15.
[10] Line 13 divided by 92.5 pct.

[Depreciable investment, depreciation factor, and allocation factor]

Line No. and item (a)	Amount (b)
1. Depreciable investment:	
2. Remaining book investment [1]	$10,000
3. New investment:	
4. Tangible investment [2]	82,000
5. Less salvage of 10 pct	8,200
6. Net new tangible investment	73,800
7. Intangible investment [3]	41,000
8. Total depreciable investment	$124,800
9. Depreciation factor:	
10. $12,800 ÷ 158,249 Mcf [4] = cents per Mcf	78.8631
11. Allocation factor:	
12. Gas MMBtu [5]	159,040
13. Liquid MMBtu [6]	13,451
14. Total MMBtu	172,491
15. Gas allocation factor [7]	92.20

[1] Data supplied by applicant.
[2] From line 8.
[3] From schedule 1, line 2.
[4] 158,249 Mcf × 1.005 MMBtu/Mcf = 159,040 MMBtu.
[5] 1,646 bbl × 5.448 MMBtu/Bbl × 1.5 = 13,451 MMBtu.
[6] Line 12 divided by line 14.

[1] This proceeding was commenced before the FPC. By the joint regulation of Oct. 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission," when used in the context of action taken prior to Oct. 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] Staff's cost study is attached as app. A.

Herbert S. Woods and Associates, Docket No. RI77-128

[Average investment and annual rate base]

Line No. and year	Annual N.W.I. production (Mcf)	Beginning of year investment	Depreciation	End of year investment	Average investment
(a)	(b)	(c)	(d)	(e)	(f)
1. Average investment:					
2. 1978	17,553	[1]$133,000	$13,843	$119,157	$126,078
3. 1979	36,959	119,157	29,147	90,010	104,584
4. 1980	30,685	90,010	24,199	65,811	77,910
5. 1981	25,484	65,811	20,097	45,714	55,762
6. 1982	21,165	45,714	16,691	29,023	37,368
7. 1983	17,564	29,023	13,852	15,171	22,097
8. *1984	8,839	15,171	6,971	8,200	11,686
9. Totals	158,249		124,800		435,485
10. Average annual rate base:					
11. Average annual investment [2]					66,150
12. Average annual working capital allowance [3]					1,075
13. Total annual rate base					67,225

[1]Total depreciable investment (schedule 2, line 8) + salvage value (schedule 2, line 5).
[2]Line 9, col. (f) ÷ 6½ yr.
[3]Schedule 1, line 7 × 12.5 pct ÷ 6½ yr.
*7 mo.
Col. (c)—Col. (e) previous line.
Col. (d)—col. (b) times schedule 2, line 10.
Col. (f) average of col. (c) and (e).

[FR Doc. 78-29619 Filed 10-20-78; 8:45 am]

[6740-02-M]

[Docket No. RI77-70]

INTERSTATE DRILLING, INC. (OPERATOR)

Order Granting Special Relief

OCTOBER 4, 1978.

On May 5, 1977, Interstate Drilling, Inc. (Interstate), a small producer, filed a petition for special relief pursuant to § 2.76 of the Commission's [1] Statements of general policy and interpretations, 18 CFR 2.76, for the sale of natural gas to Columbia Gas Transmission Corp. (Columbia Gas) from 8 wells which have State permit Nos. GIL 2263, 2264, 2265, 2272, 2274, 2275, 2277, 2279 and which are located in the Troy district of Gilmer County in West Virginia. Interstate, which has no ownership interest in the subject property, is the operator and is filing on behalf of all the working interests. Subsequently, Interstate filed an amended petition for special relief on September 30, 1977.

Interstate is selling this gas under a contract dated June 30, 1973, pursuant to a certificate issued in Docket No. CS76-1164. The present authorized rate for the sale of this gas is $1.22 per Mcf.

Notice of Interstate's petition for special relief was issued by the Commission on May 17, 1977; notice of the amended petition was issued March 8, 1978. Both notices were published in the FEDERAL REGISTER. The Public Service Commission of West Virginia filed a timely notice of intervention.

THE PROPOSAL

In its amended petition for special relief, Interstate requests authorization to increase the rate for the sale of this gas from $1.22 per Mcf to $1.32 per Mcf.[2] Interstate proposes to spend $12,000 to disconnect the fluid siphoning line from eight wells and then set a plug in each well to prevent fluids from covering the producing zone.

In a letter dated September 29, 1977, Columbia Gas stated that it was willing to amend the price provision of the January 30, 1973, contract to a price found to be just and reasonable by the Commission.

COST STUDY ANALYSIS

On the basis of a field investigation conducted on July 21, 1977, staff has determined that Interstate does not have any current investment in the subject property. Staff found the 1976 costs to be suitable as a base year for projecting the total annual production costs. The total estimated production expenses of $81,094 were determined by applying a 5 percent inflation factor for the first 5 years to the 1976 base year costs of $8,258. Staff accepts

[1]This proceeding was commenced before the FPC. By the joint regulation of Oct. 1, 1977 (10 CFR 1000.1) it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to Oct. 1, 1977, refers to the FPC. When used otherwise, the reference is to the FERC.

[2]In its original petition Interstate requested a rate of $1.70 per Mcf for the sale of this gas.

the estimate of $12,000 for the proposed investment. Finally, based on data filed by Interstate, staff estimates that 100,500 Mcf of gas remain to be recovered over 9 years.

Staff's cost study using the above costs and 82,450 Mcf of the gas reserves, attributable to Interstate's 82.04 percent net working interest, indicates that a total rate of $1.32 per Mcf at 14.73 psia will allow Interstate to recoup all costs associated with this project over its 9 year life including a 15 percent rate of return. Therefore, Staff concludes that the requested rate for special relief is cost supported.[3]

After reviewing the costs to be incurred and the reserves to be recovered, the Commission determines that Interstate's petition for special relief is warranted and that it is in the public interest to grant this petition.

The Commission finds: The petition for special relief by Interstate meets the criteria set forth in § 2.76 of the Commission's general policy and interpretations.

The Commission orders:

(A) The amended petition for special relief filed by Interstate is granted.

(B) Interstate is authorized to collect a rate of $1.32 per Mcf at 14.73 psia for the sale of gas to Columbia Gas from eight wells which have State permit numbers GIL 2263, 2264, 2265, 2272, 2274, 2275, 2277, 2279, and which are located in the Troy district of Gilmer County in West Virginia effective either upon the date of issuance of this order or the date the proposed work is completed, whichever is later.

(C) This authorization is conditioned on the following: (1) Interstate must file within 30 days of the date of this order a notice of independent producer rate change in Docket No. CS76-1164, accompanied by an executed copy of the amended contract agreement providing for the rate increase; (2) within 30 days of the effective date provided in ordering paragraph (B) above for the rate authorized herein, Interstate shall file a statement signed by Columbia Gas that the work has been completed to its satisfaction.

(D) The Public Service Commission of West Virginia is permitted to intervene in the captioned proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its notice of intervention: *and provided further,* That the admission of the Public Service Commission of West Virginia in the manner provided shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding, and that it agrees to accept the record as it now stands.

[3] See app. A.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A.—*Interstate Drilling, Docket No. RI77-70, Wells Nos. 2263, 2264, 2265, 2272, 2274, 2275, 2277, 2279, Gilmer County, W. Va.*

[Unit cost of gas]

Line No. and item (a)	Amount (b)
1. Net working interest volumes:	
2. Gas—Mcf at 14.73 psia [1]	82,450
3. Liquids—bbl	0
4. Cost of production:	
5. Return on rate base [2]	$7,362
6. D.D. & A [3]	12,000
7. Production expense [4]	81,094
8. Regulatory expense [5]	82
9. Total cost of production	100,538
10. Unit cost of gas (cents per Mcf):	
11. Cost of production [6]	1.219
12. West Virginia tax [7]	.103
13. Total unit cost of gas	1.322

[1] 100,500 times 0.8204.
[2] Line 16 of sheet 3 times 0.15 times 9 yr productive life.
[3] Line 6 of sheet 2.
[4] Based on a 1976 base yr of $8,258 escalated 5 pct per yr for the first 5 yrs.
[5] Line 2 times 0.1 cent per Mcf per opinion No. 749.
[6] Line 9 divided by line 2.
[7] Average West Virginia business and occupation tax.

[Investment]

Line No. and item (a)	Amount (b)
1. Investment:	
2. Remaining net book value	0
3. Remove siphon line and install plugs	$12,000
4. Total investment	12,000
5. Less salvage	0
6. Depreciable investment	12,000
7. Depreciation per unit of production [1]	0.145542

[1] Line 6 divided by 82,450 Mcf.

Interstate Drilling, Docket No. RI77-70, Wells, Nos. 2263, 2264, 2265, 2272, 2274, 2275, 2277, 2279, Gilmer County, W. Va.

[Average annual investment]

Line No. and Year (a)	Annual N.W.I. production (Mcf) (b)	Beginning of year investment (c)	Depreciation [1] (d)	End of year investment (e)	Average investment [2] (f)
1. Average investment:					
2. 1977	13,980	$12,000	$2,035	$9,965	$5,492
3. 1978	12,601	9,965	1,834	8,131	9,048
4. 1979	11,075	8,131	1,612	6,519	7,325
5. 1980	9,845	6,519	1,433	5,086	5,803
6. 1981	8,762	5,086	1,275	3,811	4,449
7. 1982	7,777	3,811	1,132	2,679	3,245
8. 1983	6,891	2,679	1,003	1,676	2,178
9. 1984	6,104	1,676	888	788	1,232
10. 1985	5,415	788	788	0	197
11. Total	82,450		12,000		38,969
12. Average annual investment [3]					4,330
13. Annual rate base:					
14. Average annual investment					4,330
15. Average annual working capital allowance [4]					1,126
16. Total annual rate base					5,456

[1] Col. (b) times line 7 of schedule 2.
[2] (Col. (c) plus col. (e)) divided by 2.
[3] Col. (f) of line 11 divided by 9 yr. of productive life.
[4] 0.125 times line 7 of sheet 1 divided by 9 yr of productive life.

[FR Doc. 78-29618 Filed 10-20-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

[Docket Nos. G-5044, et al.]

SHELL OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 13, 1978.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 9, 1978, file with the Federal Energy Regulatory Commission,

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-5044, D, Sept. 28, 1978	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Mid-Louisiana Gas Co., Vixen field, Caldwell Parish, La.	(1)	
G-8820, D, Sept. 8, 1978	Texaco Inc. (operator) et al., P.O. Box 2420, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Hansford field, Hansford County, Tex.	Well plugged and abandoned and leases released.	
G-11707, D, Sept. 29, 1978	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	United Gas Pipe Line Co., Maxie field, Forrest County, Miss.	(2)	
G-19282, C, Aug. 11, 1978	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Davis "G" No. 1 well from the Lower Morrow Formation of the Pennsylvania System only in the Gentzler field, Stevens County, Kans.	(3)	14.65
G-19589, C, Sept. 7, 1978	Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y. 10017.	Northwest Pipeline Corp., Fogarty field area, Sublette County, Wyo.	(3)	15.025
G-19591, C, Sept. 7, 1978	Belco Petroleum Corp	do	(3)	15.025
CI78-1103, A, Aug. 17, 1978	Getty Oil., P.O. Box 1404, Houston, Tex. 77001.	United Gas Pipe Line Co., certain acreage in block 137, South Marsh Island area, offshore Louisiana.	(4)	15.025
CI78-1104, A, Aug. 17, 1978	Getty Oil Co	United Gas Pipe Line Co., certain acreage in block 487, West Cameron area, offshore Louisiana.	(4)	15.025
CI78-1105, A, Aug. 17, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., certain acreage in Lea County, N. Mex., limited to the Blinebry, Tubb, and Drinkard Formations.	(2)	14.65
CI78-1106 (CI66-921), B, Aug. 18, 1978.	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Co., Sambo field, St. Landry Parish, La.	(5)	
CI78-1107, A, Aug. 21, 1978	Panhandle Western Gas Co., P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., certain acreage in Sweetwater County, Wy.	(3) (7)	14.65
CI78-1108 (CI75-770), B, Aug. 21, 1978.	Sohio Natural Resources Co., 50 Penn Pl., Suite 1100, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Drinkard field, Lea County, N. Mex.	(2)	
CI78-1109, A, Aug. 21, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Southern Natural Gas Co., Kerr-McGee et al., State lease No. 1230 well No. 3 (Phillips well No. 9-A) Breton Sound block 36, offshore Plaquemines Parish, La.	(3)	15.025
CI78-1110, A, Aug. 21, 1978	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Texas Eastern Transmission Corp., Vermilion area, block 331 field, offshore Louisiana.	(3)	15.025
CI78-1111, A, Aug. 21, 1978	General Crude Oil Co., P.O. Box 2252, Houston, Tex. 77001.	Florida Gas Transmission Co., Erck Nos. 5 and 6 wells, McGill Ranch field area, Kenedy County, Tex.	(3)	14.65
CI78-1112, A, Aug. 21, 1978	Marathon Oil Co	El Paso Natural Gas Co., Burton Flat East field, Eddy County, N. Mex.	(3)	14.65
CI78-1113, A, Aug. 21, 1978	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	Panhandle Eastern Pipe Line Co., certain acreage in Sweetwater County, Wyo.	(3)	14.65
CI78-1114, A, Aug. 21, 1978	Diamond Shamrock Corp. (successor to the Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Mid Louisiana Gas Co., Hemler No. 1 well in Richland Parish, La.	(3)	15.025
CI78-1115, A, Aug. 21, 1978	Marathon Oil Co	United Gas Pipe Line Co., High Island area, block A-480 field, offshore Texas.	(10)	14.65
CI78-1116, A, Aug. 21, 1978	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	El Paso Natural Gas Co., Amoco State "18" No. 1 well located in sec. 18, block 55, T-2, T & P RR Co. survey, Tunstill, East (Wolfcamp) field, Loving County, Tex., limited to Wolfcamp Formation only.	(3)	14.73
CI78-1117, A, Aug. 22, 1978	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., block A-480 field, High Island area, offshore Texas.	(3)	14.65
CI78-1120 (CI78-251), B, Aug. 21, 1978.	Sohio Natural Resources Co., 50 Penn Pl.—Suite 1100, Oklahoma City, Okla. 73118.	Cities Service Gas Co., S. E. Chilloco field, Kay County, Okla.	Only well on lease is depleted.	
CI78-1121 (CI68-274), B, Aug. 21, 1978.	Chevron U.S.A., Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Michigan Wisconsin Pipe Line Co., North Thorndike area, Gray and Roberts Counties, Tex.	(11)	
CI78-1122 (CI62-1313), B, Aug. 22, 1978.	Robbins Petroleum Corp., et al., P.O. Box 2347, Longview, Tex. 75601.	Lone Star Gas Co., Danville field, Rusk County, Tex.	Supply exhausted.	
CI78-1123, A, Aug. 22, 1978	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	El Paso Natural Gas Co., White City Penn field, Eddy County, N. Mex.	(3)	14.65
CI78-1124, A, Aug. 23, 1978	Terra Resources, Inc., 5416 South Yale, Tulsa, Okla. 74135.	Transcontinental Gas Pipe Line Corp., High Island area block A-330 field, Gulf of Mexico.	(12)	15.025
CI78-1126, A, Aug. 29, 1978	Mobil Oil Corp., 3 Greenway Plaza East—Suite 800, Houston, Tex. 77046.	Arkansas Louisiana Gas Co., Red Tank field, Sequoyah County, Okla.	(3)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-1127, A, Aug. 25, 1978	Panhandle Western Gas Co., P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., Hay Reservoir area, Sweetwater County, Wyo.	(2 7)	14.65
CI78-1128, A, Aug. 25, 1978	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Dyco-Martin No. 1-9 well, sec. 9-T16N-R20W, Leddy area, Dewey County, Okla.	(12)	14.65
CI78-1129, A, Aug. 28, 1978	Mitchell Energy Corp., 3900 1 Shell Plaza, Houston, Tex. 77002.	Northwest Pipeline Corp., certain acreage in Rio Arriba County, N. Mex.	(3)	14.73
CI78-1130, A, Aug. 28, 1978	Chevron U.S.A., Inc.	Mississippi River Transmission Corp., Mills Ranch (Granit Wash Formation), Wheeler County, Tex.	(3)	14.65
CI78-1132, B, Aug. 25, 1978	General Crude Oil Co., P.O. Box 2252, 2600 1 Allen Center, Houston, Tex. 77002.	El Paso Natural Gas Co., J. H. Hutt well No. 1, Hadacol Corner field, Upton County, Tex.	Depletion of the reservoir.	
CI78-1133, A, Aug. 28, 1978	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Eastern Transmission Corp., block 279 located in the block 280 field, West Cameron area, offshore Louisiana.	(3)	15.025
CI78-1135, A, Aug. 28, 1978	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., J. W. Young No. 2 well unit in the Mills Ranch field, Wheeler County, Tex.	(3)	14.65
CI78-1136, B, Aug. 28, 1978	Southeastern Public Service Co., 1625 Southwest Tower, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., East Bernard field, Wharton County, Tex.	The Vacek and Krotky Gas unit wells are depleted. Applicant installed compression in March 1965	
CI78-1137, A, Aug. 24, 1978	Cotton Petroleum Corp., 4200 1 Williams Center, Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., certain acre age in the Aledo field, Custer County Okla.	(3)	14.65
CI78-1138, A, Aug. 24, 1978	Cotton Petroleum Corp	Colorado Interstate Gas Co., certain acreage in Adams County, Colo.	(3)	15.025
CI78-1139, A, Aug. 24, 1978	....do	Arkansas Louisiana Gas Co., Reed No. 1-22 well, sec. 22-T7N-R23E, LeFlore County, Okla., limited to the Red Oak Formation only.	(3)	14.65
CI78-1140, A, Aug. 24, 1978	....do	Southern Natural Gas Co., certain acreage in the Pointe-a-la-Hache field, Plaquemines Parish, La.	(3)	15.025
CI78-1141, A, Aug. 24, 1978	....do	Northern Natural Gas Co., Conley "A" No. 1 well, sec. 73, block 13, T & NO Survey, Ochiltree County, Tex., limited to the Upper Morrow Formation only.	(3)	14.65
CI78-1142, A, Aug. 24, 1978	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Florida Gas Transmission Co., Tylertown field, Walthall County, Miss.	(4)	15.025
CI78-1143, A, Aug. 24, 1978	Florida Gas Exploration Co	Florida Gas Transmission Co., Bassfield field, Jefferson Davis County, Miss.	(14)	15.025
CI78-1144, A, Aug. 29, 1978	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	Mountain Fuel Supply Co., Yellow Creek field, Uinta County, Wyo.	(3)	14.73
CI78-1145, A, July 31, 1978	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	El Paso Natural Gas Co., Willow Lake unit Federal No. 3 well, located in the south ½ of sec. 15-T24S-R28E, Malaga (Morrow) field, Eddy County, N. Mex.	(3)	14.73
CI78-1146, A, Aug. 24, 1978	Diamond Shamrock Corp., (successor to the Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Cities Service Gas Co., certain acreage in Sweetwater County, Wyo.	(15)	15.025
CI78-1147, A, Aug. 24, 1978	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., Wheeler Pan-Hunton field, Wheeler County, Tex.	(3)	14.73
CI78-1148, B, Aug. 24, 1978	Millard Deck et al., 1500 First National Bank Bldg., Fort Worth, Tex. 76102.	Warren Petroleum Co., division of Gulf Oil, Monument Grayburg field, Lea County, N. Mex.	Contract expired by its own terms, plugged and abandoned.	
CI78-1149, A, Aug. 28, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	United Gas Pipe Line Co., Mollie Woolf Gas unit well No. 1, Good Omen (Overton) field, Smith County, Tex.	(3)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
CI78-1150 (CI68-205), B, Aug. 28, 1978.	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Cities Service Gas Co., certain acreage in Woods County, Okla.	Depleted, leases terminated as result of cessation of production.	

[1] Shell was unable to establish commercial production from lease L-21606 and executed the "Release of Oil and Gas Lease" dated Feb. 25, 1970, releasing 1133 acres more or less, to the lessor.

[2] Lands were condemned by several unsuccessful wells drilled to or below the Tusculoosa on or in the vicinity. Leases were assigned or released. Continental has no knowledge of the disposition of these lands, which they surrendered or assigned many years ago (over 20 yr in most cases).

[3] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

[4] Applicant is filing under gas sales contract dated May 18, 1978.

[5] Applicant is filing under gas sales contract dated Apr. 28, 1978.

[6] Gas deliveries ceased April 1975, depleted, all wells plugged and abandoned, leases expired by their own terms and gas sales contract with purchaser canceled.

[7] Seller and purchaser are affiliated.

[8] Only gas well on lease reclassified as an oil well and casinghead gas from the oil well is not dedicated to Northern Natural Gas Co. under rate schedule No. 164.

[9] Applicant is filing under contract dated June 21, 1978.

[10] Applicant is requesting special relief in the form of waiver of the prices set forth in sec. 2.56a pursuant to sec. 2.56a(g) of the Commission's general policy and interpretations and is filing under gas purchase contract dated Aug. 14, 1978.

[11] Chevron no longer retains any interest in lands originally subject to the certificate and has obtained no production from the lands since March 1974. None of the surrendered lands contained prospects for further economic reserves. In the case of those lands assigned to King Resources the assignee applied for and obtained a successor certificate in docket No. CI69-966 et al.

[12] Applicant is filing under gas purchase contract dated July 19, 1978.

[13] Applicant is filing under gas sale contract dated Mar. 1, 1977.

[14] Applicant is filing under gas purchase contract dated and entered into as of Jan. 1, 1979.

[15] Applicant is filing under gas purchase contract dated Aug. 10, 1978.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 78-29711 Filed 10-20-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

September 25 Through September 29, 1978

Notice is hereby given that during the period September 25 through September 29, 1978, the proposed decisions and orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the proposed decision and order in final form may file a written notice of objection within 10 days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a notice of objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the proposed decision and order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a pro-

posed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In that statement of objections an aggrieved party must specify each issue of fact or law contained in the proposed decision and order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the public docket room of the Office of Hearings and Appeals, room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

OCTOBER 16, 1978.

PROPOSED DECISIONS AND ORDERS

Asiatic Petroleum Corp., New York, N.Y., DPI-0017

Pacific Resources, Inc., Honolulu, Hawaii, DPI-0009

Inter-Americas Oil Co., Pittsburgh, Pa., DPI-0010

Roarda, Inc., Washington, D.C., DPI-0011

Scanoil, Inc., New York, N.Y., DPI-0012, Residual Fuel Oil

Asiatic Petroleum Corp., Pacific Resources, Inc., Inter-Americas Oil Co., Roarda, Inc., and Scanoil, Inc., filed Applications for Exception from the mandatory oil import program of the DOE. The exception requests, if granted, would permit the firms to import specified quantities of residual fuel oil into District I on a license fee-exempt basis during the current allocation period. On September 25, 1978, the DOE issued a Proposed Decision and Order to the firms in which it tentatively determined that they should be granted sufficient fee-exempt authority to permit them to import 81.2 percent of their projected imports into District I during the current allocation period on a fee-exempt basis subject to certain conditions.

Champlin Petroleum Co., Fort Worth, Tex., DEE-1309, Crude Oil Producer

The Champlin Petroleum Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the working interest owners to sell the crude oil produced from the State of New Mexico's lease number 18 at upper tier prices. On September 29, 1978, the DOE issued a Proposed Decision and Order granting in part the Champlin exception application.

Clarke County Supply, Inc., Berryville, Va., DEE-0452, No. 2 Heating Oil/Coal

Clarke County Supply, Inc., filed an Application for Exception from the reporting requirements of Forms EIA 2 and EIA 9. This exception request, if granted, would have relieved Clarke of the obligation to file one of these forms. On September 28, 1978, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Don Baldwin Oil, Gloversville, N.Y., DEE-1062

Wilmont Oil Co., Seabrook, N.H., DEE-1063

John Galt, Inc., Hyattsville, Md., DEE-1035

Shur-Heet Oil Co., Lyndhurst, N.J., DEE-1172

H. C. Mayer & Sons, Inc., Wayzata, Minn., DEE-1343, No. 2 Heating Oil

The five firms specified above filed Applications for Exception from the reporting requirements of Form EIA 9. The exception requests, if granted, would relieve these firms of any obligation to prepare and submit Form EIA 9. On September 28, 1978, the Department of Energy issued a Proposed Decision and Order which determined that the exception requests be denied.

R. H. Engelke, San Antonio, Tex., DXE-1667, Crude Oil

R. H. Engelke filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to continue to sell a portion of the crude oil produced from the Bertha Copsey Lease located in Jackson County, Tex., at upper tier ceiling prices. On September 28, 1978, the DOE issued a Proposed Decision and Order in which it determined that exception relief should be granted.

McGoldrick Oil Co., Shreveport, La., DEE-1654, Crude Oil

McGoldrick Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit McGoldrick to sell certain volumes of the crude oil which it produces from the Chaparral Oil Units 18-4, 18-5, and 18-6 at market prices. On September 26, 1978, the Department of Energy issued a Proposed Decision and Order to McGoldrick in which it was tentatively determined that the exception request be granted with respect to the Chaparral Oil Unit 18-5 and denied with respect to Units 18-4 and 18-6.

M. J. Mitchell, Dallas, Tex., DXE-1666, Crude Oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR 212.73. The request, if granted, would result in the extension of exception relief previously granted and permit the firm to continue to sell crude oil which it produces from the Pickrel Ranch Minnelusa Sand Unit at market prices. On September 28, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted in part.

Petroleum, Inc., Wichita, Kans., DEE-0317, Crude Oil

Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Petroleum to sell the crude oil which it produces from the Crowder Lease at upper tier ceiling prices. On September 29, 1978, the DOE issued a Proposed Decision and Order which determined that Petroleum should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Crowder Lease for the benefit of the working interest owners for a period of six months.

Phillips Petroleum Co., Bartlesville, Okla., DXE-1554, Crude Oil

Phillips Petroleum Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm requested that it be permitted to continue to sell certain of the crude oil which it produces at the Foote Lease, located in Oklahoma County, Oklahoma, at upper tier ceiling prices. On September 26, 1978, the DOE issued a Proposed Decision and Order which determined that the Phillips exception request be granted.

Southland Drilling Co., Inc., Houston, Tex., DEE-0113, Crude Oil

Southland Drilling Co., Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Southland to receive upper tier ceiling prices for the crude oil which the firm produced from the ARCO Castillo "A" Lease during the months of February, March, and April 1977. On September 28, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be denied.

[FR Doc. 78-29804 Filed 10-20-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 991-1]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

President Carter's Reorganization Plan No. 1 (see President's Message of July 15, 1977) transferred certain functions from the Council on Environmental Quality (CEQ) to the Environmental Protection Agency (EPA). Some of these functions relate to operational duties associated with the administrative aspects of the environmental impact statement (EIS) process. In Memorandum of Agreement No. 1 entered into between CEQ and EPA, dated March 29, 1978, it was agreed that EPA would be the official reicpient of EIS's and would publish the availability of each EIS received on a weekly basis. This is the duty formerly carried out by CEQ pursuant to section 1500.11(c) of the CEQ Guidelines.

Review periods for draft and final EIS will be computed as follows: the 45-day review period for draft EIS's will be computed from the Friday following the week which is being reported; the 30-day wait period for final EIS's will be computed from the date of receipt of the EIS by EPA and commenting parties.

The following is a list of environmental impact statements received by the Environmental Protection Agency from October 2, 1978, through October 6, 1978; the date of submission of com-

ments on draft EIS's as computed from October 13, 1978, is November 27, 1978.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: October 17, 1978.

PETER L. COOK,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Norbeck Wildlife Preserve, Black Hills National Forest, Custer and Pennington Counties, S. Dak., October 3: Proposed is a land management plan for the Norbeck Wildlife Preserve of the Black Hills National Forest located in Custer and Pennington Counties, S. Dak. The preserve encompasses 34,873 acres of national forest, private, State, or other federally owned lands. The preferred alternative consists of: (1) Allocation of the entire unit (with exception of the Norbeck Rare II Area and the Pine Creek Natural Area) for wildlife habitat improvement, (2) use of motorized vehicles for management activities, (3) closing of roads after management activities are completed, and (4) continuing use of existing main highways and roads serving private lands. (USDA-FS-R2-DES-(ADM)-FY-78-04) (EPA Order No. 81063).

Final

Gospel Hump, Nezperce and Payette National Forest Wilderness, Idaho, October 3: Proposed is the recommendation for a wilderness study area of 30,830 acres of national forest land in the Nezperce and Payette National Forests in northern Idaho, and a land management plan for 289,034 acres of national forest land in the Nezperce National Forest. Principal environmental impacts resulting from the recommendations in this EIS are associated with timber harvest and culture, treatment of big game winter ranges, off-road vehicle use and general wilderness use. (USDA-FS-R1-17-FES-(ADM)-R1-78-4). Comments made by: DOC, EPA, DOI, State and local agencies, and individuals. (EPA Order No. 81068.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Western farmers coal fired plant and transmission, Choctaw County, Okla., October 6: This proposal involves the granting of REA loan guarantee funds and the issuance of an EPA NPDES permit to the Western Farmers Electric Cooperative (WFEC), for the construction of a new steam-electric generating plant on a 3,000-acre site, and associated transmission lines in Choctow County, Okla. As part of the project coal will be obtained from the Powder River Basin and water will be obtained from the Hugo Reservoir. The transmission lines will run from the plant with approximately 18 miles of 345 KV line to the WFEC Valliant Substation and approximately 11 miles of line to the PSO Valliant Substation (USDA-REA-EIS-(ADM)-78-9F). Comments made by: EPA, AHP, HEW, USDA, DOI, State agencies, and groups. (EPA Order No. 81109.)

SOIL CONSERVATION SERVICE

Final

Beartown flood control RC&D measure, Pike County, Miss., October 2: The project covered in this proposal concerns the elimination of flooding in an area located near Beartown Creek, Pike County, Miss. The project activities include the installation of 5,395 feet of channel work which consists of enlargement of 298 feet, construction of a new channel, channel clearing, and rock lining for stability. Also planned is the construction of a levee along the west channel, and a lateral of 505 feet in length to bring flows back into the main channel. (USDA-SCS-EIS-RC&D-(ADM)-78-2-D-MS). Comments made by: DOI, USDA, EPA, State agencies, and groups. (EPA Order No. 81060.)

White's Mill Flood prevention and drainage, RC&D, Sumter County, S.C., October 4: This proposal concerns the management and alteration of 145 acres of land in Sumter County, S.C., to prevent flooding and improve drainage. Land treatment will include such measures as land leveling, open ditches, tile drains, field ditches, brush control, and improved management practices. The proposed structural measures consist of about 0.7 miles of channel work with a bottom width of 3 feet. All of the channel work will be on previously altered ephemeral streams (USDA-SC-EIS-RC&D-(ADM)-78-1-(F)-SC). Comments made by: DOD, DOI, DOC, HEW, EPA, State and local agencies. (EPA Order No. 81078.)

Hungry Hall flood prevention and drainage, Clarendon and Sumter Counties, S.C., October 6: The purpose of this proposal is to eliminate flooding and improve drainage on farmlands within Clarendon and Sumter Counties, S.C. The planned project will consist of land treatment and 3.5 miles of channel work on previously altered ephemeral streams. Land treatment measures will consist of on-farm drainage (open and closed), field borders, wind breaks, and wildlife food and cover planting. The main channel which is 2.4 miles long will have a bottom width of 3 to 8 feet, and the lateral will have a bottom width to 3 feet. (USDA-SCS-EIS-RC&D-(ADM)-78-2-(F)-SC). Comments made by: DOI, DOC, HEW, EPA, and State agencies. (EPA Order No. 81090.)

Pine Creek watershed, city of Oneida, Scott County, Tenn., October 3: Proposed is a watershed project to reduce floodwater damages to farmland and to floodplain within the city of Oneida, Tenn. The plan calls for an increased amount of conservation land treatment; a multiple-purpose structure for flood prevention and municipal water supply; a multiple-purpose structure for flood prevention and recreation; and, channel work to increase design capacity and to incorporate improved SCS channel stability requirements. Adverse effects include the disturbance of 171 acres of flood plain. (USDA-SCS-EIS-WS-78-(ADM)-2-F-TN). Comments made by: DOD, DOI, HEW, USDA, EPA, FPC, TVA, State and local agencies, and businesses. (EPA Order No. 81067.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Dr. Carlos Stern, Deputy for Environment and Safety, Office of Assistant Secretary of the Air Force, Department of Defense, Air Force, Pentagon, Room 4C885, Washington, D.C. 20330, 202-697-9297.

Final

Air Force Missile MX: Milestone II, October 6: The U.S. Air Force proposes the development of a new intercontinental ballistic missile (ICBM) force and basic system known as MX. The MX system will soon require a limited number of full-scale prototype missiles and a series of tests associated with these prototypes. This development and test program is known as a full-scale engineering development (FSED). The proposal discusses the feasibility of proceeding with the FSED phase. Comments made by: AHP, DOD, DOI, FERC, NASA, DOI, EPA, State and local agencies, groups and individuals. (EPA Order No. 81093.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Wilmington Harbor, northeast Cape Fear River, Wilmington, New Hanover County, N.C., October 3: Proposed is the widening and deepening of an existing deep draft ship channel and turning basin located in Wilmington, New Hanover County, N.C. Other features of the project are: (1) Acquiring fee simple or conservation rights on 2,800 acres of wetland and upland attendant to the river, (2) maintaining the new navigation improvements, (3) providing for controlled access to the navigation channel, and (4) management of the acquired 2,800-acre conservation area (Wilmington District). (EPA Order No. 81069.)

Bellingham Harbor navigation project, Whatcom County, Washington, October 4: Proposed is an ongoing program of maintenance dredging within the Bellingham Harbor, Whatcom County, Wash., including project waterways. Dredged materials (320,000 cubic yards) will be disposed of in a Washington Department of Natural Resources designated open water disposal area. The currently authorized Bellingham Harbor navigation project will involve dredging of three project waterways to maintain their authorized project depths. Included under the present authorization are Squalicum Creek Waterway, I&J Street Waterway, Whatcom Creek, and the entrance channel to Squalicum Small Boat Basin (Seattle District). (EPA Order No. 81074.)

Final

Dredging of the Missouri River Bridge, Dakota County, Nebr., and Woodbury County, Iowa, October 6: The proposed project involves the dredging of fill material from the Missouri River at Mile 732.05 to 732.40 in conjunction with the proposed new bridge at Mile 732.30 in Dakota County, Nebr., and Woodbury County, Iowa. A permit for this dredging, if granted, will be authorized under section 10 of the River and Harbor Act of 1899, and under provisions of section 404 of the FWPCA Amendments of 1972. The issuance of the section

10 permit would allow dredging of approximately 650,000 cubic yards of fill material from the Missouri River for the construction of the interchange between U.S. 20 and Interstate 29 in conjunction with the construction of a replacement bridge. Comments made by: HUD, EPA, FERC, DOT, DOI, State and local agencies. (EPA Order No. 81088.)

Mouth of Colorado River, Tex., Matagorda County, Tex., October 3: The proposed project consists of an entrance channel in the gulf, 15 feet deep by 200 feet wide, protected by jetties. The proposed east jetty is a weir type, designed to pass littoral material into an impoundment basin for periodic transfer to the down-drift beach. From the gulf inland to its connection with the Gulf Intracoastal Waterway (GIWW), the proposed channel will be dredged to 12 feet in depth and 100 feet in width. Adverse effects include the elimination of most of the benthic populations occupying the affected areas. About 242 acres of terrestrial wildlife habitat will be removed or modified (Galveston District). Comments made by: EPA, DOI, DOC, AHP, HEW, USDA, DOT, and State agencies. (EPA Order No. 80949.)

Final supplement

Grays Harbor and Chehalis River, Terminal No. 2, Grays Harbor, Wash., October 6: This EIS supplements a final EIS filed with CEQ. The proposed action involves the construction of a new pier, dredging of a berth in front of this pier, and filling of tidelands between the new pier and adjacent to slip No. 2 at the port of Grays Harbor in Aberdeen, Wash. (Seattle District). Comments made by: USDA, DOE, DOC, EPA, COE, HUD, DOI, State and local agencies, and groups. (EIS Order No. 81094.)

DEPARTMENT OF DEFENSE, ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, 202-694-4269.

Final supplement

Transportation of chemical material, several counties, October 6: This statement supplements a final EIS filed in October 1977, and was prepared to provide additional information relative to the preparation and shipment of the MK116 MOD O WETEYE bombs from Rocky Mount Arsenal in Colorado to Toole Army Depot, Utah. The method of transport has been modified to avoid any leakage problems during the transfer. (EPA Order No. 81098.)

Contact: Mr. John Hagan, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, 404-881-7458.

Draft

Horsepen Creek Intrerceptor, Greensboro, Guilford County, N.C., October 4: Proposed is the awarding of grant funds to Guilford County, N.C., for the purpose of developing a wastewater treatment system to service the Greensboro-Guilford County area of which the Horsepen Creek Interceptor is a part. The project consists of the necessary facilities to transport wastewater from the Horsepen Creek Basin to the city of Greensboro wastewater collection system for treatment. Six alternatives are considered (EPA-904/9-78-021). (EPA Order No. 81079.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Riverview Estates, Fresno, Fresno County, Calif., October 3: Proposed is the issuance of HUD home mortgage insurance for the residential development of Riverview Estates in the city of Fresno, Fresno County, Calif. Development will occur on 354.39 acres of presently vacant grazing land. Initial development of 163.39 acres will provide 357 single-family homes, and 657 multiple-family units. The developer plans to build an additional 600-800 single-family units on the remaining 191 acres. Alternatives include no project, and other uses (HUD-R09-EIS-1978-7D). (EPA Order No. 81070.)

Ardenwood Village, Fremont, Alameda County, Calif., October 4: Proposed is the issuance of HUD home mortgage insurance for Ardenwood Village, Fremont, Alameda County, Calif. The subdivision is located on 317 acres of prime agricultural land and would provide 1,417 single family homes, a 2.1-acre commercial site, a 12-acre combined primary school and park site and 9.3 acres of 60-foot-wide buffer strip. Three alternatives are considered which include: (a) no HUD participation in the project, (2) modification of project proposal, and (3) no project (HUD-R09-EIS-78-8D). (EPA Order No. 81077.)

Amhurst Subdivision, Harris County, Tex., October 3: Proposed is the issuance of HUD home mortgage insurance for the Amhurst Subdivision located in Harris County, Tex. The subdivision encompasses approximately 340 acres and when completed, will contain approximately 1,672 single family homes. Recreational facilities will be provided to serve the subdivision. Three alternatives are considered (HUD-R06-EIS-45D). (EPA Order No. 81065.)

Morton Road Tract, Subdivision, Harris County, Tex., October 3: Proposed is the issuance of HUD mortgage insurance for the Morton Road Tract in Harris County, Tex. The subdivision encompasses approximately 237 acres of land and will be composed of about 435 units, primarily single-family homes. Three alternatives are considered which include: (1) Accept proposal as submitted, (2) accept with modifications, and (3) reject (HUD-R06-EIS-78-43D). (EPA Order No. 81066.)

Ricewood Tract, Highlands of Westlake, Harris County, Tex., October 3: Proposed is the issuance of HUD home mortgage insurance for the Ricewood Tract, Harris County, Tex. The proposed subdivision is being developed in conjunction with another tract and is being marketed as the Highlands of Westlake. The area will encompass approximately 358 acres and will provide, when completed, approximately 1,400 single-family dwellings (HUD-R06-EIS-78-44D). (EPA Order No. 81071.)

Northwest El Paso Joint Venture, El Paso, El Paso County, Tex., October 5: Proposed is the issuance of HUD home mortgage insurance for the Northwest El Paso Joint Venture, El Paso County, Tex. Seven different, adjoining owners of land plan to develop approximately 2,106.6 acres as residential subdivisions. Included in the planned development are the needed and necessary support facilities, such as, commercial, recreational, educational, fire and utilities. Three alternatives are considered (HUD-R06-EIS-8-321). (EPA Order No. 81084.)

Final

Grandview Pines, Ltd., Millbrook, Elmore and Millbrook Counties, Ala., October 6: This statement concerns Grandview Pines, an ongoing development project on 530 acres of land located in Millbrook and Elmore Counties, Ala. A portion of the development is completed or under construction with the remainder under application for FHA mortgage insurance. Community facilities and 1,250 housing units will be constructed over a 10-year period with land reserved for open space, recreational facilities, and commercial use. (HUD-R04-EIS-77-31F). Comments made by USDA, EPA, FPC, COE, DOI, AHP, and State agencies. (EPA Order No. 81096.)

Partial development in Dover Valley, Fairfield, Solano County, Calif., October 4: Proposed is the development of 300 acres of vacant agricultural land into a residential subdivision which will provide 862 single-family homes, 165 multiple homes and 224 townhouses in Solano County, Calif. Application has been made for HUD home mortgage insurance funds by the Hufmann Construction Co. Also included as part of the proposal is the development of a 20-acre community park combined with 23 acres for school sites (HUD-R09-EIS-1978-1F). Comments made by: GSA, VA, DOT, HEW, AHP, DOI, USDA, local agencies, and businesses. (EPA Order No. 81075.)

Forest Park Subdivision, Hamilton, Clermont, and Warren Counties, Ohio, October 3: Proposed is the development of 2,732 residential units including 210.02 acres of supplementary commercial industrial land. This site is located in the city of Forest Park, Ohio, and is approximately 14 miles north of Cincinnati. It is conveniently accesible to both I-275 and I-75. Upon completion of the applicant's four land development phases, the project will contain 2,732 residential units with 210.2 acres of industrial/commercial development on a total of 1,024.45 acres (HUD-R05-EIS-77-19F). Comments made by: DOT, DOC, GSA, DOD, DDO, EPA, and State agencies. (EPA Order No. 81062.)

Highland Creek Village Subdivision, Harris County, Tex., October 2: The proposed action is for the Department of Housing and Urban Development to accept 541 acres for the Highland Creek Village Subdivision located in Harris County, Tex., for HUD-FHA mortgage insurance under section 203(B) of Title II of the National Housing Act of 1943. When complete the subdivision will contain approximately 2,400 single-family homes. Beneficial impacts include providing needed housing with the growing community (HUD-R06-EIS-78-9-F.) Comments made by: USDA, USA, DOT, EPA, AHP, DOI, State agencies, and groups. (EPA Order No. 81058.)

SECTION 104(H)

Following are community development block grant statements prepared and circulated directly by applicant pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the Office of the appropriate local executive. Copies are not available from HUD.

Final

4447 Duke Street Rehabilitation, Alexandria, Fairfax County, Va., October 6: The proposal is an application for funds to rehabilitate the existing Shirley Duke and Regina Apartments, located on Duke Street in Alexandria, Fairfax County, Va. The project activities include the replanning and reconstruction of the interior units to provide 1,585 one- and 528 two-bedroom units, replacement of roofs and interior utility systems, commercial construction of seven recreational areas, paving of parking areas and minor rehabilitation of the commercial area (HUD-000-35198-PM-SR). Comments made by: EPA, DOD, DOI, State and local agencies. (EPA Order No. 81095.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

Tuledad-Home camp planning unit, grazing, California and Nevada, October 4: The proposed action is the implementation of a grazing management program of the Tuledad-Home camp planning unit, located in the counties of Modoc and Lassen, Calif. and Washoe County, Nev. The management area comprises nearly 700,000 acres of public land. The plan proposed 3 levels of management: (1) systematic grazing management on 670,000 acres, (2) custodial management on about 5,000 acres, and (3) livestock grazing exclusions (no livestock grazing) in 19,000 acres (FES-78-26). Comments made by: DOI, AHP, HEW, USDA, DOT, DOD, NRC, DOE, State and local agencies. (EPA Order No. 81073.)

BUREAU OF MINES

Draft

Surface Mining Control and Reclamation Act, 501(B), October 3: Proposed is the promulgation of a permanent regulatory program, under section 501(B) of the Surface Mining Control and Reclamation Act of 1977. The three major components which comprise this proposal are: (1) regulations concerning environmental performance standards, permit applications, and bonding requirements; (2) procedure regulations for submission of State programs and for review criteria used for approval; and (3) regulations governing development and implementation of a Federal program for a State (DES-78-24). (EPA Order No. 81061.)

CLARIFICATION: This notice establishes November 27, 1978 as the closing date for receipt of comments k However, the Office of Surface Mining (OSM) in their notice of availability dated October 4, 1978 (43 FR 45886) established November 17, 1978 as the closing date. OSM has agreed that it shall undertake its best efforts to respond to commends received between November 17 and November 27, 1978 including incorporation of such comments as well as OSM responses in the final EIS. For those comments which may not be accomodated in the final EIS, OSM will assure that responses to those comment letters will be made available to the public.

GEOLOGICAL SURVEY

Draft

Caballo Mine, mining and reclamation plan, Campbell County, Wyo., October 6: Proposed is approval of the surface mining and reclamation plan for the Caballo Mine, Carter Mining Co., Campbell County, Wyo. The plan describes mining operations for 40 years on a total of about 6,700 acres (about 4,300 acres will actually be mined) of Federal, State, and privately owned mining leases. All of the land surface, except for 640 acres of State land, is privately owned. The coal will be used for electric power generation. Ten alternatives are considered (DES-78-43). (EPA Order No. 81091.)

NATIONAL PARK SERVICE

Final

Youghiogheny State and National Wild and Scenic River, Garrett County, Md. and Somerset and Fayette Counties, Pa., October 5: This proposal recommends that the Youghiogheny River between Oakland and Friendsville, Garrett County, Md. be included in the National Wild and Scenic Rivers System and that the segment between confluence and South Connellsville, Fayette and Somerset Counties, Pa., included in the Pennsylvania Scenic Rivers System, and if desired in the national system. The 22.2-mile Maryland segment will be administered by the State of Maryland as a wild river and the 27-mile Pennsylvania segment by the commonwealth of Pennsylvania as a scenic river. The protection boundary would encompass the visual corridor and several recreation sites would be developed (FES-78-27). Comments made by: USDA, DOD, DOE, DOI, HUD, EPA, and businesses. (EPA Order No. 81083.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Richard E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4152.

Final

Irigaray solution mining project, Johnson County, Wyo., October 2: This action concerns an application for a source material license by the Wyoming Mineral Corp., to conduct production-scale solution mining of uranium at the Irigaray site, Johnson County, Wyo., within the Powder River Basin. The project will affect approximately 1,000 acres of land at the site. The actions consist of leaching uranium from subsurface ore-bearing sandstone by adding chemical reagents to existing ground water to reverse the natural uranium precipitation process NUREG-0481. Comments made by: AHP, USA, DOE, HEW, DOI, HUD, EPA, FERC, USDA, State agencies, individuals and businesses. (EPA Order No. 81057.)

OHIO RIVER BASIN COMMISSION

Contact: Mr. Fred E. Morr, Chairman, Suite 208-20, Ohio River Basin Commission, 36 East Fourth Street, Cincinnati, Ohio 45202, 513-684-3831.

Draft

Water and land resource plan, Ohio River Basin, several Counties, October 2: Proposed is a regional water and land resource plan for the Ohio River Basin in the States of Illinois, North Carolina, Indiana, Kentucky, New York, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. The plan consists of: (1) 1,233, PL-566 and RC&D projects; (2) 3 navigation projects; (3) 8 reservoir projects; (4) 45 local flood protection projects; (5) 793 municipal water quality control measures; (6) 107 recreation areas; (7) 9 State wild and scenic rivers; (8) 101 natural areas; (9) 69 fish and wildlife areas; and (10) 2 hydroelectric power projects (EPA Order No. 81059.)

STATE DEPARTMENT

Contact: Mr. William Mansfield, III, Office of Environmental Affairs, Room 7820, Department of State, Washington, D.C. 20520, 202-632-2418.

Draft

Incineration of wastes at sea, ocean dumping, national, October 4: Proposed is the participation of the United States in negotiations to amend the convention on the prevention of Marine Pollution of dumping of wastes and other matter. To establish international regulations and guidelines for the incineration of wastes at sea to be enforced nationally. The purpose of the regulations and guidelines is to set standards to minimize adverse impacts on the oceans and the atmosphere from incineration at sea. Five alternatives are considered (EPA Order No. 81072).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 Seventh Street SW, Washington, D.C. 20590, 202-426-4357.

FEDERAL RAILROAD ADMINISTRATION

Draft

Niantic River Bridge and approaches, replacement, New London County, Conn., October 5: Proposed is the replacement of the existing movable-span railroad bridge across the Niantic River in the towns of East Lyme and Waterford, New London County, Conn. The plan includes the placement of a new bridge and approaches. The replacement alternative, which is preferred, is an overhead counterweight bascule bridge on a new alinement approximately 56 feet south of the existing structure, with a channel width of 100 feet and a vertical clearance of 13 feet above mean high water in the closed position. Total project length between tie-in points with the existing track alinement is 0.7 miles. (FRA-RNC-EIS-78-01-D). (EPA Order No. 81086.)

FEDERAL AVIATION ADMINISTRATION

Final

New runway 13-31, Fergus Falls Airport, Otter Tail County, Minn., October 5: Proposed is the acquisition of approximately 500 acres of land, including one farmstead and two dwellings, for the construction of a new 4,900 × 100 foot runway 13-31, to be extended to 5,700 feet the following year, at Fergus Falls, Minn. Plan implementation calls for the development of a new terminal area, with terminal building and access road, and the acquisition of easements under runway approaches of approximately 600 acres. Adverse effects include increased air and noise pollution; the relocation of six persons; loss of approximately 85 acres of land from agricultural purposes; and the possible loss of a 2-acre type III wetland through filling. Comments made by: DOI, USDA, EPA. (EPA Order No. 81082.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-75, improvements, Cleveland and Central Avenue, Fulton and Clayton Counties, Ga., October 6: Proposed are two concurrent projects which involve the widening and improvement of I-75, beginning at I-285 and following I-75 northward to the interchange area at the Lakewood Freeway in Clayton and Fulton Counties, Ga. Also included will be interchange improvements at Central Avenue and Cleveland Avenue, with an interchange to be added to serve Hartsfield International Airport. The facility will be limited access. In addition to no-build, two alternatives are considered (FHWA-GA-EIS-78-01-D). (EPA Order No. 81092.)

I-151, Marion Bypass, Linn County, Iowa, October 6: Proposed is the construction of a four-lane divided highway in Linn County, Iowa, beginning at First Avenue (I-151), near 30th Street in Cedar Rapids and extending easterly to present I-151 east of Marion. The length of the project is approximately 7.5 miles and would provide a bypass for the present I-151 through Marion. The extension of IO-150 from the present juction of IO-150 and I-151 southerly to the proposed bypass is also a part of the project, and will be approximately 1.1 miles in length. (FHWA-IOWA-EIS-78-03-D). (EPA Order No. 81089.)

Final

I-65-3(52)(53) and M-7257(1), Lewisburgh to Warrior, Jefferson County, Ala., October 4: Project I-65-3(52)(53) is a 14.5-mile, four-, six-, or eight-lane, limited-access facility extending from Lewisburgh (5-Mile Creek), to Warrior. Project M-7257(1) is a 0.4-mile, nonlimited access, four-lane facility beginning at the Mt. Olive Road Interchange and extending easterly to U.S. 31 in Gardendale. The beneficial effects are the project will ease traffic movement in and through their corridors, safety benefits will accrue, economy and growth will be enhanced, and accessibility to public facilities and services will be enhanced (FHWA-ALA-EIS-78-01-F). Comments made by: EPA, DOD, USCG, HUD, DOT, USDA, DOC, State and local agencies. (EPA Order No. 81081.)

MN-101 Shakopee Bypass, Scott County, Minn., October 5: Proposed is the construction of relocated Minnesota Highway 101 (I.H. 101), in Scott County, Minn. The project begins at U.S. 169 in Jackson Township, southeast of the city of Shakopee, proceeds easterly through Shakopee for 8.5 miles and ends on I.H. 101 at the west edge of the city of Savage. The action will provide a four-lane divided freeway with full access control, constructed to rural design standards. Of the 525 acres of additional right-of-way, 290 acres are agricultural and 8 acres are wetlands. (Region 5) (FHWA-MN-EIS-77-01-F). Comments made by: EPA, USDA, DOI, DOT, DOD, FPC, State and local agencies (EPA Order No. 81085).

I-40 and I-75, Knoxville, Knox County, Tenn., October 4: Proposed are two plans for the widening and reconstruction of approximately 5.5 miles of I-40 and I-75 within the central city of Knoxville, Tenn. Plan implementation calls for six-lane roadways within the project limits with auxiliary lanes where required for traffic weaving and merging between certain interchange ramps. Adverse effects include the displacement of 37 households and 22 businesses; acquisition of approximately 21.5 acres for highway right-of-way; and increased noise and air pollution (FHWA-TN-EIS-77-05-F). Comments made by: HUD, TVA, EPA, State and local agencies, and businesses (EPA Order No. 81087).

I-264, Portsmouth and Norfolk, Chesapeake County, Va., October 4: Proposed is the construction of new facilities which will complete the interstate segment between the present terminus of Interstate Route 264 in Portsmouth and downtown Norfolk. The project would extend from Des Moines Avenue in Portsmouth to Brambleton Avenue in Norfolk, and would be between 2.3 and 3.0 miles in length. Adverse effects include the displacement and relocation of from 16 to 72 families, 2 to 6 businesses, and 0 to 3 nonprofit organizations. Construction of the project facilities would require dredging of the southern branch of the Elizabeth River and disposal of dredge material (Region 3) (FHWA-VA-EIS-76-03-F). Comments made by: USCG, EPA, DOI, DOT, State and local agencies (EPA Order No. 81076).

Final

Evanston Streets Improvement, US-30, WY-150, WY-89, Uinta County, Wyo., October 3: Proposed are improvements to highways within the city of Evanston, Wyo. The improvements consist of replacing an existing railroad underpass, building new bridges over the Bear River, widening U.S. Highway 30 and Wyoming Highway 150 through Evanston, and relocating a portion of Wyoming Highway 89 in Evanston. Adverse impacts include removal of several houses, businesses and municipal buildings, the relocation of families, and increased noise, water, and air pollution during construction (Region 8) (FHWA-Wyo-Eis-77-01-F). Comments made by: EPA, HUD, DOI, State and local agencies, and individuals (EPA order No. 81064).

Draft supplement

University and Monroe Avenues, improvement, Brown County, wis., October 4: This statement supplements a draft EIS filed in February 1977, concerning the upgrading and improvement of Monroe Avenue from Cedar Street to the East River and University Avenue from the East End River to Humboldt Road, a total distance of 2.9 miles, in the city of Green Bay, Brown County, Wis. Included in the project is placement of a new six-lane bridge to replace the existing Monroe Avenue Bridge and a correction to a proposed I-43 interchange. Rehabilitation of the neighborhood to the north and south of University Avenue from Quincy Street to Forest Street is also included (FHWA-WICS-EIS-76-03-D (S-1)). (EPA Order No. 81080.)

INFORMATION REPORT

The EPA has received the following report which provides supplemental information on proposals which have fulfilled the NEPA process. Copies of the report are available from the originating agency upon request.

U.S. ARMY, CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, attention: DARB-CWR-P, Office of the Chief of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20310, 202-693-6795.

EIS No., Date Received, and Title

81117—October 13, 1978, Information Supplement III, Libby Dam and Lake Koocanusa, Kootenai River, Mont., Bald Eagle (Seattle District).

OFFICIAL RETRACTION

It has come to EPA's attention that the following EIS was not distributed to the public at the same time the official filing was made by the originating agency. Therefore, notice of availability is hereby republished. The review period will begin on October 6, 1978 for forty-five (45) days as specified by the date below.

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Malecon Avenue, PR-14, Ponce, Puerto Rico, October 6: This proposed action involves the extension of Malecon Avenue, PR-14, from its present terminus at the PR-2 bypass northerly to an interchange with existing Arenas Avenue, PR-14. The project, approximately 3.5 kilometers in length, is located in the municipality of Ponce on the south central coast of Puerto Rico. The proposed highway will be a six-lane divided highway, with restricted access at specific intersections and interchanges. Just north of PR-2 bypass, Malecon Avenue will bridge over the recently constructed Rio Portugus diversion channel. A bridge permit may be required, pending determination of jurisdiction by the U.S. Coast Guard (FHWA-PR-EIS-78-01-D) (EIS Order No. 80937).

[FR Doc. 78-29719 Filed 10-20-78; 8:45 am]

[6560-01-M]

[FRL 992-5; OPP-50387]

AGRICULTURAL DIVISION, AMERICAN CYANAMID CO., ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 241-EUP-91. Agricultural Division, American Cyanamid Co., Princeton, N.J. 08540. This experimental use permit allows the use of 5,166 pounds of the nematocide cyclic methylene (diethoxyphophinyl) dithioimidocarbonate on field corn and sweet corn to evaluate control of corn rootworms, corn borers, symphylans, and nematodes. A total of 4,920 acres is involved; the program is authorized only in the States of California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota,

Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee,Texas, Virginia, and Wisconsin. The experimental use permit is effective from September 12, 1978 to September 12, 1979. A temporary tolerance for residues of the active ingredient in or on corn grain (except popcorn), field corn fodder (except popcorn), sweet corn (kernels plus cob with husk removed), and sweet corn fodder has been established. (PM 21, Room E-305, telephone 202-426-2454).

No. 7969-EUP-9. BASF Wyandotte Corp., Parsippany, N.J. 07054. This experimental use permit allows the use of 307 pounds of the plant regulator N, N-dimethyl- piperidinium chloride on cotton to evaluate reduction of internodal length. A total of 5,120 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from September 5, 1978 to September 5, 1979. Temporary tolerances for residues of the active ingedient in or on cotton forage, cottonseed, milk, eggs, and in meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep have been established. A temporary feed additive regulation for residues of the active ingredient in cottonseed meal has been established. (PM 25, Room: E-301, telephone: 202-755-2196).

No. 524-EUP-42. Monsanto Co., St. Louis, Mo. 63166. This experimental use permit allows the use of 15 pounds of the herbicide glyphosate on avocados to evaluate control of various annual and perennial weeds. A maximum total of 20 acres is involved; the program is authorized only in the States of California and Florida. The experimental use permit is effective from September 18, 1978 to September 18, 1980. A temporary tolerance for residues of the active ingredient in or on avocados has been established. (PM 25, Room E-301, telephone 202-755-2196).

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.)).)

Dated: October 13, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-29725 Filed 10-20-78; 8:45 am]

[6560-01-M]

[FRL 992-4; OPP-50386]

AGRICULTURAL AND VETERINARY PRODUCTS DIVISION, ABBOTT LABORATORIES, ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 275-EUP-21. Agricultural and Veterinary Products Division, Abbott Laboratories, North Chicago, Ill. 60064. This experimental use permit allows the use of approximately 12 billion spores of the herbicide *Phytophthora citrophthora* on citrus fruits to evaluate control of the strangler vine. A total of 30 acres per year is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from August 21, 1978 to August 21, 1980. An exemption from temorary tolerances for residues of the active ingredient in or on citrus fruits has been established. (Room E-351, telephone 202-755-1397).

No. 241-EUP-88. Agricultural Division, American Cyanamid Co., Princeton, N.J. 08540. This experimental use permit allows the use of 400 pounds of the herbicide pendimethalin on grain sorghum to evaluate control of 15 specific weeds. A total of 556 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Georgia, Illinois, Kansas, Louisiana, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Dakota, and Texas. The experimental use permit is effective from August 24, 1978 to August 24, 1979. A temporary tolerance for residues of the active ingredient in or on sorghum grain, fodder and forage has been established. (Room E-315, telephone 202-755-4851).

No. 524-EUP-43. Monsanto Co., St. Louis, Mo. 63166. This experimental use permit allows the use of 1,050 pounds of the herbicide glyphosate on sugarbeets and potatoes to evalate control of various annual and perennial weeds. A total of 700 acres is involved; the program is authorized only in the States of Alabama, California, Colorado, Delaware, Florida, Idaho, Indiana, Kansas, Maine, Michigan, Minnesota, Montana, Nebraska, North Carolina, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming; and in Georgia and Missouri for redistribution purposes only. Temporary tolerances for residues of the active ingredient in or on potatoes, sugarbeets (roots and tops) and in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep have been established. (Room E-315, telephone 202-755-4851).

Interested parties wishing to review the experimental use permits are referred to the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.).)

Dated: October 13, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-29726 Filed 10-20-78; 8:45 am]

[6560-01-M]

[FRL 992-7; OPP-50389]

FMC CORP. ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 279-EUP-70. FMC Corp., Philadelphia, Pa. 19103. This experimental use permit allows the use of 45.84 pounds of the insecticide permethrin on mixed conifer forest to evaluate control of western spruce budworm. A total of 750 acres is involved; the program is authorized only in the State of Idaho. The experimental use permit is effective from September 8, 1978 to September 8, 1979. (PM 17, Room E-229, telephone: 202-426-9425).

No. 10350-EUP-1. 3M Co., St. Paul, Minn. 55101. This experimental use permit allows the use of 955 pounds of the insecticide synergized pyrethrins in carrier in stores, warehouses, transportation vehicles, industrial buildings, houses, apartment buildings, schools, nursing homes, hospitals, restaurants, hotels, and food manufacturing, processing, and servicing establishments to evaluate control of various insects. The program is authorized only in the States of Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Washington, and Wisconsin. The experimental use permit is effective from September 25, 1978 to September 25, 1979. (PM 17, Room E-229, telephone: 202-426-9425).

No. 10350-EUP-2. 3M Co., St. Paul, Minn. 55101. This experimental use permit allows the use of 955 pounds of the insecticide synergized pyrethrins in carrier in certain farm buildings to evaluate control of various insects. The program is authorized only in the States of Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, and West Virginia. The experimental use permit is effective from September 25, 1978 to September 25, 1979. (PM 17, Room E-229, telephone: 202-426-9425).

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.)).)

Dated: October 13, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-29723 Filed 10-20-78; 8:45 am]

[6560-01-M]

[FRL 992-6; OPP-50388]

MONSANTO CO. AND SHELL CHEMICAL CO.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 524-EUP-31. Monsanto Co., St. Louis, Mo. 63166. This experimental use permit allows the use of 636 pounds of the herbicide glyphosate on pome fruits to evaluate control of various annual and perennial weeds. A maximum total of 728 acres is involved; the program is authorized only in the States of Arkansas, California, Colorado, Connecticut, Georgia, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Washington, West Virginia, Wisconsin, and Virginia; and in Delaware and Ohio for redistribution only. The experimental use permit is effective from September 18, 1978 to September 18, 1980. A temporary tolerance for residues of the active ingredient and its metabolite in or on pome fruits has been established. (PM 25, Room E-301, telephone: 202-755-2196).

No. 524-EUP-36. Monsanto Co., St. Louis, Mo. 63166. This experimental use permit allows the use of 720 pounds of the herbicide glyphosate on alfalfa to evaluate control of various annual and perennial weeds. A maximum total of 840 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and in Delaware, Georgia, and Tennessee for redistribution only. The experimental use permit is effective from September 18, 1978 to September 18, 1980. Temporary tolerances for residues of the active ingredient and its metabolite in or on alfalfa (fresh) and hay, and liver and kidney of cattle, goats, hogs, horses, poultry, and sheep have been established. (PM 25, Room E-301, telephone: 202-755-2196).

No. 201-EUP-58. Shell Chemical Co., Washington, D.C. 20036. This experimental use permit allows the use of 400 pounds of the insecticide cyano(3-phenoxyphenyl) methyl 4 - chloro - alpha - (1 -methylethyl) benzeneacetate on peanuts, pears, potatoes, and soybeans to evaluate control of various insects. A total of 550 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Idaho, Illinois, Iowa, Louisiana, Maine, Michigan, Missouri, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Texas, and Washington. The experimental use permit is effective from September 19, 1978 to September 19, 1979. Temporary tolerances for residues of the active ingredient in or on peanuts, pears, potatoes, and soybeans have been established. (PM 17, Room E-229, telephone: 202-426-9425).

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.).)

Dated: October 13, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-29724 Filed 10-20-78; 8:45 am]

[6560-01-M]

[FRL 992-2; OPP-180236]

SOUTH DAKOTA STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use 2,4-D To Control Broadleaf Weeds in Millet

The Environmental Protection Agency (EPA) granted a specific exemption to the South Dakota State Department of Agriculture (hereafter referred to as the "Applicant") to use (2,4-dichlorophenoxyacetic acid, alkylamine salt) on 35,000 acres of millet for the control of broadleaf weeds in South Dakota. This exemption was granted in accordance with, and was subject to, provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

Millets are minor crops grown for grain and forage. Although at least five different groups of millets are grown in the United States, proso is the primary variety grown in South Dakota. According to the Applicant, approximately 99 percent of the millet is harvested for grain and the major commercial use for the grain is in bird seed mixtures. Proso millet can also be foraged or cut and dried for hay. Broadleaf weeds are of primary concern to millet growers. There are currently no EPA registered pesticides for control of broadleaf weeds in millets.

The Applicant stated that more than normal acreage of millet was seeded this year in South Dakota because of an extremely late, wet spring. Yield loss on approximately 50 percent of this acreage was expected if an efficacious herbicide was not applied to control broadleaf weeds. The potential economic loss was valued at $1,000,000.

The Applicant proposed to make a single application of 0.25 to 0.50 pound dimethylamine salt of 2,4-D per acre on a maximum of 35,000 acres of millet by State-certified commercial applicators or by growers using air and ground equipment.

2,4-D is a widely used broadleaf weed herbicide and tolerances have been established on foods that make up approximately 80 percent of the total average human diet. EPA determined that millet grain and straw with residues of 2,4-D not in excess of 0.1 part per million (ppm) and 10 ppm, respectively, pose a negligible hazard to human health. EPA also considered the potential for residues from nitrosamine contamination of the chemical and has calculated that such residues would be less than 1 part per billion (ppb) which level also should not pose undue hazard to the environment. This determination was based on the following reasons: (1) Millet is not normally a human food item; (2) the residues are extremely small; and (3) the residues are very likely not stable. The proposed use of 2,4-D was not expected to result in dietary exposure to residues of the chemical which would be in excess of those levels currently considered adequate to protect the public health for the following reasons: (1) Millet is not normally a human food item; (2) established tolerances for meat, milk, and poultry will not be exceeded; and (3) 2,4-D tolerances are established for the major feed commodities at levels significantly higher than the 10 ppm level expected to occur in millet straw.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of broadleaf weeds in millet was likely to occur; (b) there was no pesticide registered and available for use to control these weeds in North Dakota; (c) there were no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems might have resulted if these weeds were not controlled; and (e) the time available for action to mitigate the problems posed was insufficient for a pesticide to be registered for this use. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until September 1, 1978, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. An EPA-registered dimethylamine salt of 2,4-D which is appropriately labeled for the intended means of application (ground or air) was authorized;

2. 2,4-D was to be applied at a maximum rate of one-half pound active ingredient per acre. A maximum of one application might be made;

3. A maximum of 35,000 acres might be treated;

4. A maximum of 17,500 pounds active ingredient might be applied;

5. Applications might be made by air and ground equipment;

6. All applications were to be made by State-certified commercial applicators or by growers;

7. No application was to be made within 4 weeks of heading time;

8. All applications were to be made only in situations where the weed problem was serious and substantial crop losses were imminent;

9. The resulting residue levels of 0.1 ppm in or on millet grain and 10 ppm in or on straw from such use of this herbicide have been judged adequate to protect the public health. Permanent tolerances have been established for 2,4-D in meat and milk under provisions of the Federal Food, Drug and Cosmetic Act. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action;

10. All applicable directions, restrictions, and precautions on the product label were to be followed;

11. Precautions were to be taken to minimize or avoid spray drift to nontarget areas;

12. The EPA was to be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption; and

13. The applicant was responsible for assuring that all of the provisions of this specific exemption were met, and must submit a report summarizing the results of this program by July 1, 1979.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136 et seq.).)

Dated: October 16, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-29728 Filed 10-20-78; 8:45 am]

[650-01-M]

[FRL 992-3; OPP-50373A]

3M CO.

Amendment to Experimental Use Permit

In FR Doc. 78-22488, on page 36000 in the issue of Monday, August 14, 1978, information appeared pertaining to the issuance of an experimental use permit, No. 7182-EUP-20, to the 3M Co. At the request of the company, that permit has been amended. The experimental use permit now allows the use of 1,000 pounds of the plant regulator mefluidide on sugarcane to evaluate increase of sucrose levels on a total of 1,000 acres in Hawaii. The experimental use permit period was also extended and is now effective from May 8, 1978, to September 8, 1979. (PM 25, Room E-315, telephone 202-755-4851.)

Dated: October 13, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-29727 Filed 10-20-78; 8:45 am]

[6570-06-M]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RECORDS AND REPORTS; LOCAL UNION REPORT EEO-3; APPRENTICESHIP INFORMATION REPORTS EEO-2 AND EEO-2E

Waiver of Filing Reports for Calendar Year 1977

At a duly constituted meeting on October 17, 1978, the Equal Employment Opportunity Commission voted to waive the requirement for filing the Local Union Report EEO-3 and the Apprenticeship Information Reports EEO-2 and EEO-2E for the calendar year 1977. The recordkeeping requirements for calendar year 1977 remain unchanged and are not waived. The Commission reaffirms its filing requirements for these reports on an annual basis including calendar year 1978.

NOTE.—Since the reporting requirements have been waived and no forms have been mailed to entities required to report, no further reporting action is required on 1977 reports.

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

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc. 78-29828 Filed 10-20-78; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 257]

BENEFICIAL CORP. AND JWH, INC., AND JWH MERGER CORP.

Receipt of Application for Permission To Acquire Control of First Texas Financial Corp., Dallas, Tex.

OCTOBER 18, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from Beneficial Corp. ("Beneficial"), JWH, Inc. ("JWH"), a wholly-owned subsidiary of Beneficial, and JWH Merger Corp. ("Merger Corp."), a wholly-owned subsidiary of JWH, for approval of the acquisition of control of First Texas Financial Corp., Dallas, Tex. ("First Texas"), a registered savings and loan holding company, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regula-

tions for savings and loan holding companies (12 CFR 584.4), said acquisition to be effected through (1) the merger of Merger Corp. into First Texas, accompanied by the conversion of Merger Corp.'s issued and outstanding shares into an equal number of shares of First Texas, less the number of shares owned by JWH and any dissenting shareholders, (2) the dissolution of Merger Corp., as of the effective date of the merger, (3) the cancellation of the First Texas common shares, other than those owned by JWH, in exchange for rights to receive $58.50 per share or dissenting shareholders' rights under the Texas Business Corporation Act, (4) the merger of the 10 subsidiary insured institutions of First Texas into one wholly-owned savings and loan association, and (5) the dissolution of JWH, whereby Beneficial would become the sole stockholder of First Texas. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of the District Banks, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before November 22, 1978.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc. 78-29805 Filed 10-20-78; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION, INC.

Proposed Acquisition of Financial Loan & Investment Company

Mercantile Bancorporation, Inc., St. Louis, Mo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Franklin Finance Co., Clayton, Mo. certain assets of: Financial Loan & Investment Co., Tulsa, Okla. Notice of the application was published on September 15, 1978 in Tulsa World, a newspaper circulated in Tulsa, Okla.

Applicant states that the proposed subsidiary would engage in the following activities: Operating a consumer finance loan company in the manner authorized by the laws of Oklahoma in an institution which will not both accept demand deposits and make commercial loans; and acting as insurance agent or broker in connection with selling to borrowers credit life insurance and credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers. Such activities have been specified by the Board in §225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 8, 1978.

Board of Governors of the Federal Reserve System, October 16, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-29778 Filed 10-20-78; 8:45 am]

[4110-83-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Filing of Annual Report

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the annual report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-6791. Copies may be obtained from Dr. Mary S. Hill, Bureau of Health Manpower, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6681.

Dated: October 16, 1978.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 78-29798 Filed 10-20-78; 8:45 am]

[4110-35-M]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and time: November 13, 1978 (10 a.m. to 5 p.m.). November 14, 1978 (9 a.m. to 1 p.m.).

Place: Auditorium (first floor), Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On November 3, 1978, a tentative agenda will be available to the public.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Margaret VanAmringe, Staff Director, National Professional Standards Review Council, Health Standards Quality and Bureau, Room 5127-S, Switzer Building, 330 C Street, Washington, D.C. 20201, 202-472-5536.

Dated: October 16, 1978.

MARGARET VANAMRINGE,
Staff Director, National Professional Standards Review Council.

[FR Doc. 78-29824 Filed 10-20-78; 8:45 am]

[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of the forthcoming Executive Director's Search Committee meeting of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix I, section 10(a) (2)). This document is intended to notify the general public of their opportunity of attend.

DATES: Executive Director Search Committee Meetings: November 10, 1978, 9 a.m. to 5 p.m., closed and November 11, 1978, 9 a.m. to 5 p.m., closed.

ADDRESS: Sheraton Denver Hotel, 3535 Quebec Street, Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Stuart A. Tonemah, Executive Director, National Advisory Council on Indian Education, Suite 326, 425 13th Street NW, Washington, D.C. 20004, 202-376-8882.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g).

The Council is directed to:

(1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advised the Commissoner of Education with respect to the administration (including the development of regulations and of administrative practice and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) Submit to Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such program; and

(8) Be consulted by the Commissioner of Education regarding the definition of the term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The Executive Director Search Committee of the National Advisory Council on Indian Education will hold a meeting, closed to the public, beginning at 9 a.m. November 10, recessing at 5 p.m. and reconvening at 9 a.m. November 11, until the conclusion of business, approximately 5 p.m.

The sessions are closed to the public in accordance with provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 United States Code, Appendix I) and the exemption in 5 United States Code, section 552b(c) (2) and (6). The purpose of the closed meeting is to review applications for the position of Executive Director of the National Advisory Council on Indian Education. This discussion will include consideration of the qualifications and fitness of the candidates for the position and will touch upon many matters which would constitute a serious invasion of privacy if conducted in open session.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004. A summary of activities at the closed sessions and related matters which are informative to the public and consistent with the policy of 5 United States Code 552b will be available to the public within 14 days of the meeting.

For further information call Stuart A. Tonemah, Executive Director, National Advisory Council on Indian Education, 202-376-8882.

Dated: October 6, 1978, signed at Washington, D.C.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 78-29739 Filed 10-20-78; 8:45 am]

[4110-89-M]

INFORMATION AND DATA ACQUISITION ACTIVITY

Comments on Collection

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The Assistant Secretary for Education, the National Center for Education, and the Office for Civil Rights have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

the purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before November 22, 1978, and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: October 18, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of Proposed Activity: Application for Comprehensive Program of the Fund for the Improvement of Postsecondary Education.

2. Agency/Bureau/Office: DHEW/ASE/ Fund for the Improvement of Postsecondary Education.

3. Agency Form Number: ASE 0001.

4. Legislative Authority for this Activity: "Sec. 404(a) Subject to the provisions of subsection (b), the Secretary is authorized to make grants and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for * * * (Pub. L. 92-318; 20 U.S.C. 1221D).

5. Voluntary/Obligatory Nature of Response: Voluntary.

6. How Information Collected Will be Used: To determine how grants will be awarded.

7. Data Acquisition Plan: a. Method of Collection: Mail; b. time of Collection: January; c. Frequency: Annual.

8. Respondents: a. Type: Postsecondary education institutions; b. Number: 2000; c. Estimated Average Man-hours Per Respondent: 11.

9. Information to be Collected: Institution name and address and type; contact person address and phone; Federal identification number; type and number of clients benefiting from program; Proposal title and abstract; Federal funds requested; Duration of project; Budget detail on salaries and wages, benefits, consultants, travel, materials and supplies, equipment, production, and other expenses.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of Proposed Activity: Survy of Teacher Demand and Shortage (1978-79).

2. Agency/Bureau/Office: The National Center for Education Statistics.

3. Agency Form Number: NCES-2406.

4. Legislative Authority for This Activity: "The Education Amendments of 1976, Title IV, section 401(a) * * * (5) conduct a continuing survey of institutions of higher education and local educational agencies to determine the demand for, and the availability of, qualified teachers and administrative personnel, especially in critical areas within education which are developing or are likely to develop, * * *" (Pub. L. 94-482:20 U.S.C. 1221e-1).

5. Voluntary/Obligatory Nature of Response: Voluntary.

6. How Information Collected Will Be Used: The information to be obtained by NCES will be reported to the Congress to be used in considering new legislation or in modifying existing legislation, as well as in considering funding levels for related educational programs. Such information is required by the Congress to help determine whether programs should be redirected toward critical teacher shortage areas and whether incentives should be provided to encourage students to enter teaching shortage areas or discourage them from entering surplus fields.

7. Data Acquisition Plan: a. Method of Collection: Mail; b. Time of Collection: January-February 1979; c. Frequency: Biennially.

8. Respondents: a. Type: Local Education Agencies/State-operated schools; b. Number: 2000-2500; c. Estimated Average Man-hours Per Respondent: 30 minutes.

9. Information To Be Collected: Total full-time teachers, number of new hires this school year, number of new hires who are newly qualified and number who had been qualified prior to this school year, and number of openings for which teachers have been sought unsuccessfully, all by instructional field and level; principal emerging fields and declining fields; and, the total number of part-time teachers in the LEA, the number of those who were newly hired this school year, and the number of teachers laid off since 1977-78 school year as a result of budget reductions.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of Proposed Activity: Fall 1979 Vocational Education Civil Rights Survey.

2. Agency/Bureau/Office: Department of Health, Education, and Welfare/Office of the Secretary/Office for Civil Rights.

3. Agency Form Number: CR-203.

4. Legislative Authority for This Activity: This survey is mandated by Order of the United States District Court in *Kenneth Adams, et al* v. *Joseph A . Califano, Jr.*, Civil No. 3095-70 (D.D.C. filed December 29, 1977), and § 42.406 of the Justice Department's Title VI Coordinating Regulations (42 CFR 42).

The following are the relevant legislative authorities; *Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.):* * * * Each recipient shall keep records and submit to the responsible Department official or his/her designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his/her designee may determine to be necessary to enable him to ascertain whether the recepient has complied or is complying with this part * * * (45 CFR 80.6(b)) (Pub. L. 88-352); *Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.):* The procedural regulation applicable to Title VI of the Civil Rights Act of 1964 are adopted and incorporated by reference. These procedures may be found at 45 CFR 80.6-80.11 and 45 CFR Part 81. (45 CFR 86.71) (Pub. L. 92-318); *Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794.):* The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 are adopted and incorporated by reference. The procedures are found at 45 CFR 80.6-80.10 and 45 CFR Part 81. (Pub. L. 93-112).

5. Voluntary/Obligatory Nature of Response: Obligatory.

6. How Information to be Collected Will Be Used: The purpose of the survey will be to help determine which vocational education institutions will be reviewed under Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national orgin by recipients of federal financial assistance; Title IX of the Education Amendments of 1972 which prohibits discrimination on the basis of sex in federally assisted education programs; and section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on handicapping conditions by recipients of Federal finanical assistance. OCR is authorized to monitor recipient institutions and investigate allegations or indications of discrimination prohibited by these statues. The primary plan for analysis of compliance with the statutes is dependent on statistics shown: (a) In the enrollment of students in the institution as compared with the representation of minorities, females, and handicapped persons in the service area of the institution and (b) In the enrollment of students by sex, race/ethnicity, and handicap among the programs and services offered by the institution.

7. Data Acquisition Plan: a. Method of Collection: Mail; b. Time of Collection: Fall 1979; c. Frequency: One time only.

8. Respondent: a. Type: Comprehensive High Schools, Vocational High Schools, Vocational Centers, Area Vocational Schools, Technical Institutes, Junior or Community Colleges; b. Number: 9,200; c. Estimated Average Person hours Per Respondent: 7 hours.

9. Information To Be Collected: Each school will provide enrollment data by sex, race/ethnicity, handicap, and limited English-speaking ability for each vocational program offered. For schools offering adult programs, the total enrollment, only, is required by sex, race/ethnicity, limited English-speaking ability, and handicap. The instructional setting must be provided by each type of handicapping condition. Enrollments in Apprentice Training, Cooperative Training, and Work Study, are required by sex, race/ethnicity, and handicap. Composition of the staff, (Administrative, Instructional and non-Instructional) is requested by sex, race/ethnicity, and handicap.

[FR Doc 78-29786 Filed 10-20-78; 8:45 am]

[4110-85-M]

Office of the Assistant Secretary for Health

ADVISORY COMMITTEES

Reestablishments

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the reestablishment by the Secretary, HEW, with concurrence by the General Services Administration, of the following advisory committees:

Designation: Health Care Technology Study Section.
Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, on research grant and contract applications in the information sciences (computer science, communications technology) and decision sciences (operations research, industrial engineering, health-care administration) bioengineering and related fields as applied to community health services, hospital medicine, and patient care. The members of this Study Section shall survey, as scientific leaders, the status of research in their field.

* * * * *

Designation: Health Services Research Study Section.
Purpose: The Study shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, on research grant or contract applications relating to the delivery and acceptance of health services.

* * * * *

Designation: Health Services Developmental Grants Study Section.
Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning scientific and technical merit of health services developmental grant and contract applications reviewed.

Authority for these Committees will expire on December 6, 1978, unless the Secretary, HEW, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: October 17, 1978.

WAYNE RICHEY, Jr.,
Associate Director for Management, Office of Health Policy Research and Statistics.

[FR Doc. 78-29762 Filed 10-20-78; 8:45 am]

[4110-86-M]

Public Health Service

CENTER FOR DISEASE CONTROL

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Center for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1461-68, January 9, 1974, as amended in pertinent part at 42 FR 30434 dated June 14, 1977, and most recently at 43 FR 26139 dated June 16, 1978) is amended to reflect the following:

(1) The consolidation of the General Services Office (HCA54) and the Management Analysis Office (HCA56) into one office to be named the Management Analysis and Services Office (HCA59); and (2) the transfer of the manpower management activities (including productivity measurement) from the Management Analysis Office (HCA56) to the Financial Management Office.

Sec. HC-B *Organization and Functions* is amended, as follows: Under the *Office of Administrative Management (HCA5)*, under *Financial Management Office (HCA53)*, after item (6) add the following new item (7) and change the numbering of items (7) through (12) to items (8) through (13), respectively: "(7) conducts Centerwide manpower management (including productivity measurement) activities;"

Delete in their entirety the statements for *General Services Office (HCA54)* and *Management Analysis Office (HCA56)* and substitute the following after *Procurement and Grants Office (HCA58):*

Management Analysis and Services Office (HCA59): (1) Plans, coordinates, and provides Centerwide administrative, technical, and management services in the following areas: Committee management, communications, correspondence, delegations of authorities, distribution, forms, Freedom of Information Act Index, issuances, mail, organization and functions, personnel and physical security, policy and procedures, printing and reproduction (including operation of the printing plant and copy centers), Privacy Act, public inquiries, real property and space management, records (including microfilm), regulations, reports (including congressional reports), studies and surveys, and word processing; (2) develops and implements policies and procedures in these areas; (3) maintains liaison with HEW, PHS, GSA, the Government Printing Office, and other Government and private agencies.

Dated: October 13, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

[FR Doc. 78-29825 Filed 10-20-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 31863]

MONTANA

Centennial Mountains Primitive Area Modification

Correction

In FR. Doc. 78-28124 appearing on page 46080 in the issue of Thursday October 5, 1978, the fourth line in column two should read as follows: "T. 15 S., R. 4 W.,".

[4310-84-M]

[Colorado 23972-C RW]

IGC PRODUCTION CO.

R/W Application for Pipeline

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), IGC Production Co., 555 South Cole Road, Boise, Idaho 83707, has applied for an amendment to right-of-way for a 2" underground natural gas pipeline approximately 728.95 feet long, (0.14 mile) across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 2 N., R. 101 W.
Sec. 30: Lot 4

The facilities will enable the applicant to meet customer demand for increased natural gas supply in the applicant's service area. The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof

has been served on IGC Production Co.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-29753 Filed 10-20-78; 8:45 am]

[4310-84-M]

CLOSURE OF CENTENNIAL MOUNTAINS TO MOTORIZED VEHICLE USE

Correction

OCTOBER 13, 1978.

In FR Doc. 78-26989 appearing at page 43567 in the issue for Tuesday, September 26, 1978, in the first column, in the first paragraph, the following corrections should be made:

1. In the sixth line "43 CFR 6010.4 and 6290" should read "43 CFR 8364".

2. In the seventh line, immediately following "Order No. 11644" add "as amended by Executive Order 11989".

ROLAND F. LEE,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-29785 Filed 10-20-78; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

Judging

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of judging.

SUMMARY: This notice announces the date and location of the Migratory Bird Hunting and Conservation Stamp Contest to select the design for the 1979-80 Migratory Bird Hunting and Conservation Stamp. This event is open to the public.

DATES: The entries will be on display at 12 noon, November 9, 1978, and will be judged at 1 p.m. that day.

ADDRESS: The contest will take place in the Main Auditorium, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Bob Hines, Chief, Office of Audio Visual, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202-343-5611.

SUPPLEMENTARY INFORMATION: The Migratory Bird Hunting Stamp was authorized and required by the Migratory Bird Hunting Stamp Act of 1934, as amended (16 U.S.C. 718a). The name was changed to the Migratory Bird Hunting and Conservation Stamp by the Wetlands Loan Extension Act of 1976.

The annual contest regularly held by the Service to select the stamp design is the only art contest sponsored by the Federal Government. These colorful stamps constitute the longest running annually issued series of stamps in revenue or postage stamp history. Popularly known as the "Duck Stamp," they are sold through post offices and must be carried by every migratory waterfowl hunter 16 years of age or older. All of the stamp revenue beyond printing and handling costs is used for the acquisition of refuge land for migratory birds. Rules for the contest are published in 50 CFR Part 91.

The primary author of this document is also Bob Hines.

LYNN A. GREENWALT,
Director, U.S. Fish
and Wildlife Service.

OCTOBER 16, 1978.

[FR Doc. 78-29759 Filed 10-20-78; 8:45 am]

[4310-70-M]

National Park Service

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 (November 22, 1978) the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Harbor Carriers, Inc., authorizing it to continue to provide concession facilities and services for the public at Golden Gate National Recreation Area for a period of five (5) years from January 1, 1979, through December 31, 1984.

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, Golden Gate National Recreation Area, Fort Mason, San Francisco, Calif. 94123.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1978, 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. This provision, in effect, grants Harbor Carriers, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if thereafter, the offer of Harbor Carriers, Inc., is substantially equal to others received. 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 within thirty (30) days after the publication date of this notice (November 22, 1978).

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 16, 1978.

ROBERT STANTON,
Acting Associate Director,
National Park Service.

[FR Doc. 78-29736 Filed 10-20-78; 8:45 am]

[4310-70-M]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1:30 p.m. (e.s.t.), November 10, 1978, at Innisfree Port Oneida Road, near Glen Arbor, Mich.

The Commission was established by Pub. L. 91-479 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Charles H. Yeates (Chairman)
Mr. Noble D. Travis
Mr. William B Bolton
Mr. John B. Daugherty
Mr. Samuel F. Eberly
Mr. John D. Stanz
Mr. Carl T. Johnson
Mrs. Charles R. Williams
Mr. Walter B. Hart
Mr. John A. Stahlin

The agenda for the meeting will include discussions of the proposed wilderness recommendations for the national lakeshore and transportation facilities for the Manitou Islands.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact the Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Mich. 49635, telephone 616-352-9611. Minutes of the meeting will be available for public inspection 4 weeks after the meeting in the office of the Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Mich. 49635, telephone 616-352-9611.

Dated: October 13, 1978.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 78-29737 Filed 10-20-78; 8:45 am]

[4710-14-M]

INTERNATIONAL JOINT COMMISSION

POLLUTION OF THE GREAT LAKES BY LAND USE ACTIVITIES

Public Hearings

The International Joint Commission will conduct public hearings at the times and places noted below to obtain the public's views on the report of the Pollution From Land Use Activities Reference Group. This group (PLUARG) was created in 1972 by the International Joint Commission and charged with three basic questions—Are the Great Lakes being polluted from land use sources? If so, what land use activities are contributing what types of pollutants? And, how can they be dealt with and what will the cost be?

PLUARG submitted its final report after 5 years of intensive study throughout the Great Lakes Basin and selected river sub-basins. The report urges that the Commission recommend a wide-ranging program of reduction of pollution from nonpoint sources, employing educational, grant and possibly regulatory programs affecting farmers and others. The Commission wishes to receive the public's views before preparing its own report to the Governments of Canada and the United States.

Copies of the report may be obtained without charge from the IJC Regional Office, 100 Ouellette Avenue, 8th Floor, Windsor, Ontario. Many libraries throughout the basin also have copies for reading.

The hearings are international in nature and citizens of the United States and Canada may attend and participate at any of the locations listed below. Time allotted to each witness may be limited. If a written statement will take longer than 10 minutes to present, a summary statement should be given and the full statement submitted for 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.

TIMES AND PLACES OF HEARINGS

Rendezvous Room, Statler Hilton Hotel, 107 Delaware Avenue, Buffalo, N.Y., November 1, 1978, 2:30 p.m. and 7:30 p.m.

DEB Auditorium (NASA), 2100 Brookpark Road, Cleveland, Ohio, November 2, 1978, 2:30 p.m. and 7:30 p.m.

Windsor Inn, 6565 North Mannheim Road, Corner of Mannheim and Higgins Roads (O'Hare Airport), Rosemont, Ill., November 13, 1978, 2:30 p.m. and 7:30 p.m.

Mead Public Library, 710 Plaza, Sheboygan, Wis., November 14, 1978, 3 p.m. and 7:30 p.m.

Great Hall, Radisson Hotel, 505 West Superior Street, Duluth, Minn., November 15, 1978, 2:30 p.m. and 7:30 p.m.

Blake Auditorium, City Hall, Thunder Bay, Ontario, November 16, 1978, 3 p.m. and 8 p.m.

Sutton Place Hotel, Salon C, Toronto, Ontario, November 28, 1978, 9:30 a.m. and 2:30 p.m.

Bellevue Room, Holiday Inn, Kingston, Ontario, November 29, 1978, 10 a.m. and 2:30 p.m.

Wheels Motor Inn, Chatham, Ontario, December 5, 1978, 3 p.m. and 8 p.m.

Civic Center, Parlor C and D, 505 West Allegan Street, Lansing, Mich., December 6, 1978, 2:30 p.m. and 7:30 p.m.

Holiday Inn, Algoma West Room, Sault Ste. Marie, Ontario, December 7, 1978, 3 p.m. and 8 p.m.

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission, 1717 H Street NW., Room 203, Washington, D.C. 20440.

DAVID G. CHANCE,
Secretary, Canadian Section, International Joint Commission, 100 Metcalf Street, 18th Floor, Ottawa, Ontario K1P 5M1.

OCTOBER 13, 1978.

[FR Doc. 78-29767 Filed 10-20-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-48)]

NASA ADVISORY COUNCIL (NAC) SPACE SYSTEMS AND TECHNOLOGY ADVISORY COMMITTEE

Meeting

The Informal Ad Hoc Advisory Subcommittee on OAST Space Technology Mission Model of the NAC Space Systems and Technology Advisory Committee will meet on November 9, 1978, in Room 647, NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. The meeting will be open to the public up to the seating capacity of the room (about 15 persons including subcommittee members and participants).

The subcommittee was established to review and critique the space technology mission model utilized by OAST to identify future technology needs and requirements. The Chairman is Mr. Ray F. Larson, and there are six additional members of the subcommittee.

For further information contact Mr. Stanley R. Sadin, Executive Secretary of the Informal Ad Hoc Advisory Subcommittee on OAST Space Technology Mission Model of the NAC Space Systems and Technology Advisory Committee, Code RX-4, NASA Headquarters, Washington, D.C. 20546, 202-755-3256.

AGENDA

NOVEMBER 9, 1978

9 a.m.—Introductory remarks.
10 a.m.—Presentation of the draft OAST Space Technology Model: (1) Missions Selection and Choice of Performance Descriptors, (2) Technology Trends and Forecasts with Mission Readiness Requirements.
1 p.m.—Committee discussion.
5 p.m.—Adjourn.

ARNOLD W. FRUTKIN,
Acting Associate Administrator for External Relations.

OCTOBER 17, 1978.

[FR Doc. 78-29764 Filed 10-20-78; 8:45 am]

[7510-01-M]

[Notice (78-49)]

NASA ADVISORY COUNCIL (NAC) SPACE AND TERRESTRIAL APPLICATIONS ADVISORY COMMITTEE (STAAC)

Meeting

The Ad Hoc Informal Advisory Subcommittee on Satellite Communications Applications of the NAC-STAAC will meet on November 8 and 9, 1978 from 8:30 a.m. to 4:30 p.m. at NASA Headquarters, Room 226A, Federal

Office Building, 10B, 600 Independence Avenue SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting at 8:30 a.m. on both days on a first-come, first-served basis and will be required to sign a visitors register. The seating capacity of the meeting room is for 35 persons.

This subcommittee, comprised of five members of the NAC-STAAC including the subcommittee Chairman, Dr. John V. Harrington, will review the current and planned program in communications and discuss the future direction of this program. In addition, five members of the NAC-Space Systems and Technology Advisory Committee (SSTAC) will also participate in the meeting.

NOVEMBER 8, 1978

TOPIC

8:30 a.m.—Introduction.
9 a.m.—Recent and Current NASA R. & D. Activities.
10 a.m.—Current and Pending Government Related Activities.
10:30 a.m.—Discussion of Five-Year Plan Progress and Initiatives.
1 p.m.—Issues and Concerns.
2 p.m.—General Discussion.
4:30 p.m.—Adjourn.

NOVEMBER 9, 1978

8:30 a.m.—Committee Response to NASA.
10:30 a.m.—Summary of Conclusions and Recommendations.
11:30 a.m.—Adjourn.

For further information regarding the meeting, please contact Louis B. C. Fong, Executive Secretary of the Subcommittee, Washington, D.C., 202-755-8601.

ARNOLD W. FRUTKIN,
Acting Associate Administrator for External Relations.

OCTOBER 13, 1978.

[FR Doc. 78-29765 Filed 10-20-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

ARKANSAS POWER & LIGHT CO., ARKANSAS NUCLEAR ONE, UNIT 2

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF-6 to Arkansas Power & Light Co. for operation of Arkansas Nuclear One, Unit 2 (the facility) located at the licensee's site in Pope County, Ark. The amendment is effective as of the date of its issuance.

This amendment revises Technical Specification 4.6.4.3.b to specify that the flow rate for each of the containment recirculation fans will be at least equal to 4,500 cubic feet per minute.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action see (1) the licensee's application for amendment dated September 7, 1978, (2) Amendment No. 3 to License No. NPF-6, and (3) the Commission's related Safety Evaluation supporting Amendment No. 3 to License No. NPF-6. All of these items are available for public inspection at the Commission's Public Document room at 1717 H Street NW., Washington, D.C. 20555 and the Arkansas Polytechnic College, Russellville, Ark. 72801.

Dated at Bethesda, Md., this 4th day of October 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc. 78-29740 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-368]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-6, issued to Arkansas Power & Light Co. which revised technical specifications for operation of the Arkansas Nuclear One, Unit 2 plant located in Pope County, Ark. The amendment is effective as of its date of issuance.

The amendment corrects a typographical error in the Appendix B Technical Specifications.

Issuance of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see Amendment No. 4 to License No. NPF-6 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Ark. A copy of the amendment may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 17th day of October 1978.

For the Nuclear Regulatory Commission.

WM. H. REEGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-29743 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Co. which amended the license and its appended Technical Specifications for operation of the Haddam Neck Plant located in Middlesex County, Conn. The amendment is effective as of the date of its issuance.

This amendment adds license conditions relating to the completion of facility modifications for fire protection and the implementation of administrative controls, and modifies the Technical Specifications to require additional spray and/or sprinkler systems and fire hose stations to be operable in the turbine building.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative delcaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 5, 1978, (2) the licensee's submittals dated February 22, 1977, April 3, and 12, June 23, July 11, August 1 and 29, 1978, (3) Amendment No. 28 to License No. DPR-61, including the Commission's letter of transmittal, and (4) 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 Russell Library, 119 Broad Street, Middletown, Conn. 16457. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of October 1978

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-29742 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-366]

GEORGIA POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 Facility Operating License No. NPF-5 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia and City of Dalton, Ga., which revised technical specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 2, located in Appling County, Ga. The amendment is effective as of its date of issuance.

This amendment modifies the Technical Specifications to provide for a one-time, temporary revision which would delete the Limiting Condition for Operation (LCO) on Primary Containment Internal Pressure to permit conduct of a test as part of the HNP-2 initial startup test program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 4, 1978, (2) Amendment No. 2 to License No. NPF-5, 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 Appling County Public Library, Parker Street, Baxley, Ga. 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 13th day of October 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-29747 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO., CENTRAL IOWA POWER COOPERATIVE, AND CORN BELT POWER COOPERATIVE

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-49, issued to Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative (the licensee), which revises the technical specifications for operation of the Duane Arnold Energy Center (the facility), located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment revises the technical specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the NRC staff's, "Mark I Containment Short Term Program Safety Evaluation", NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13108 dated March 29, 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated November 3, 1976 as supplemented April 14, 1977, (2)

Amendment No. 46 to License No. DPR-49, 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 Cedar Rapids Public Library, 426 Third Avenue SW., Cedar Rapids, Iowa 52401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of October 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-29746 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-44 issued to Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co., which revised technical specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2. The amendment is effective as of its date of issuance.

The changes permit operation of Peach Bottom Unit No. 2 with a new type reload fuel (8x8R) for Cycle 4.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on September 7, 1978 (43 FR 39869). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 28, 1978, as supplemented September 5, 26, and October 4, 1978, (2) Amendment No. 48 to License No. DPR-44, 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 Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 16th day of October 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-29744 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corp. which revised technical specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vt. The amendment is effective as of its date of issuance.

The amendment revises the technical specifications to allow operation during October 15, 1978 through May 15, 1979, in modes other than closed-cycle, provided certain discharge temperature restrictions were met.

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 prepared an environmental impact appraisal for this amendment and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to this action other than that which has already been predicted and described in the Commission's final environmental statement for the facility dated July 1972.

For further details with respect to this action, see (1) the application for amendment dated August 16, 1978, (2) Amendment No. 48 to License No. DPR-28, and (3) the Commission's related Environmental Impact Appraisal. 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 Brooks Memorial Library, 224 Main Street, Brattleboro, Vt.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 13th day of October, 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-29745 Filed 10-20-78; 8:45 am]

[7590-01-M]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Co. (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located at Rowe, Franklin County, Mass. The amendment is effective as of its date of issuance.

The amendment revises the provisions of the technical specifications for the facility to permit movement of temporary support brackets and a shielded work platform over the spent fuel pit for performing limited work related to the licensee's planned modifications of the spent fuel pit.

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.

The Commission's "Notice of Proposed Issuance of Amendment to Operating License" in connection with the licensee's request to expand the spent fuel storage capacity from 391 fuel assemblies to 721 assemblies was published in the FEDERAL REGISTER on September 21, 1978 (43 FR 42825). As indicated in this Notice, the Commission's staff has determined that the modifications approved by the amendment have a utility independent of the proposed increase in spent fuel storage capacity. Therefore, based on the above considerations, the Commission's staff has (1) approved the modifications described above, separately from consideration of the proposed increase in spent fuel storage capacity and (2) determined that prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 13, 1978 (Supplement No. 2 to Proposed Change No. 158) and supplements thereto dated September 15 and 25, 1978, (2) Amendment No. 51 to License No. DPR-3, (3) the Commission's related Safety Evaluation, and (4) Notice of Proposed Issuance of Amendment to Operating License, dated September 11, 1978 (43 FR 42825, September 21, 1978). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C., and at the Greenfield Community College, 1 College Drive, Greenfield, Mass. 01301. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of October 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-29741 Filed 10-20-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 11, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Veterans Application for Counseling, 22-8832, on occasion, 75,000 veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Economic Development Administration, State Data Needs Assessment Survey, ED-445Q, single time, 100 State planning directors, economic development officials, Office of Federal Statistical Policy and Standard, 673-7956, C. Louis Kincannon.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Successful Sites Interview Schedules, 656-1, -2, single time, 350 school staffs in high poverty schools, Laverne V. Collins, 395-3214.

REVISIONS

VETERANS ADMINISTRATION

Comprehensive Evaluation of Health Services, 10-1465 A&B, on occasion, 31,000 VA patients, 15,000 responses, 3,750 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Departmental and Other DOD Property Record, DD 1342, on occasion, 4,500 NASA contractors, 72,000 responses, 69,700 hours, Caywood, D. P., 395-3443.

Department of the Air Force Forecast of Propellant Requirements, AF-858, on occasion, 100 aerospace contractors, 1,792 responses, 1,792 hours, Caywood, D. P., 395-3443.

Departmental and Other Claim for Exemption From Submissions of Certified Cost or Pricing Data, DD 633-7, on occasion, 3,077 Government contractors, 4,000 responses, 2,000 hours, Caywood, D. P., 395-3443.

Departmental and Other Contract Pricing Proposal, DD 633, on occasion, 17,763 Government Contractors, 30,000 responses, 30,000 hours, Caywood, D. P., 395-3443.

Departmental and Other DOD Industrial Plant Equipment Requisition, DD 1419, on occasion, 900 NASA contractors, 8,000 responses, 4,000 hours, Caywood, D. P., 395-3443.

Departmental and Other Contractor's Request for Progress Payment, DD 1195, on occasion, 14,040 Government contractors, 100,000 responses, 10,000 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Request for Payment of BEOG Award, OE 304, on occasion, 20,000 BEOG recipients and institutions they are enrolled in, 10,000 responses, 5,833 hours, Laverne V. Collins, 395-3214.

Food and Drug Administration Front-end analysis survey, single time, 1,500 X-ray equipment operators, 1,500 responses, 750 hours, Office of Federal Statistical Policy and Standard, 673-7956, Richard Eisinger.

EXTENSIONS

DEPARTMENT OF AGRICULTURE,

Agricultural Marketing Service Inventory Adjustment Notice, commodities for price support and school lunch programs, TW-570, on occasion, public commercial warehouses, 300 responses, 150 hours, Ellett, C. A. 395-6132.

Agricultural Marketing Service Warehouse Infestation Control Information, processed commodities, TW-564, on occasion, approximately 1,000 public commercial warehouses, 1,000 responses, 2,000 hours, Ellett, C. A. 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-29734 Filed 10-20-78; 8:45 am]

[3110-01-M]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 12, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of

who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Heat pump dealer questionnaire, TVA-6230 (PU 10-78), single-time, heat pump dealers, 1,000 responses, 250 hours, Warren Topelius, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
- Evaluation of accreditation, OE-663, single-time, accreditation agencies, commission members, 450 responses, 700 hours, Laverne V. Collins, 395-3214.
- Assessment of education programs in State schools for handicapped, OE-622-1, through 6, single-time, State agencies; State schools for the handicapped, 115 responses, 557 hours, Laverne V. Collins, 395-3214.
- Teacher centers: Financial status and performance report, OE-632, semiannually, local educational agencies, institutions of higher education, 120 responses, 960 hours, Laverne V. Collins, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing production and mortgage credit, background data on request for assignment of mortgage to HUD, HUD-92206, on occasion, mortgage banking industry savings and loan leagues, 14,400 responses, 7,200 hours, Caywood, D. P., 395-3443.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of health, development of methodologies for behavioral measurements related to malocclusion, single-time, 150 family units, 6,000 responses, 525 hours, Office of Federal Statistical Policy and Standard, Richard Eisinger, 673-7956.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing production and mortgage credit request for assignment of mortgage, HUD-92068F, on occasion, delinquent mortgagors, 6,000 responses, 1,500 hours, Caywood, D. P., 395-3443.

VETERANS ADMINISTRATION

Application for accreditation as service organization representative, VA 2-21, on occasion, applicants for accreditation as service organization representative, 500 responses, 125 hours, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary):
- Title I refinancing report (property improvement), FH-5, on occasion, banks, savings and loans, etc., 30,000 responses, 6,000 hours, Caywood, D. P., 395-3443.
- Title I, transfer of note report (property improvement), FH-6, on occasion, banks, savings and loans, etc., 20,000 responses, 4,000 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-29735 Filed 10-20-78; 8:45 am]

[3110-01-M]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 16, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this releaase.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service:
- Rural Fire Service Questionnaire, single time, local government and firm department in community less 10,000 population, 1,350 responses, 675 hours, Ellett, C.A., 395-6132.
- DDT Ban Impact Study: Gypsy Moth Phase Survey, single time, Federal and State Governments, 75 responses, 56 hours, Ellett, C.A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Field Test 1979 for "High School and Beyond," A National Longitudinal Study, NCES 2408, single time, high school students and staff, 9,360 responses, 5,124 hours, Office of Federal Statistical Policy and Standard, Laverne V. Collins, 673-7956.

National Institute of Education, Study of the Career Intern Program, NIE 191, single time, interns, controls, instructions, counselors, parents, 2,084 responses, 792 hours, Lavern V. Collins, 395-3214.

Office of Human Development, Revision of Form NCSS-120 Part IV Supplement, Monthly, Title XX of the Social Security Act, 612 responses, 306 hours, Reese B.F., 395-3211.

REVISIONS

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Fatal Accident Reporting System (FARS), HS-214, 214A, 214B, 214C, and 214D, on occasion, States, 50,000 responses, 125,000 hours, Strasser, A., 395-6132.

EXTENSIONS

NATIONAL ENDOWMENT FOR THE ARTS

Individual Grant Applications, NEA-2, on occasion, individuals, 6,000 responses, 6,000 hours, Warren Topelius, 395-6132.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service, Farm Real Estate Tax Trends in Current Year, letter of inquiry, anually, selected tax experts in each State, 150 responses, 38 hours, Ellett, C.A. 395-6132.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, paint, varnish, and lacquer, M-28B.2, monthly, phosphatic fertilizer manufacturers, 3,600 responses, 1,200 hours, C. Louis Kincannon, 395-3211.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-29795 Filed 10-20-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15229; File No. SR-BSE-76-13]

BOSTON STOCK EXCHANGE, INC.

Self-Regulatory Organizations: Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 13, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

BSE's Statement of the Terms of Substance of the Proposed Rule Change

The Boston Stock Exchange, Inc. ("BSE") rule as amended would: (1) Require member-organizations to maintain certain net capital and subordinated cash borrowing and secured demand note requirements; (2) require dealer-specialists to maintain certain net capital and liquidating equity requirements; (3) require alternate-specialists to maintain certain liquidating equity requirements; (4) define "net liquid assets" for purposes of the proposed rule; (5) prescribe procedures to be followed in the event a member organization ceases to be in compliance with Rule 15c3-1; (6) require certain monthly financial statements to be filed by member organizations under specified circumstances of noncompliance; (7) provide for extraordinary field examinations of certain member organizations as shall be necessary; (8) place the responsibility of computation of net capital requirements on member organizations; and (9) provide that, under certain circumstances relating to the financial condition of member organizations, BSE restrict the operations of member organizations.

BSE's Statement of Purpose

The purpose of the proposed rule change is to conform the rules of the Exchange with Rule 15c3-1, the Uniform Net Capital Rule under the Act.

BSE's Statement of Statutory Basis

The Exchange looks to Section 19 of the Act as providing the statutory basis for this proposal.

Comments Received From Members, Participants or Others on Proposed Rule Change

BSE states that no comments were solicited or received.

Burden on Competition

BSE has determined that no burden on competition will be created by adoption of the proposed rule change.

On or before November 27, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

October 12, 1978.

[FR Doc. 78-29784 Filed 10-20-78; 8:45am]

[8010-01-M]

[Release No. 10430; 812-4359]

FUNDEX, INC. ET AL.

Filing of Application for an Order Exempting a Proposed Transaction and Exception

October 11, 1978.

Notice is hereby given that Fundex, Inc. ("Fundex"), liberty Fund, Inc. ("Liberty"), Manhattan Fund, Inc. ("Manhattan"), New Manhattan Fund, Inc. ("New Manhattan"), Schuster Fund, Inc. ("Schuster"), and CNA Management Corp. ("CNA") (collectively referred to as "Applicants"), 127 John Street, New York, N.Y. 10028, filed an application on August 30, 1978, and amendments thereto on September 28, 1978, and October 5, 1978, pursuant to section 17(b) of the Investment Company Act of 1940 (the "Act") for an order exempting the proposed merger of Fundex and Manhattan into New Manhattan from the provisions of section 17(a) of the Act and pursuant to section 6(c) of the Act for an order of exemption from sections 11(a), 14(a)(1), and 22(d) of the Act and Rules 22c-1 and 22d-1 thereunder in connection with the proposed merger. Applicants, except for Schuster and CNA, are open-end, diversified management investment companies registered under the Act. Schuster is an open-end, nondiversified management investment company registered under the Act, and CNA is the investment adviser of each of the other Applicants. All interested persons are referred to the application on file with the Commission for a statement of the matters contained therein, which are summarized below.

Applicants represent that on June 30, 1978, the total net assets of Fundex were $430,040, and those of Manhattan were $46,663,241. Applicants state that New Manhattan was incorporated on August 28, 1978, and that on August 29, 1978, the total net assets of New Manhattan were $1,000. They state that the sole investment objective of each of Fundex, Manhattan, and New Manhattan is to seek capital appreciation and that any income received from portfolio securities is entirely incidental to this objective. The application states that the investment objective of Liberty is to obtain liberal current income consistent with reasonable safety of capital and that the investment objective of Schuster is to seek appreciation of capital.

According to the application, Fundex, Manhattan, and New Manhattan, in accordance with the approval of their Boards of Directors, will enter into a Plan of Reorganization and Agreement of Merger (the "Plan") under which Manhattan and Fundex will merge into New Manhattan. Except as described below, the outstanding shares of capital stock of Manhattan held of record by each shareholder of Manhattan on the day prior to the effective date of the merger ("Effective Date") shall become the same number of full and fractional shares of common stock of New Manhattan. The outstanding shares of capital stock of Fundex held of record by each shareholder of Fundex on the day prior to the effective date shall become the full and fractional shares of common stock of New Manhattan which has an equivalent net asset value. The application states that each shareholder of Manhattan or Fundex who held less than 60 shares of Manhattan (or less than the equivalent value of shares of Fundex) on the record date for the meetings of shareholders for approval of the Plan, would have his shares converted into cash based upon their net asset value as of the Effective Date. However, no shareholder of Manhattan who makes additional investments, which would bring his holdings up to 60 shares before the effective date, will be subject to automatic conversion. The application also states that any shareholder of Manhattan or Fundex who resides in the State or other jurisdiction where shares of New Manhattan will be permitted to be sold on or prior to March 30, 1979, who undertakes in writing to make investments in New Manhattan which would bring the value of his investment in New Manhattan as of March 30, 1979, up to the value of 60 shares of Manhattan as of the record date, and who complies with such undertaking, will not have his holdings converted into cash as of the effective date. If the shareholder does not

comply with his undertaking, his holdings will be automatically converted into cash as of March 30, 1979.

The Applicants state that a shareholder of Manhattan or Fundex who held less than 60 shares of Manhattan (or less than the equivalent value of shares of Fundex) on the record date and who resides in a State or other jurisdiction where share of New Manhattan will not be permitted to be sold on or prior to March 30, 1979, will have his holdings converted into cash as of the Effective Date but will be entitled, on or before March 30, 1979, to exchange his shares of Manhattan or Fundex on a no-load basis for shares of Schuster or Liberty, provided that the aggregate value of shares exchanged and an additional investment equals the value of 60 shares of Manhattan as of the record date. This exchange privilege will be permitted notwithstanding the fact that those funds normally require an initial investment of $500 and shareholders of Fundex paid a lower initial sales load than those of Liberty or Schuster. Such additional investments will be permitted on a no-load basis even though Liberty and Schuster normally impose a sales charge.

Applicants represent that Fundex and Manhattan have capital loss carryforwards for Federal income tax purposes at December 31, 1977, of approximately $603,000 and $162,111,000, respectively. At June 30, 1978, Manhattan had net unrealized depreciation of approximately $3,489,823.00, while at the same date Fundex had net unrealized appreciation of approximately $32,496. Applicants assert that since there is no assurance that capital gains will be realized against which the capital loss carryforwards may be offset or that unrealized depreciation or appreciation may be realized, no adjustments will be made in the aggregate net asset values of Fundex, Manhattan, or New Manhattan to compensate shareholders for any potential Federal income tax impact which may result from the differences between the Applicants.

Applicants state that it is proposed to call special meetings of shareholders of Fundex, Manhattan, and New Manhattan on November 29, 1978, to consider the Plan. The adoption of the Plan requires the affirmative vote of a majority of the outstanding shares of each of Fundex and New Manhattan and a two-thirds majority of the outstanding shares of Manhattan. Applicants represent that because of the uncertainty of obtaining the two-thirds shareholder approval required of Manhattan, it may be necessary to adjourn the meeting of shareholders until December 28, 1978. In that event, the Effective Date of the merger would be December 29, 1978, but if sufficient votes to approve the merger are present at the shareholders meetings scheduled for November 29, 1978, the management of Applicants will have to decide whether to make the Effective Date November 30, 1978 or December 29, 1978. The application states that shareholders of Fundex or Manhattan will be permitted to redeem their shares through the close of business on the last business day prior to the Effective Date, after which such requests will be deemed to be redemption requests for shares of New Manhattan.

The proposed merger is also contingent upon the receipt of a ruling from the Internal Revenue Service, or in lieu thereof, an opinion of counsel, to the effect that the Plan will constitute a tax-free reorganization. Each of Fundex and Manhattan will, prior to the Effective Date, distribute to its respective shareholders any material amount of undistributed net taxable investment income or net taxable short-term gains and shall make such other distributions as may be required for such companies to qualify as regulated investment companies under the Internal Revenue Code of 1954 if the Board of Directors of the corporation involved determines that it is in the best interest of the corporation to do so.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person or a registered investment company, or any affiliated person of such person, knowingly to sell to such registered investment company any security or property. Section 2(a)(3) of the Act provides, in part, that an affiliated person of another person means any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants state that Fundex, Manhattan, New Manhattan, and CNA may be deemed to be affiliated persons of one another because the Boards of Directors and officers of Fundex, Manhattan, and New Manhattan are identical and CNA provides investment advice to each other applicant and owns all of the outstanding capital stock of New Manhattan. Section 17(b) of the Act provides, in pertinent part, that the Commission upon application, shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. Applicants state that the aggregate expenses of consummating the reorganization are estimated to be $100,000. Under the agreement, such expenses are the obligation of new Manhattan in the even that the merger is effected and of Manhattan and Fundex in proportion to their respective net asset values as of the record date in the event that the merger is not effected. No brokerage commission or other fees (other than nominal transfer taxes) will result from the transfer of assets from Manhattan and Fundex to New Manhattan pursuant to the merger. Applicants submit that the proposed transaction is consistent with the investment policies of Fundex, Manhattan, and New Manhattan and with the general purposes and policies of the Act.

Applicants assert that the reasons for the reorganization are largely economic. In the case of Manhattan, the application states that the reorganization will result in a lower expense ratio and will thereby help Manhattan become a more viable economic entity. It is asserted that Manhattan's expense ratio problem stems from the cost of servicing an inordinately large number of small shareholder accounts for a mutual fund of its size. At July 24, 1978, Manhattan had 91,768 shareholder accounts, of which approximately 3 percent hold shares having a value less than the annual cost of servicing the account. In effect, it is contended, the large shareholder accounts bear the burden of servicing the small accounts. The application states that it is estimated that, as a result of the reorganization, approximately 30 percent of the Manhattan accounts (aproximately 28,000 accounts) would be eliminated, which would substantially reduce the operating expenses of New Manhattan but, as of July 24, 1978, would only have reduced Manhattan assets by $1,846,306, or 4 percent. For the year ended December 31, 1977, Manhattan incurred $591,023 in transfer agent, proxy solicitations, shareholder reports and dividend disbursement expenses. If the reorganization had occurred on January 1, 1977 and, as a consequence, Manhattan had 28,000 fewer shareholder accounts in fiscal 1977, Manhattan would have save a substantial portion of the $165,000 which it spent to maintain such accounts. Applicants estimate that the ratio of operating expenses to average net assets of New Manhattan for its first full year of operation would be approximately 1.5 percent, assuming net assets average approximately $47,000,000. This ratio compares with a 1.9 percent ratio for Man-

hattan for the year ended December 31, 1977. Applicants submit that the reorganization promotes the valid business purpose of Manhattan in becoming a more economically viable entity.

The application states that, in the case of Fundex, the primary reason for the reorganization is to merge that small, uneconomic fund into a viable entity. For the year ended December 31, 1977, Fundex's ratio of operating expenses to average net assets was 4.89 percent even though Fundex paid no management fee that year. In the opinion of the management of Fundex, its combination with Manhattan in New Manhattan will resut in certain economies. The application states that such items as fees of attorneys, auditors, and custodians, expenses of preparation of shareholder reports, franchise taxes and possibly brokerage commissions, which are now paid by Fundex and Manhattan, will constitute a lower percentage of income of New Manhattan after the reorganization, than of Fundex separately. In addition, at July 24, 1978, Fundex had 584 shareholder accounts, of which 156 or 27 percent would be eliminated in the reorganization. This will contribute somewhat to the reduced operating expenses of New Manhattan but, as of July 24, 1978, would only reduce Fundex's assets by $10,448.90 or 2.25 percent. The application states that CNA has informed management of the funds that, if the reorganization is effected, certain of its clerical and administrative expenses in rendering services to the funds may be reduced.

Section 14(a)(1) of the Act provides that no registered investment company shall make a public offering of securities of which such company is the issuer unless such company has a net worth of at least $100,000. Applicants state that the shares of common stock of New Manhattan to be offered and sold to existing shareholders of Fundex and Manhattan will be publicly offered to such shareholders through prospectuses included as part of the registration statement of New Manhattan. Applicants state that as of the time of the initial public offering of shares of New Manhattan to existing shareholders of Fundex and Manhattan, New Manhattan will have a net worth of only $1,000 and not $100,000 as required by section 14(a)(1) of the Act.

Applicants submit that section 14(a)(1) of the Act was designed to assure that registered investment companies do not engage in public offerings without sufficient net worth to meet their expenses and otherwise operate as viable economic entities. Applicants state that the exemption is sought only with regard to the public offering of shares of New Manhattan in the reorganization, and that once the reorganization is consummated, New Manhattan will have a net worth well in excess of $100,000. Applicants represent that it would be only when the reorganization is effected with regard to either Manhattan or Fundex, that New Manhattan would make a public offering to the general public. Applicants submit that the requested exemption from section 14(a)(1) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Rule 22c-1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that the requirements of Rule 22c-1 may not be met by the proposed transaction if such rule is deemed to apply to shares issued in the reorganization because the net asset values per share of Fundex, Manhattan, and New Manhattan for purposes of the exchange are to be determined as of the close of trading on the New York Stock Exchange on the last day such Exchange is open for unrestricted trading prior to the Effective Date. Applicants also represent that under Maryland General Corporation law shareholders of Manhattan who perfect appraisal rights are entitled to receive the "fair value" of their shares at the close of business on the date of the vote approving the agreement of merger.

If the Effective Date is on Friday, December 29, because of the need for an adjourned meeting to solicit further proxies, the respective net asset values of Fundex and Manhattan would be determined as of the close of business on Thursday, December 28 and shareholders of Manhattan who assert and perfect appraisal rights and those who do not would all receive the same price for their shares. In the event that sufficient votes to approve the Plan are present at the meetings of Fundex and Manhattan scheduled for November 29 the management of the funds would have to decide whether to make the effective date November 30, 1978, and thereby avoid the Rule 22c-1 problems or face those problems and have the Effective Date December 29, 1978. If management chooses the later alternative, it would probably adopt the SEC's position that Rule 22c-1 would preempt the Maryland appraisal procedures, notwithstanding the fact that this position might not be binding upon Maryland courts. See Investment Company Act Release No. 8752 (April 10, 1975).

Applicants submit that among the purposes for adoption of Rule 22c-1 was the prevention of speculative trading which the then existing "backward pricing" practices were believed to permit. They assert that computation of net asset value on the day prior to the Effective Date will prevent speculative trading by objecting shareholders of Manhattan who would have the option to elect to pursue the appraisal remedy based on the voting date or accept the exchange price based on the Effective Date. Applicants assert then that the requested exemption is designed to implement the basic purposes of the Rule and that the exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 11(a) provides, in part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any other basis other than relative net asset values of the securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 22(d) of the Act and Rule 22d-1 thereunder provide, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

The application states that since shareholders of Fundex, who will be permitted to exchange their shares for shares of Schuster or Liberty without sales charge or other fee and without complying with the usual minimum investment of $500, paid a lower initial sales charge than the shareholders of Schuster or Liberty, such exchanges by Fundex shareholders might be deemed to be on a basis other than net asset value of the respective securities to be exchanged, and hence not in compliance with section 11(a) of the Act.

Applicants submit that section 11(a) of the Act was designed to assure that the net asset value of one investment company is not diluted through an ex-

change and that the shareholders of each company are treated fairly. Applicants assert that it is not unfair to the shareholders of Schuster and Liberty to increase the assets of these companies through a one-time exchange by a specific and limited number of Fundex shareholders who purchased their shares a decade ago. The application asserts that there will be no dilution of net asset value for Liberty and Schuster, because the Fundex shareholders will be providing full net asset value for their shares, and that the requested exemption from section 11(a) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that the shares of Schuster and Liberty are sold by CNA as principal underwriter at a public offering price which includes a sales load. Applicants state that certain shareholders of Fundex and Manhattan will be able to exchange their shares and make additional investments in Schuster or Liberty at no load and without compliance with the usual exchange privilege minimum of $500.

Applicants state that section 22(d) of the Act and Rule 22d-1 thereunder were designed to assure that purchasers of shares of a registered investment company are treated similarly. Applicants assert that the shareholders of Fundex and Manhattan, who would be covered by the exemption, are a specific and limited class and that the exemption would be in effect for only a limited period of time. Applicants submit, therefore, that the requested exemption from the provisions of section 22(d) and rule 22d-1 thereunder is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions from any provision or provisions of the Act and the rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 3, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulation, promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-29781 Filed 10-20-78; 8:45 am]

[8010-01-M]

[Release No. 20731; 70-6211]

GEORGIA POWER CO.

Proposed Transactions Related to Financing of Pollution Control Facilities and Exception From Competitive Bidding

OCTOBER 12, 1978.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street NW., Atlanta, Ga. 30302, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the act and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia states that in order to comply with prescribed environmental standards of the State of Georgia with respect to air and water quality, it has been and will be necessary for the company to construct certain pollution control facilities solely for this purpose. The present application relates to Georgia's proposal for its financing of the pollution control facilities for use in connection with its Bowen and Branch steam plants located, respectively, in Bartow and Putnam Counties, as hereinafter described. Each transaction will be substantially similar. It is intended that a Development Authority of each such county ("Authority") will issue its pollution control revenue bonds ("Revenue Bonds") for the purpose of making loans to Georgia to pay the costs of the acquisition, construction, installation, and equipping of the pollution control facilities at the plant located in its county referred to above ("Project"). The Authorities are authorized by the Development Authorities Law of the State of Georgia ("Statute") to issue their respective Revenue Bonds for such purpose. While the actual amount of Revenue Bonds to be issued by each Authority has not yet been determined, such amount will be based upon the cost of the Project located in its county. It is presently estimated that the aggregate principal amount of Revenue Bonds to be issued by both Authorities will not exceed $80,000,000.

Georgia proposes to enter into a separate Loan Agreement with each Authority ("Agreement"). Under each Agreement, the Authority will loan to Georgia the proceeds of the sale of the Authority's Revenue Bonds, and Georgia will issue a nonnegotiable promissory note therefor ("Note"). Such proceeds will be deposited with a Trustee ("Trustee") under an indenture to be entered into between the Authority and such Trustee ("Trust Indenture"), pursuant to which such Revenue Bonds are to be issued and secured, and will be applied by Georgia to payment of the Cost of Construction (as defined in the Agreement) of the related Project. Each Note will provide for payments thereon to be made at times and in amounts which shall correspond to the payments with respect to the principal of, premium, if any, and interest on the Revenue Bonds whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or declaration, or otherwise.

Each agreement will provide for the assignment to the Trustee of the Authority's interest in, and of the moneys receivable by the Authority under, the Agreement and the Note. Each Agreement will also obligate Georgia to pay the fees and charges of the Trustee and will provide that Georgia may at any time, so long as it is not in default thereunder, prepay the amount due under the Note, including interest thereon, in whole or in part, such payment to be sufficient to redeem or purchase the outstanding Revenue Bonds in the manner and to the extent provided in the Trust Indenture.

Each Trust Indenture will provide that the Revenue Bonds issued thereunder will be redeemable (i) at any time on or after 10 years from the date of issuance, in whole or in part, at the option of Georgia, initially with a premium of 3 percent of the principal amount and declining by one-half of 1 percent annually thereafter, and (ii) in whole, at the option of Georgia, in certain other cases of undue burdens or excessive liabilities imposed with respect to the related Project, its desgtruction or damage beyond practicable or desirable repairability, or condemnation or taking by eminent domain, or if operation of the related plant is enjoined and Georgia determines to discontinue operation thereof, such redemption of all such outstanding Revenue Bonds to be at the principal amount plus accrued interest, but without premium. It is intended that the Revenue Bonds will mature 30 years from the first day of the month in which they are initially issued and that such Revenue Bonds will be entitled to the benefit of mandatory redemption sinking funds calculated to retire not less than 25 percent of the aggregate principal amount of the issue prior to maturity.

In order to obtain the benefit of ratings for the Revenue Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under its Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee ("Indenture Trustee"), as supplemented and amended ("Mortgage"), which ratings Georgia has been advised may be thus attained, Georgia proposes to secure its obligations under each Note by delivering to the Trustee, to be held as collateral, a series of its first mortgage bonds ("Collateral Bonds") in principal amount equal to the principal amount of the Revenue Bonds. Each series of Collateral Bonds will be issued under an indenture supplemental to the Mortgage ("Supplemental Indenture") to be dated as of the first day of the month in which the Collateral Bonds are to be issued and delivered, will bear interest at a rate equal to the interest rate to be borne by the related Revenue Bonds, will mature on the maturity date of such Bonds, and will be nontransferable by the Trustee.

The Supplemental Indenture will provide, however, that the obligation of Georgia to make payment with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Note sufficient to meet payments when due in respect of the related Revenue Bonds. The Supplemental Indenture will provide that, upon acceleration by the Trustee of the principal amount of all related outstanding Revenue Bonds under the Trust Indenture, the Trustee may demand the mandatory redemption of the Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The Supplemental Indenture will also provide that, upon the optional redemption of the Revenue Bonds, in whole or in part, at any time after they have been outstanding for 10 years, an equal principal amount of the Collateral Bonds will be redeemed at an initial premium of 3 percent declining by 0.5 percent every year. It is stated that because interest accrues in respect of the Collateral Bonds until satisfied by payments under the Note, "annual interest charges" in respect of the Collateral Bonds will be included in computing the "interest earnings requirement" of the Mortgage which restrict the amount of first mortgage Bonds which may be issued and sold to the public in relation to Georgia's net earnings. The Collateral bonds will be issued on the basis of unfunded net property additions. The Trust Indenture will further provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the related Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of such outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the the Trustee will be obligated to deliver to Georgia, or for the account of Georgia, Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of such Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

It is contemplated that the Revenue Bonds will be sold by the Authorities pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be fixed by the Boards of Directors of the Authorities. While Georgia will not be party to the underwriting arrangements for the Revenue Bonds, such arrangements will provide that the terms of the Revenue Bonds and their sale by the Authorities shall be satisfactory to Georgia. Bond counsel will issue an opinion that interest on the Revenue Bonds will be exempt from Federal income taxation. Georgia has been advised that the interest rates on obligations, interest on which is so tax exempt, historically have been, and can be expected at the time of issue of the Revenue Bonds to be, 1½ percent to 2½ percent lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to Federal income taxation.

It is stated that the fees, commissions, and expenses to be paid or incurred, directly or indirectly, in connection with the proposed issuance of the Notes and Collateral Bonds (as distinguished from and excluding fees, commissions, and expenses incurred or to be incurred in connection with the sale of the Revenue Bonds by the Authorities payable out of the proceeds of such sales and in connection with the determination of the tax status of the Revenue Bonds) will be filed by amendment. It is further stated that the issuance of the Collateral Bonds, the borrowings under the Agreements, and the issuance of the Notes in respect thereof will have been expressly authorized by the Georgia Public Service Commission and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Georgia has requested a finding of the Commission that competitive bidding is inappropriate under the circumstances inasmuch as the Notes and Collateral Bonds are to be issued and pledged solely to evidence and secure Georgia's obligations to the Authorities and no public offering by Georgia of the notes and Collateral Bonds is to be made.

Notice is further given that any interested person may, not later than November 6, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-29780 Filed 10-20-78; 8:45 am]

[8010-01-M]

[Rel. No. 10435; 812-4362]

NEW YORK MUNICIPAL TRUST, SERIES 1 (AND SUBSEQUENT SERIES) AND BEAR, STEARNS & CO.

Filing of Application Requesting an Order Granting Exemption

OCTOBER 12, 1978.

Notice is hereby given that New York Municipal Trust, Series 1 (and Subsequent Series) ("Trust"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and its sponsor, Bear, Stearns & Co. ("Sponsor") (collectively, "Applicants"), 55 Water Street, New York, N.Y., 10041, have filed an application on August 31, 1978, and an amendment thereto on October 11, 1978, requesting an order, pursuant to section 6(c) of the Act, exempting Series 1 of the Trust, and subsequent series thereof, from the provisions of sections 14(a) and 22(d) of the Act and Rules 19b-1 and 22c-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the various series of the Trust will be created under the laws of New York pursuant to a separate trust Agreement for each such series, under which the Bradford Trust Co. shall act as Trustee, the Sponsor shall act as such, and Standard and Poors Corp. shall act as evaluator. Each Agreement will contain standard terms and conditions of trust common to Series 1 and all subsequent series (collectively "Series"), and each Agreement will be executed and delivered on or before the time the registration statement filed pursuant to the Securities Act of 1933 becomes effective for each Series.

The application states that, pursuant to each Agreement, the Sponsor will deposit with the Trustee Debt Obligations which the Sponsor shall have accumulated for such purpose, in a principal amount at least equal to the aggregate offering price of the units ("Units") of the Series to be offered. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for the Units, which will represent the entire ownership of the Series. The Sponsor will then offer the Units for sale to the public. Series 1 will consist of debt obligations in a principal amount of at least $10,000,000, which will be deposited with the Trustee in exchange for 10,000 Units of Series 1.

According to the Applicants, the Debt Obligations will not be pledged or in any manner subjected to any debt at any time after the Debt Obligations are deposited in the Trust, with the exception of the lien of the Trustee as security for certain liabilities as set forth in the Agreement. The Applicants state that the Debt Obligations will be long-term, interest-bearing debt obligations, the interest on which will be exempt from Federal income taxation. The application further states that each Series will consist of Debt Obligations, such Debt Obligations as may have been acquired in exchange or substitution for Debt Obligations upon certain refunding, accrued and undistributed interest and undistributed cash. Certain of the Debt Obligations may from time to time be sold under the special circumstances set forth in the Agreement, or may be redeemed or may mature in accordance with their terms. Under certain circumstances, according to the application, where the Sponsor believes that the retention of certain Debt Obligations may be detrimental to any Series, such as a default in the payment of principal or interest, the Sponsor may direct the Trustee to dispose of such Debt Obligation. In such cases, the proceeds therefrom will be distributed to the Unitholders and may not be reinvested.

According to the Application, each Unit of a Series will represent a fractional undivided interest in such Series. Units will remain outstanding until redeemed or until the termination of the Agreement. The application states that the Agreement, with respect to any particular Series, may be terminated (1) by agreement of 100 percent of the holders of the then outstanding Units of such Series, or (2) if the value of the Debt Obligations in a particular Series falls below 40 percent of the aggregate principal amount of the Debt Obligations orginally deposited in such Series, upon direction of the Sponsor to the Trustee: Provided, however, that in no event shall a Series continue beyond the earlier of the disposition of the last Debt Obligation in the Series or the end of the calendar year preceeding the 50th anniversary of the Series.

The Applicants assert that following the deposit of Debt Obligations in the Series by the Sponsor with the Trustee, and following the effectiveness of a Series' registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various states, the Sponsor intends to offer the Units to the public at the public offering price set forth in the prospectus for such Series, plus a sales charge of 4½ percent. The Applicants further state that, during the initial offering period of each Series, a purchaser of 100 or more Units will be entitled to a discount of $5 per Unit from the public offering price. According to the application, the Sponsor, while under no obligation to do so, intends to maintain a market for the Units and continuously to offer to purchase such Units at prices in excess of the redemption price as set forth in the Agreement. Applicants assert that, absent such a market, Unitholders may be able to dispose of their Units only by redemption to the Trustee.

SECTION 14(a)

Section 14(a) of the act provides, in part, that no registered investment company and no principal underwriter for such company, shall make a public offering of securities of which such company is the issuer, unless (1) the company has a net worth of at least $100,000; (2) such company has previously made a public offering of its securities, and at the time of such offering had a net worth of at least $100,000; or (3) provision is made in connection with registration of such securities under the Securities Act of 1933 that such company will obtain a net worth of at least $100,000 from not more than 25 responsible persons within 90 days of the effective date of such registration, and that, otherwise, the entire proceeds received by such company shall be refunded to any subscriber, including any sales load, on demand and without any deduction.

Applicants request an order, pursuant to section 6(c) of the Act, exempting each Series from compliance with the provisions of section 14(a) of the Act. In support of the requested exemption, Applicants represent that the Sponsor agrees to: (1) Refund the sales load to purchasers of Units in any Series if, within 90 days of the effective date of the registration under the Securities Act of 1933, the net worth of such Series is reduced to less than $100,000 or if such Series is terminated; (2) instruct the Trustee, on the date of deposit of the Debt Obligations in any Series, that if such Series shall at any time have a net worth of less than 40 percent of the aggregate principal amount of the Debt Obligations originally deposited in such Series as a result of Sponsor redemption of unsold Units of such Series the Trustee shall terminate such Series in the manner provided in the Agreement with respect to such Series and distribute any Debt Obligations or other assets deposited with the Trustee pursuant to such Agreement as provided therein; and (3) in event of termination for the reasons described in (2) above, to refund any sales load to

any purchaser of Units purchased from the Sponsor. Such refund shall be made directly by the Sponsor or any underwriter of the Units, without deduction to each Unitholder at his address appearing in the Trustee's registration books.

SECTION 22(d)

The Applicants propose to afford Unitholders of each Series the option automatically to reinvest income and principal distributions into Units of Series to be issued in the future ("Future Series") or, if no Future Series is available, into Units of a previously formed Series which have been purchased by the Sponsor in the secondary market and with respect to which the Sponsor has a currently effective registration statement ("Secondary Series") (Future Series and Secondary Series referred to, collectively, as "Available Series"), such reinvestment to be made at a reduced sales charge. Applicants propose to offer such option ("Plan") to only those Unitholders who elect to receive semi-annual distributions of principal and interest. Under Applicants' proposal, a Unitholder will be able to join the Plan at any time by delivering an authorization form to the Trustee; a participant may withdraw from the Plan at any time upon written notice to the Trustee. Once delivered to the Trustee, the authorization form will constitute a valid election to participate in the Plan with respect to all Units purchased in the Series (and with respect to Plan Units purchased with the distributions from the Units purchased in such Series) for each distribution as long as the Unitholder continues to participate in the Plan.

According to the application, each Plan participant will have his interest and principal distributions reinvested on each semi-annual Payment Date in Units of the other currently Available Series. Applicants state that the Sponsor intends that an Available Series will be offered on or about each semi-annual Record Date, which shall be June 1 and December 1 of each year. If (a) the Sponsor does not have a currently effective Available Series on any Payment Date or (b) the Available Series materially differs from the Trust in the opinion of the Sponsor, then the Sponsor intends to suspend the Plan and distribute to each participant his regular semi-annual distribution. If the Plan is so suspended, it will resume with the next semi-annual Payment Date. The application further states that, on or about each semi-annual Record Date, a current Prospectus relating to the Available Series will be mailed to each Plan participant along with a letter reminding each participant that Plan Units are being purchased for him unless he notifies the Trustee by the Payment Date that he no longer wishes to participate in the Plan or the transaction. Applicants state that if a Future Series has not been declared effective in sufficient time to distribute final prospectuses, and a then currently effective Secondary Series is not available, the Plan will be suspended with respect to that Payment Date and recommenced with the next Payment Date. In such case the participant would receive his normal cash distribution. The application further states that both the Sponsor and the Trustee reserve the right to suspend, modify or terminate the Plan at any time and that notice of such action will be given to each participant.

Applicants state that, under the Plan, fractional Units will be purchased from the Sponsor at a price equal to the aggregate offering price per Unit of the Debt Obligations in the Available Series portfolio divided by 100, plus a sales charge equal to 3.627 percent of the offering side evaluation of such Debt Obligations (or 3½ percent of the offering price per Plan Unit), plus accrued interest, rather than the 4½ percent sales load which is applied to all primary and secondary sales of Units in each Series.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or to the issuer except at a current public offering price described in the prospectus.

Applicants request an order pursuant to section 6(c) of the Act exempting the Plan offered with respect to each Series from the provisions of section 22(d) of the Act. In support of their request, Applicants assert that applying a sales charge for Plan purchases at less than the customary 4½ percent charge is both beneficial to Plan participants and warranted in light of the related cost savings. Applicants state that approximately 3 percent of the customary 4½ sales charge is attributable to the efforts of the initial soliciting broker. Since each Available Series will be substantially similar to the Series initially purchased by the participant, except for the exact make-up of the bond portfolio, selling and counselling effort is reduced. The Applicants assert that the participant may seek professional advice from his broker with respect to participation in any particular Available Series. They also assert that a charge of 1½ percent of the price per Plan Unit is a reasonable and justifiable expense to be allocated by the Sponsor to the soliciting broker for his professional assistance to a participant in connection with each Available Series. For this purpose, a participant may designate the broker entitled to receive such commission. If no broker is so designated, the Sponsor will retain the commission. Applicants further assert that implementation and continuation of the Plan will create special out-of-pocket costs which should be borne by the Plan participants, and that the sponsor believes that such out-of-pocket expenses will amount to 1 percent of the price per Plan Unit. Applicants further state that prior experience indicated that the out-of-pocket costs of establishing each Series will represent approximately 1 percent of the public offering price of the Units of the Available Series. Applicants represent that all such costs will be covered in the proposed 3½ percent sales charge. Thus, Applicants conclude that the proposed 3½ percent sales charge for Plan purchases not only passes through certain cost savings to Plan participants but also charges such persons for reasonable expenses related to the creation of the Plan, and for fees relating to periodic, professional financial advice.

RULE 19b-1

Rule 19b-1(a) promulgated under the Act provides, in pertinent part, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code of 1954 shall distribute more that one capital gain distribution per taxable year. Rule 19b-1(b) contains a similar prohibition for a company not a "regulated investment company", but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after such receipt.

According to the application, distributions of interest to Unitholders of the various Series will be either monthly or semiannually, depending on the distribution Plan selected by the participant. Distributions of principal, if any, will be made semiannually. Applicants state that distributions of principal containing capital gains may occur in two instances: (1) When an issuer calls or redeems an issue in the portfolio, and (2) when Units are redeemed by the Trustee and Debt Obligations are sold to provide the funds necessary for redemption. In such instances, the Applicants assert that a Unitholder may receive funds

constituting capital gains, since, in some cases, the Debt Obligations sold may have appreciated since their initial deposit in the Series. Applicants anticipate that no capital gains will arise from the sale of Debt Obligations which may occur upon default on payment of principal or interest, or the occurrence of other factors which in the opinion of the Sponsor would make the retention of such Debt Obligations detrimental to the Series.

Applicants request an order, pursuant to section 6(c) of the Act, exempting the Series from the provisions of Rule 19b-1 under the Act. In support of their request, Applicants assert that the purpose, in part, of Rule 19b-1(b) is to avoid forcing unit investment trusts to accumulate valid distributions throughout the year and distribute them only at year end, and that the operations of the Trust are squarely within the purpose of such provisions. Applicants further assert that the dangers against which Rule 19b-1 was intended to guard do not exist in the situation at hand since neither the Sponsor nor the Trustee can directly control the events which might trigger capital gains. In addition, Applicants state that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and the nature of such distributions are clearly indicated in accompanying reports to Unitholders.

RULE 22c-1

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or receipt of an order to purchase or sell such security.

The Applicants state that following the initial offering period, the Sponsor intends to offer to purchase and sell Units in the secondary market at prices based on the offering side evaluation of the Debt Obligations in each Series, determined on the last business day of each week, effective for all purchases and sales made during the following week. Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect any Series' assets, and the public Unitholders will benefit from such pricing procedure by receiving a normally higher repurchase price for their Units without the cost of daily evaluation of the Units' redemption value. In addition, Applicants state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days based on both the offer and bid prices of the Debt Obligations. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's offering price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Applicants further assert that, in order to protect itself against a decline in the current offering prices of the Debt Obligations, the Sponsor may, in its sole discretion, order a full evaluation in the event the previous Friday's offering price is higher than the current offering price. The Sponsor further agrees, in the case of a resale of Units in the secondary market, that if the Evaluator cannot state that the previous Friday's offering price is not more than one-half point ($5 on a Unit representing $1,000 principal amount of underlying Debt Obligations) greater than the current offering price, a full evaluation will be ordered. The application further states that each Series will bear the costs of its weekly evaluation, that the Sponsor will bear the costs of each full evaluation ordered pursuant to the conditions set forth in this paragraph.

Applicants request, pursuant to section 6(c) of the Act, an order exempting them from the provisions of Rule 22c-1 to the extent it might otherwise apply to the aforedescribed secondary market activities of the Sponsor. In support thereof, the Applicants contend that Rule 22c-1 has two purposes: (1) To eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption, or repurchase of such securities at prices other than their current net asset values, and (2) to minimize speculation in the securities of registered investment companies. The Applicants state that the secondary market activities of the Sponsor and the manner for the acquisition by investors of Units in the secondary market may be deemed to violate Rule 22c-1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c-1 will not be offended by the Sponsor's secondary market activities. According to the Applicants, only those investors who purchase Units in the secondary market at a price which is higher than the current offering price by one-half point or less may be deemed to suffer any detriment from the lack of daily pricing. However, Applicants assert that such detriment would be offset by the lower cost burden to each Series of having evaluations made on a weekly, rather than daily, basis. Applicants assert that the pricing of Units by the Sponsor in the secondary market will in no way dilute the assets of a Series and that Unitholders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their Units than they could by redeeming their Units at the current net asset value. According to the Applicants, this will be accomplished without the cost burden to the Series of daily price evaluations of the Unit redemption price. In addition, the Applicants contend that speculation in the Units of any Series is unlikely in that weekly price changes are limited in the type of Debt Obligations which will be held in the Trust.

Applicants finally assert that in order to avoid the Sponsor's receiving more than the specified sales charge on the resale of Units, the Sponsor undertakes not to resell any Units (including resales to the Plan) which it may repurchase at a price below the offering side evaluation of the Debt Obligations in any Series.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 3, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including

the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-29782 Filed 10-20-78; 8:45 am]

[8010-01-M]

[Release No. 10429; 812-4350]

NUVEEN MUNICIPAL BOND FUND, INC. AND NUVEEN ADVISORY CORP.

Filing of an Application for an Order Exempting a Proposed Exchange of Shares

OCTOBER 10, 1978.

Notice is hereby given that Nuveen Municipal Bond Fund, Inc. (the "Fund"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Nuveen Advisory Corp. ("Nuveen"), 230 W. Monroe Street, Chicago, Illinois 60606, investment adviser to the Fund (collectively referred to as "Applicants"), filed an application on August 17, 1978, and amendments thereto on September 1, 1978, September 21, 1978, and October 6, 1978, for an order of the Commission pursuant to section 6(c) of the Act exempting from the provisions of section 22(c), Rule 22c-1 thereunder, and section 22(d) of the Act, a proposed exchange of Fund shares at net asset value without a sales charge and at a price other than the price next determined after receipt of a purchase order for substantially all the assets of EDEV Corporation ("EDEV"), a personal holding company; and for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting an agreement between the Fund and Nuveen calling for the Fund and Nuveen each to bear one-half of the Fund's out-of-pocket expenses related to the proposed exchange, up to a maximum of $10,000, and for all additional out-of-pocket expenses of the Fund and all other expenses connected with the exchange to be borne by Nuveen. All interested persons are referred to the application on file with the Commission for statement of the representations contained therein, which are summarized below.

The Fund's shares are currently being offered by John Nuveen & Co. Inc. ("John Nuveen & Co."), its principal underwriter, for sale to dealers who in turn resell them to the public at public offering prices consisting of the net asset value per share plus varying sales charges described in the Fund's current prospectus. Nuveen is an investment adviser registered with the Commission under the Investment Advisers Act of 1940. Since Nuveen acts as the investment adviser to the Fund, it is an affiliated person of the Fund as defined in section 2(a)(3)(E) of the Act.

Based upon representations made by or for EDEV, the Applicants represent that EDEV is a corporation organized and existing under the laws of Delaware. Its common stock, which is its only class of securities outstanding, is held of record by one individual. The Fund represents that there is no connection between it and EDEV, no affiliated person of EDEV is an affiliated person of the Fund, and no affiliated person of the Fund is an affiliated person of EDEV.

The Applicants state that the Fund and EDEV have entered into an Agreement and Plan of Reorganization (the "Agreement") which provides for the transfer of substantially all of the securities owned by EDEV (which securities had a market value of $1,314,828 on July 31, 1978) to the Fund in exchange for shares of common stock of the Fund. The shares of the Fund are to be acquired at net asset value without a sales charge. Pursuant to the Agreement, Fund shares having an aggregate net asset value equal to the value of EDEV's assets to be acquired shall be issued in exchange therefor (the number of shares to be determined by dividing the aggregate value of EDEV's net assets to be acquired by the net asset value per share of the Fund). The net asset value per share of the Fund and the value of the net assets of EDEV to acquired by the Fund will be determined as of the close of business on the business day next preceding the Closing Date. The actual exchange of EDEV's assets for shares of the Fund will take place on the Closing Date. If the valuation under the Agreement had taken place at the close of business on July 31, 1978, approximately 148,209 shares having a net asset value of $9.31 each of the Fund would have been issued for substantially all of the assets of EDEV having an aggregate value of $1,379,828 as of that date. The Fund currently expects to sell approximately $335,000 (about 24 percent) of the securities proposed to be acquired from EDEV within a relatively short period after their acquisition.

The Agreement also provides for the retention by EDEV of an amount of cash and/or securities not to exceed 10 percent of its net assets as of the Closing Date to cover its expneses related to the above proposed transaction and any liabilities it may have outstanding. The Agreement further provides that, to the extent these expenses and liabilities are less than the amount of cash and/or securities so withheld, EDEV will distribute all of its remaining assets to its sole stockholder in full and complete liquidation and shall thereupon dissolve. The Agreement provides that the Fund and EDEV recognize and agree that the Fund shares received by EDEV will be distributed to the stockholder as part of such complete liquidation. Under the terms of the Agreement, John Nuveen & Co., has agreed to pay a finder's fee to a third party, and EDEV is paying a financial consultant fee to said party, for services rendered in connection with the proposed transaction. Applicants assert that to their knowledge neither the Fund, John Nuveen & Co., or EDEV is affiliated with the party receiving such compensation or any affiliated person thereof. No portion of the fees for such services will be paid by the Applicants either directly or indirectly.

It is a condition to the obligations of the Fund and EDEV under the Agreement that, prior to the exchange of EDEV assets for Fund shares, EDEV shall have received a written ruling from the Internal Revenue Service satisfactory to counsel for EDEV in form and substance or an opinion from EDEV's counsel to the effect that the transfer of the assets of EDEV in exchange for Fund shares will constitute a reorganization within the meaning of section 368(a)(1)(C) of the Internal Revenue Code, and no gain or loss will be recognized to EDEV or its stockholder as a consequence of such reorganization. This condition may, however, be waived by EDEV's Board of Directors. The application states that as of May 31, 1978, the Federal tax cost basis of the EDEV securities which are proposed to be transferred was $1,485,649, and their market value was $1,381,000. On that date Federal tax cost basis and market value of the Fund's portfolio were $53,757,059 and $51,875,340, respectively.

The proposed transaction will be accounted for as a purchase transaction and the Fund will record the market value of EDEV's securities as its basis for cost, and thus will not recognize any unrealized appreciation or depreciation on the transaction. The proportion of unrealized appreciation of the assets of the Fund is greater than such appreciation of the EDEV assets to be transferred. In addition, the Fund states that it will not recognize a material capital loss carryforward from the transaction, since under the Internal Revenue Code, EDEV's approximately $10,000 of capital loss carryforward will be reduced by 5 percent for each percentage point that the EDEV assets is less than 20 percent of the combined Fund-EDEV assets. Accordingly, the Directors of the Fund have determined that no adjustment to the EDEV assets need be made to protect the Fund's shareholders against possible tax liability resulting

from the eventual disposition by the Fund of EDEV's assets, and that a net asset value exchange is appropriate under the circumstances.

For the above reasons, it is anticipated that the transaction will have no adverse impact on the Fund.

Section 22(c) of the Act and Rule 22c-1 thereunder taken together provide, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such security which is next computed as of the close of trading on the New York Stock Exchange next following receipt of an order to purchase such security.

Section 22(d) of the Act provides, in pertinent part, that a registered investment company may sell redeemable securities issued by such company only at the current public offering price described in the prospectus. The current public offering price of shares of the Fund as described in its prospectus is net asset value plus a sales charge.

The Applicants further state that without an exemption from section 22(c), Rule 22c-1 thereunder, and section 22(d) of the Act, the Fund would be prohibited from: (a) Exchanging its shares at net asset value without a sales charge for substantially all of the assets of EDEV, and (b) effecting the proposed exchange transaction on the Closing Date based on the market value of the assets of EDEV to be transferred and net asset value per share of the Fund, both determined as of the valuation time which is the close of business on the last business day immediately preceding the Closing Date. Because the Closing Date and the Valuation Date will be fixed in advance, and in view of the short time span involved, the Applicants assert that the possible abuses at which Rule 22c-1 is directed will not exist.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Applicants represent that they consider the proposed exchange of shares to be at a fair price, arrived at by arms-length bargaining, and believe that granting of the requested exemption from the provisions of section 22(c), Rule 22c-1 thereunder and section 22(d) of the Act is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that the proposed acquisition will be beneficial to the shareholders of the Fund for the following reasons:

(1) Those expenses of the Fund which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares, and therefore will be a smaller amount per share to the existing shareholders;

(2) The proposed exchange of shares will enable the Fund to acquire at one time additional securities for its existing portfolio without affecting the market in such securities; and

(3) Even after offsetting transaction costs involved in disposition of securities which the Fund does not expect to retain for any significant period after completion of the proposed exchange of shares, the transfer of portfolio securities to be retained pursuant to the proposed acquisition will cause the Fund less expense than the purchase of securities of the same issuers in the open market.

The Applicants have also agreed to a proposal calling for the fund's out-of-pocket expenses related to the above proposed exchange of shares to be borne; up to a maximum of $10,000, one-half by the Fund and one-half by Nuveen, and for all additional out-of-pocket expenses of the Fund and all other expenses connected with the exchange to be borne by Nuveen. For purposes of this proposal, the Fund's out-of-pocket expenses shall include legal and accounting fees and the filing fees associated with this application, but shall not include State and Federal registration fees applicable to shares of the Fund to be issued pursuant to the Agreement. Under the Agreement, the Fund would bear $5,000 of these out-of-pocket expenses and Nuveen would bear the balance. The Fund further notes that although such expenses are properly allocable to it and that the Fund will, therefore, bear such costs directly, the expenses will, in effect, be borne by Nuveen. This result arises from the fact that Nuveen has agreed to waive, at least until May 1, 1979, its management fee and assume certain expenses of the Fund, so as to limit until that time the ratio of expenses incurred by the Fund (including the management fee) to average net assets to an annual rate of .75 of 1 percent. Since the Fund's expenses are currently in excess of a level which would produce the agreed upon ratio, Nuveen is assuming such expenses in order to limit the ratio to the agreed upon level. Thus, although the Fund will bear such costs directly, they will ultimately be assumed by Nuveen pursuant to the terms of the above expense limitation agreement between the Fund and Nuveen.

Because this Agreement may be deemed to be a joint and several transaction between the Fund and an affiliated person thereof, the Applicants state that an order pursuant to the provisions of Rule 17d-1 under the Act approving the terms of the Agreement may be necessary.

As noted above, the Applicants have determined that the Fund will benefit from the proposed exchange of shares both from a spreading of fixed expenses over a broader asset base and because of the opportunity to obtain portfolio securities at reduced acquisition costs. On this basis, the directors of the Fund (including a majority of the disinterested directors) concluded that the Fund could properly bear all of the expenses related to the proposed exchange of shares. This being the case, the directors of the Fund (including a majority of the disinterested directors) concluded that an arrangement whereby the Fund would bear only part of such expenses, with a maximum exposure of $5,000, was entirely appropriate.

Rule 17d-1, adopted by the Commission pursuant to section 17(d) of the Act, provides in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The Fund represents that its management believes that granting of the application and the issuance of the requested section 17 order would be consistent with the provisions, policies, and purposes of the Act and that, to the extent that the participation of the Fund is different from that of

Nuveen, it is more advantageous than Nuveen's participation because any expenses in excess of $10,000 will be borne by Nuveen.

Notice is further given that any interested person may, not later than November 6, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-29783 Filed 10-20-78; 8:45 am]

[4910-13-M]

FAA/NASA WORKSHOP ON WAKE VORTEX ALLEVIATION AND AVOIDANCE

Joint FAA/NASA Conference

The purpose of this notice is to announce a joint Federal Aviation Administration (FAA)/National Aeronautics and Space Administration (NASA) workshop on Wake Vortex Alleviation and Avoidance to be hosted by the Department of Transportation's Transportation Systems Center. This 2-day conference will commence at 9 a.m. on November 28, 1978, at the Transportation Systems Center, 55 Broadway, Cambridge, Mass. The meeting will be open to the public and no advance registration is required.

Capacity restrictions have resulted from the increased longitudinal spacing required for safely separating aircraft from wake vortices. The National Aviation System needs to regain this lost capacity, as well as to further increase its capacity, by decreasing separation standards below those required today. The highest priority program for pursuing this type of capacity increase is the alleviation and avoidance of wake vortices in the terminal area. The purpose of this conference is (1) to make clear that significant system payoff potential exists for reducing longitudinal separation in the terminal area and to describe various methods being considered to accomplish this, (2) to insure that the aviation community is made aware of all wake vortex efforts that are planned or underway, (3) to thoroughly discuss the operational, safety, and economic implications of wake vortex alleviation and avoidance, and (4) to gain advice from the using community as to the emphasis and priority of the program and solicit further ideas for solving the wake vortex problem. Participants will receive government and industry briefings, and then participate in workshops. The objective of the workshops will be to deliver reports to the conference co-chairman prior to the end of the second day with program recommendations coming in three areas; (1) wake vortex alleviation at the source, (2) development of wake vortex avoidance systems on the ground, and (3) operational and safety procedures and regulations. It is not expected that full response will be provided at the conference. Workshop participants will have the opportunity to subsequently submit detailed comments to NASA and FAA within 2 months after the conference for inclusion in the final report.

Requests for the conference agenda or to receive other information should be sent to: Transportation Systems Center, Office of Air and Marine Systems, attention: DTS-521, 55 Broadway, Cambridge, Mass. 02142; or by telephoning: 617-494-2181.

Issued in Washington, D.C., on October 13, 1978.

A. P. ALBRECHT,
Acting Associate Administrator for Engineering and Development.

[FR Doc. 78-29774 Filed 10-20-78; 8:45 am]

[4910-13-M]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held November 15, 1978, Sheraton National Motor Hotel South Ballroom, Arlington, Va., commencing at 2 p.m. The Agenda for this meeting is as follows; (1) Chairman's introductory remarks; (2) summary report of special committee activities for the past year; (3) review of initiatives related to international cooperation; (4) informal exchange of views on RTCA standards and their use in regulations, and (5) other business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202-296-0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on October 16, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-29773 Filed 10-20-78; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

STATE PARTICIPATION PROGRAM

Participation During Fiscal Year 1978

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of certification and agreement.

SUMMARY: The Federal Railroad Administration (FRA) has certified or entered into agreements with certain States to permit their participation in investigative and surveillance activities prescribed by the Administrator of the FRA as necessary for the enforcement by the Administrator of rules, regulations, orders, and standards issued under the authority of the Federal Railroad Safety Act of 1970, 45 U.S.C. 421 et seq.

FOR FURTHER INFORMATION CONTACT:

Ms. Ann Cook, Office of State Assistance Programs, Federal Railroad Administration, 202-426-1510.

SUPPLEMENTARY INFORMATION: In accordance with 49 CFR 212.21, the following table lists separately for the track and equipment inspection programs each State that has obtained agreement, certification, or full certification under 49 CFR Part 212, the number of inspectors or trainees, and the effective date of such agreement or certification.

State	Number of inspectors/ trainees	Participation	Effective date
Track Safety Standards (49 CFR Part 213)			
Alabama	1	Certification	Oct. 1, 1977.
Arizona	1	Full certification	Do.
Connecticut	1*	Agreement	Mar. 22, 1978.
Illinois	3	do	Oct. 1, 1977.
Indiana	1	do	Do.
Iowa	3	Full certification	Do.
Kansas	1*	Agreement	May 9, 1978.
Maryland	1	do	Oct. 1, 1977.
Maine	2*	do	May 4, 1978.
Michigan	3	Certification	Oct. 1, 1977.
Minnesota	2	Agreement	Do.
Missouri	3—1*	do	Do.
Nebraska	1	do	Oct. 1, 1978.
New Hampshire	1*	do	Do.
New York	3	do	Do.
North Carolina	1*	do	May 26, 1978.
Ohio	3—2*	do	Oct. 1, 1977.
Oregon	2	Full certification	Do.
Pennsylvania	3	Certification	Do.
Rhode Island	1*	Agreement	Aug. 1, 1978.
Utah	1	do	May 24, 1978.
Vermont	2	do	Oct. 1, 1977.
Washington	2	Full certification	Do.
West Virginia	2	Agreement	May 1, 1978.
Railroad Freight Car Safety Standards (49 CFR Part 215)			
Alabama	2	Certification	Oct. 1, 1977.
Arizona	1	Full certification	Do.
Massachusetts	1	Certification	May 4, 1978.
Maryland	1	Full certification	Oct. 1, 1977.
Michigan	1	Certification	Mar. 1, 1978.
New York	4	Agreement	May 26, 1978.
North Carolina	1*	do	Do.
Ohio	1	do	Oct. 1, 1977.
Oregon	1	Full certification	Do.
Pennsylvania	4	do	Do.
Utah	1*	Agreement	Mar. 23, 1978.
Washington	2	Full certification	Oct. 1, 1977.
West Virginia	2	do	Do.

*Denotes trainee.

(Secs. 202 and 206 of the Federal Railroad Safety Act of 1970. 84 Stat. 971, 45 U.S.C. 421 et seq.; 49 CFR sec. 212.21; and 49 CFR 1.49(n).)

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

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-29702 Filed 10-20-78; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[Docket No. EX78-4; Notice 2]

MARATHON ELECTRIC VEHICLES, INC.

Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Marathon Electric Vehicles, Inc. of the District of Columbia for a temporary exemption from compliance with several Federal motor vehicle safety standards on the basis that an exemption would facilitate the development and field evaluation of a low-emmission vehicle.

Notice of receipt of this petition was published on June 26, 1978, and an opportunity afforded for comment. (43 FR 27630)

Petitioner is the recently established American Subsidiary of Marathon Electric Co. Ltd. of Montreal, Canada. The parent company was formed in 1969 to manufacture and sell electric golf carts. The company has under development the C-300 electric utility vehicle, and tested five prototypes in 1976 and 1977. In 1978 it intends to produce for delivery 25 C-300's which "will help create the base for the testing and marketing effort in coming years." Marathon believes that the primary market for its vehicles is in both off and on road applications that do not require a high speed, high cost internal combustion engine.

Marathon asked for exemption from the following standards for the reasons given: Standard No. 205, *Glazing Materials.* The rear window is composed of a plastic material that is less resistant to abrasion than materials that comply with test Nos. 16, 22, and 23 or 24 of ANS Z26. materials that meet Standard No. 205 are said to be in short supply but the company expects the shortage to end before expiration of the exemption. Standard No. 208, *Occupant Crash Protection.* The company requires an exemption from S7.3a, the requirement for a seat belt warning system, though "efforts are currently underway to design an electrical system incorporating such a warning system * * *." Standard No. 219, *Windshield Zone Intrusion.* The company is uncertain whether it meets the requirements of the standard. However, since the hood does not reach to the windshield, "it would not penetrate the windshield safety zone as defined by the regulation so long as the hinges didn't disintegrate." Standard No. 301-75, *Fuel System Integrity.* The C-300 is equipped with a gasoline heater as optional equipment, and the company has not conducted barrier impact tests on any of the five vehicles it has produced to date to determine conformance status.

The company argued that an exemption would not unduly degrade the safety of the vehicle. Visibility through the rear window "is not appreciably worse than through a window of the conforming material." The C-300 has a canvas top and the rear window can be unzipped. Much of the vehicle's operation will be off-road and at low speeds.

The C-300 "possesses significant electrical and mechanical innovations which set it apart from all other electric-powered vehicles," basically in the efficiency and economy with which the electric power from the batteries is utilized. To evaluate its unique transmission and other components, Marathon believes that it must test its vehicles in a variety of physical and work environments. Therefore, in the company's view, an exemption would facilitate the development and field evaluation of this vehicle.

No comments were received on the petition.

The statutory requirements for an exemption granted pursuant to 15 U.S.C. 1410 (a)(1)(C) and (a)(2), is that it would facilitate the development and field evaluation of a low-emission motor vehicle and would not unreasonably degrade its safety, and that it would be consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act. It appears to NHTSA from its production figures that the Marathon is still in a prototype stage with respect to its electrical and mechanical innovations, and that an exemption would allow field evaluation of it and facilitate its further development.

NHTSA understands that the vehicle is under study by the U.S. Park Service; for that reason, and the national policy of exploring alternatives to the internal combustion engine as well, NHTSA has decided that an exemption is in the public interest. Because of Marathon's low volume of production and its apparent general conformance with the Federal safety standards, NHTSA also finds that an exemption is consistent with the agency's mission to reduce traffic injuries and deaths.

With respect to the finding that an exemption would not unduly degrade the safety of the vehicle, it is apparent that the intent of Congress in providing in providing this exemption authority was to balance the need for vehicle safety against another social benefit, the necessity to encourage vehicle propulsion systems producing minimal pollutants, and to conclude that some degradation of safety was allowable as long as it was not, in the agency's judgment, unreasonable. With respect to Standard Nos. 219 *Windshield Zone Intrusion* and 301-75 *Fuel System Intergrity* the agency has concluded that a 2-year exemption would be reasonable, and would afford the time to conduct tests and make the changes necessary for conformance. With respect to Standard No. 205 *Glazing Materials*, the supply problem appears temporary, and a 1-year exemption will encourage the company to improve rear visibility at an early date. Because of the emphasis that the agency places on passenger restraint systems, it also believes that a 1-year exemption from Standard No. 208 *Occupant Crash Protection* will encourage Marathon to incorporate a seatbelt warning system in the relatively near future.

In consideration of the foregoing Marathon Electric Vehicles, Inc. is hereby granted NHTSA Exemption No. 78-4 from 49 CFR 571.205 motor Vehicle Safety Standard No. 205 and S7.3a of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208, expiring September 1, 1979, and from 49 CFR 571.219 Motor Vehicle Safety Standard No. 219, and 49 CFR 571.301-375 Motor Vehicle Safety Standard No. 301-75, expiring September 1, 1980.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50.)

Issued on October 16, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-29603 Filed 10-20-78; 8:45 am]

[4910-59-M]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Safe Utilization of Commercial Vehicles Task Force. This meeting will be held on November 8 and 9, 1978, at the California Highway Patrol Police Academy, 3500 Reed Avenue, Bryte, Calif.

The task force will be discussing issues related to the safe utilization of commercial vehicles.

Attendance is open to the interested public but limited to the space available. Since these meetings will be taking place at a restricted facility, the public will be required to sign in and receive a pass and instructions to the appropriate classroom. All meetings will start at 9 a.m. With the approval of the chairperson, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., 20590, telephone 202-426-2872.

Issued in Washington, D.C., on October 16, 1978.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-29580 Filed 10-20-78; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[Docket No. IP77-17; Notice 2]

AMERICAN HONDA MOTOR CO., INC.

Grant of Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by American Honda Motor Co., Inc., of Gardena, Calif., to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act for a noncompliance with 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, *Control Location, Identification, and Illumination.* 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 December 1, 1977 (42 FR 61106) and an opportunity afforded for comment.

Paragraph S4.2.1 of Standard No. 101 requires that the hazard warning switch control be identified by the word "Hazard," and may, in addition, be identified by a symbol shown in table 1 of the standard. Honda identified the control with the symbol only, failing to use the word "Hazard" on approximately 82,000 Accords manufactured in model years 1976 and 1977. The company stated that it has had no owner complaints about the noncompliance, and that the control was identified in the owner's manual. Finally, in further support of its petition, Honda cited the agency's determination that an identical noncompliance by Toyota had an inconsequential relationship to motor vehicle safety (Docket IP75-2, 42 FR 5173).

One comment was received on the petition which supported it. The commenter, a Honda owner, stated that he and his wife knew the purpose of the switch "immediately" and that he would probably not subject himself to the inconvenience of taking his car in for modification.

Since notice of Honda's petition was published, NHTSA has amended Standard No. 101 to allow the hazard warning signal control, among others, to be identified by symbol alone if the manufacturer so choses (32 FR 27541, June 28, 1978). In addition, as Honda noted, the agency has previously granted the Toyota petition regarding an identical noncompliance. Accordingly, it has been determined that Honda's failure to label the hazard warning system control with the word "Hazard" is inconsequential as it relates to motor vehicle safety.

(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 October 17, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-29771 Filed 10-20-78; 8:45 am]

[4910-59-M]

[Docket No. IP77-18; Notice 2]

BUDD CO.

Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by the Budd Co. of Troy, Mich., to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act for a noncompliance with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associdted Equipment.* The basis of the petition was that the noncom-

pliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 2, 1978, and an opportunity afforded for comment (43 FR 8607).

Budd has informed NHTSA that it manufactured 80 semitrailer vans, produced for a single customer in 1975 and 1976, with the identification lamp cluster "located between the turn signals on the rear cross member * * *" Standard No. 108 requires, instead, that these lamps be located as close to the top of the vehicle as is practicable. Petitioner argued that the noncompliance is inconsequential because the cross member location is used in many instances in which higher mounting is impracticable, e.g., open top trailers, dump trucks. It also argues that lower mounted lights are much easier to keep clean and in operating order, thus enhancing motor vehicle safety.

Four comments were received on the petition. It was supported by Truck Safety Equipment Institute (TSEI), Ohio Body Manufacturing Co., and Strick Corp. Alloy Trailers, Inc., opposed it. TSEI argued that no significant safety advantage would be served by requiring the recall of only 80 semitrailer vans. Ohio Body urged the agency to consider a lower mounting height for identification lamps. Strick commented that a lower mounting location would be more practicable. Alloy based its opposition on the necessity that all manufacturers comply with regulations, and to find that an illegal mounting height is inconsequential would imply that the requirement itself might be erroneous.

The NHTSA has decided to deny Budd's petition. Although the cross member location is used on such vehicles as dump trucks and open top trailers, this practice is followed only when a higher location is impracticable; the lower mounting of identification lamps on such vehicles therefore complies with Standard No. 108. The desired mounting height is "as close to the top of the vehicle as practicable" for the cue that these lights afford to drivers, at night and under other conditions of reduced visibility, that large and frequently slow moving vehicles are in the roadway ahead. The presence of lower mounted lamps does not, in the agency's view, contribute to motor vehicle safety and the number of vehicles affected is considered irrelevant in this instance.

Accordingly petitioner has not met its burden of persuasion that its noncompliance with Standard No. 108 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 October 17, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-29772 Filed 10-20-78; 8:45 am]

[4910-59-M]

[Docket No. EX76-1; Notice 4]

JET INDUSTRIES, INC.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

This notice grants the petition by Jet Industries, Inc., of Austin, Tex., for an extension of NHTSA Exemption No. 76-1, from compliance with certain safety standards. The basis of the extension is that a further exemption would continue to facilitate the development and field evaluation of a low-emission motor vehicle.

Notice of the petition was published on February 13, 1978 (43 FR 6192), and an opportunity afforded for comment.

Since 1975 Jet has imported the Subaru 360 van, manufactured by Fuji Heavy Industries of Japan. The vehicle is not marketed in the United States and therefore is not certified as conforming to the Federal motor vehicle safety standards. Upon arrival in the United States these vehicles have had their gasoline-powered engines removed and electric motors substituted. They have been marketed as trucks under the name "Electra Van." Jet asked for a 2-year extension of the exemption originally granted it in 1976 and will not import more than 2,500 vehicles during any 12-month period that the exemption is in effect. Thus far 56 vehicles have been sold under the previous exemption. The following is a list of Federal standards or portions thereof for which continued exemption was requested:

No. 101 *Control Location, Identification and Illumination.* § 4.3-Control identification for headlamps, hazard warning, and windshield wiper switches is not directly illuminated. Ambient light is provided by light from adjoining gauges.

No. 103 *Windshield Defrosting and Defogging Systems.* Vehicle is furnished with systems but petitioner is unsure if performance requirements are met. Field experience in British Columbia and Connecticut indicates that "the system provides ice and fog free windshields within the limits of the existing standards".

No. 104 *Windshield Wiping and Washing Systems.* Wiping system has one speed only, with a frequency of 50 cycles per minute.

No. 108 *Lamps, Reflective Devices, and Associated Equipment.* Petitioner believes that stop, tail, turn signal, and side marker lamps are not of a size required by the standard.

No. 206 *Door Locks and Door Retention Components.* "Only limited tests as prescribed have been made at this time," but the company believes that this vehicle in all probability complies.

The company sought no extension of its exemption from Standard Nos. 119 and 207 as compliance has been achieved. The company essentially argued that exemption would not degrade the safety of the vehicle as experience under the previous exemption and the vehicle's intended use had shown no safety problems.

Jet has been selected by the former Energy Research and Development Administration to participate in the Department of Energy's electric and hybrid vehicle development program and will incorporate the knowledge gained from its recent research and experience in developing and supplying the vehicles under this grant.

No comments were received on the petition.

Pursuant to section 123(a)(1)(C) of the National Traffic and Motor Vehicle Safety Act an exemption may be granted if it would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the vehicle's safety, and if the exemption is consistent with public interest and objectives of traffic safety.

As a selected participant in the electric and hybrid vehicle program of the Department of Energy, the petitioner has demonstrated that continued experimentation, testing, and field evaluation of its vehicles is in the public interest. An exemption will also be consistent with traffic safety objectives as petitioner has pointed out that possible hazards presented by internal combustion propelled vehicles are lacking. These are the danger of fire in a collision and of carbon monoxide poisoning from exhaust fumes. The scope of the exemptions requested may be characterized as minimal and it has been concluded that they would not unreasonably degrade the safety of the vehicle.

However, to encourage compliance with those standards where compliance problems appear minimal, a shorter exemption is being provided with respect to Standards Nos. 108 and 206. The exemption from Standard No. 103 is being terminated. Petitioner certifies its vehicles as "multipurpose passenger vehicles". The sole requirement established by Standard No. 103 for such vehicles is that they be equipped with defroster/defogger systems, a requirement Jet already meets. Performance requirements apply only to passenger car systems.

In consideration of the foregoing NHTSA Exemption No. 76-1, from 49

CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, (exclusive of requirements for number of lamps, etc., and their location) and 49 CFR 571.206, Motor Vehicle Safety Standard No. 206, *Door Locks and Door Retention Components*, is hereby extended to expire July 1, 1979. NHTSA Exemption No. 76-1, from S4.3 of 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, *Control Location, Identification, and Illumination*, and 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems*, is hereby extended to expire January 1, 1980. NHTSA Exemption No. 76-1 from 49 CFR 571.103, Motor Vehicle Safety Standard No. 103, *Windshield Defrosting and Defogging Systems*, is hereby terminated effective the date of publication of this notice.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50.)

Issued on October 16, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-29770 Filed 10-20-78; 8:45 am]

[3128-01-M]

[4910-62-M]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

DEPARTMENT OF ENERGY

Office of the Secretary

[OST File No. 61; Notice 78-15]

NATIONAL ENERGY TRANSPORTATION STUDY

Public Meetings With Industry

AGENCIES: Department of Transportation (DOT) and Department of Energy (DOE).

ACTION: Notice of public meetings with industry.

SUMMARY: As part of the President's national energy plan, DOT and DOE are conducting a joint study to determine if the Nation's transportation system is adequate to accommodate the future energy needs of the United States. Meetings among representatives of DOT, DOE, and the railroad industry, and among representatives of DOT, DOE, and the natural gas pipeline industry, will be held to discuss the capability of each of these industries to transport the energy materials that will be needed in the period 1985-2000. The public is invited to both meetings.

DATES: Railroad industry: Thursday, October 26, 1978, 10 a.m. to 12 noon, eastern time; natural gas pipeline industry: Tuesday, October 31, 1978, 3 p.m. to 5 p.m., eastern time. Both will be held in the Management Information Center (room 10214), DOT Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Thomas E. Marchessault, Staff Member, National Energy Transportation Study (NETS), Office of Intermodal Transportation, DOT (202-426-4168). Since available space for the public is limited, those wishing to attend should contact Mr. Marchessault not later than the day before the meeting.

SUPPLEMENTARY INFORMATION: By 1985 and beyond it appears likely that the Nation will experience numerous changes in the historical patterns of energy supply and demand, which in turn will require changes in the way energy is transported. The changing energy patterns include dwindling domestic oil and natural gas production, regional shifts in supply and demand, and shifts in national and regional fuel use, including new energy sources.

The joint DOT-DOE study team will look at important aspects of the movement of coal, crude oil and petroleum products, natural gas, nuclear fuel, and electrical power to 1985 and beyond. This will be done to determine what adjustments are needed in the present transportation network.

In the first phase of the study, DOE is to select alternative national energy scenarios based on different assumptions about future energy supply and demand. These scenarios will be broken down into 173 geographical regions for the fuels listed above.

In the second phase of the study, DOT is to determine how energy would be moved from supply areas to energy-consuming areas by all modes of the transportation network. DOT will use the assistance of a computer model to compare the present capacity with future needs and identify potential bottlenecks.

In the third phase of the study, the joint study team is to examine a number of issues that may affect the transportation of energy. While the major emphasis of the study is transportation needs in 1985, the study team will also look at 1990 and 2000.

The final report is expected to identify constraints on the efficient transportation of energy and to recommend any Federal actions that may be necessary.

To gain the widest possible range of information and opinion concerning this undertaking, DOT and DOE have established an "open file" for the submission of comments from interested groups and individuals. (See 43 FR 38795, August 30, 1978.) To provide more detailed information in certain areas, representatives of DOT and DOE will be holding a number of meetings with representatives of industries affected by the study. The one with railroad industry representatives will be held from 10 a.m. to 12 noon, eastern time, Thursday, October 26, 1978, and the one with the natural gas pipeline industry will be held from 3 p.m. to 5 p.m., eastern time, Tuesday, October 31, 1978. Both will be in the Management Information Center (room 10214), DOT Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, D.C.

The topics for discussion at the railroad industry meeting will include the capability of the railroads to transport increased amounts of coal; the impact on grade crossings of increased unit train traffic; problems associated with the rail transport of nuclear wastes; and related railroad energy transportation issues.

The topics for discussion at the natural gas pipeline industry meeting will include future pipeline capacity vis-a-vis supply; the expected imports of liquefied natural gas; transportation impacts of new offshore natural gas production; the potential likelihood of importing Mexican natural gas; and related natural gas transportation issues.

These meetings will be open to the public on a space available basis. Anyone who wishes to attend should contact the NETS staff member identified above. There will be an opportunity at the conclusion of each meeting for the public to make comments. Minutes of each meeting will be available for public inspection and copying in the NETS open file in the office of the Assistant General Counsel for Regulation and Enforcement, room 10421, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4723, from 9 a.m. to 5:30 p.m., eastern time, Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on October 17, 1978.

RAYMOND A. YOUNG III,
Acting Chairman, NETS, Acting Assistant Secretary for Policy and International Affairs, Department of Transportation.

ALVIN ALM,
Deputy Chairman, NETS, Assistant Secretary for Policy and Evaluation, Department of Energy.

[FR Doc. 78-29849 Filed 10-20-78; 8:45 am]

[4910-62-M]

[OST File No. 61; Notice 78-14]

NATIONAL ENERGY TRANSPORTATION STUDY

Announcement of Change in Location of Public Hearing

AGENCIES: Department of Transportation (DOT) and Department of Energy (DOE).

ACTION: Announcement of change in location of public hearing.

SUMMARY: Notice is hereby given that the location of the Los Angeles public hearing for the National Energy Transportation Study has been changed. The November 6 hearing will now be held at the Los Angeles Bonaventure Hotel (Santa Barbara Room), Fifth and Figueroa Streets, Los Angeles, Calif.

FOR FURTHER INFORMATION CONTACT:

Nancy MacRae, Staff Member, National Energy Transportation Study (NETS), Office of Intermodal Transportation, DOT, 202-426-4203, or Diana Diamond, Office of Policy and Evaluation, DOE, 202-566-9037.

Issued in Washington, D.C., on October 17, 1978.

RAYMOND A. YOUNG III,
Acting Chairman, NETS, Acting Assistant Secretary for Policy and International Affairs, Department of Transportation.

ALVIN L. ALM,
Deputy Chairman, NETS, Assistant Secretary for Policy and Evaluation, Department of Energy.

[FR Doc. 78-29848 Filed 10-22-78; 8:45 am]

[4810-40-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 24-78]

TREASURY NOTES OF OCTOBER 31, 1980

Series U-1980

OCTOBER 18, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of the United States securities, designated Treasury Notes of October 31, 1980, Series U-1980 (CUSIP No. 912827 JC 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reseve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated October 31, 1978, and will bear interest from that date, payable on a semiannual basis on April 30, 1979, and each subsequent 6 months on October 31 and April 30, until the principal becomes payable. They will mature October 31,1980, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, October 24, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, October 23, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1 for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commerical banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at

the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, October 31, 1978, at the Federal Reserve Bank or Branch or at the bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, October 27, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Thursday, October 26, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,
Fiscal Assistant Secretary.

[FR Doc. 78-29769 Filed 10-18-78; 12:02 pm]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 732]

ASSIGNMENT OF HEARINGS

October 18, 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.

MC 120181 (Sub-8), Main Line Hauling Co., Inc., now assigned for hearing on November 6, 1978, at Jefferson City, MO, will be held in Room 201, Governor's Hotel.

MC 2202 (Sub-556F), Roadway Express, Inc., now assigned for hearing on November 13, 1978, at Texarkana, TX, will be

held at the Ramada Inn, Interstate Highway 30 East, State Line Avenue.

MC 107012 (Sub-258), North American Van Lines, Inc., now assigned for hearing on November 13, 1978, at Atlanta, GA, will be held in Room 226, Federal Building, Forsythe Street.

MC 109533 (Sub-104F), Overnite Transportation, now assigned for hearing on November 13, 1978, at Cincinnati, OH will be held at the Netherland Hilton, Fifth and Race Streets.

MC 116254 (Sub-188), Chem-Haulers, Inc., now assigned for hearing on November 13, 1978, at Louisville, KY, will be held in Room 635, Post Office Building, Sixth and Broadway.

MC 19311 (Sub-41F), Central Transport, Inc., now assigned for hearing on November 14, 1978, at Lansing, MI, will be held at the Corporation & Security Commission, 6546 Mercantile Way.

MC 111785 (Sub-62F), Burns Motor Freight, Inc., now assigned for hearing on November 14, 1978, at Marlinton, WV, will be held in Main Court Room, Marlinton County Courthouse, Ninth Avenue.

MC 65941 (Sub-48F), Tower Lines, Inc., now assigned for hearing on November 16, 1978, at Atlanta, GA, will be held in Room 226, Federal Building, Forsythe Street.

MC 112617 (Sub-382F), Liquid Transporters, Inc., now assigned for hearing on November 16, 1978, at Louisville, KY, will be held in Room 635, Post Office Building, Sixth and Broadway.

MC 112304 (Sub-139F), Ace Doran Hauling & Rigging Co., a Corp., now assigned for hearing on November 17, 1978, in Room 635, Post Office Building, Sixth and Broadway, Louisville, KY.

MC 143364 (Sub-1F), Associated Cab Co., Inc., d.b.a. Gray Line Of Atlanta, now assigned for hearing on November 20, 1978, at Atlanta, GA, will be held in Room 305, 1252 Peachtree Street NW.

AB 7 (Sub-62), Stanley, E. G. Hillman, trustee of the property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., debtor, abandonment near Faribault and Zumbrota, in Rice and Goodhue Counties, MN now assigned for hearing on November 27, 1978, at Zumbrota, MN will be held in City Hall, 55 East Third.

FF 510F, Rocky Mountain Express, Inc., now assigned for hearing on November 28, 1978, at San Francisco will be held in Room 510, Fifth Floor, 211 Main Street.

MC 115826 (Sub-302F), W. J. Digby, Inc., now assigned for hearing on November 28, 1978, at Seattle, WA, will be held in Room 3086, Federal Building, 915 Second Avenue.

MC 119493 (Sub-190F), Monkem Co., Inc., now assigned for hearing on November 28, 1978, at St. Louis, MO, will be held in Room 313, Third Floor, U.S. Courts & Customhouse, 1114 Market Street.

MC 139495 (Sub-310), National Carriers, Inc., now assigned for hearing on November 28, 1978, at Dallas, TX, will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 58923 (Sub-45), Georgia Highway Express, Inc., now assigned for hearing on November 29, 1978, at Atlanta, GA, will be held in Room 651, U.S. Courthouse, 801 Broadway.

MC 20783 (Sub-111F), Tompkins Motor Lines, Inc., now being assigned for hearing on January 9, 1979 (4 days), at Tampa, FL, in a hearing room to be later designated.

MC 115841 (Sub-624F), Colonial Refrigerated Transportation, Inc., now being assigned for hearing on January 15, 1979 (3 days), at Orlando, FL, in a hearing room to be later designated.

MC 134426 (Sub-6F), McCort Drive-A-Way, Inc., now being assigned for hearing on January 18, 1979 (2 days), at Jacksonville, FL, in a hearing room to be later designated.

MC 107107 (Sub-463F), Alterman Transport Line, Inc., now being assigned for hearing on January 9, 1979 (9 days), at Miami, FL, in a hearing room to be later designated.

MC 116519 (Sub-27 (MIF)), Fredrick Transport Ltd., now being assigned for hearing on January 16, 1979 (4 days), at Buffalo, NY, in a hearing room to be later designated.

MC 108531 (Sub-20F), Blue Bird Coach Line, Inc., now being assigned for hearing on January 22, 1979 (1 week), at Rochester, NJ, in a hearing room to be later designated.

MC 71043 (Sub-10F), LaPorte Transit Co., Inc., now being assigned for hearing on January 9, 1979 (2 weeks), at Chicago, IL, in a hearing room to be later designated.

MC 144296F, Lewis Bus Line, Inc., now being assigned for hearing on December 6, 1978 (3 days),at Augusta, GA, in a hearing room to be later designated.

MC 133233 (Sub-58F), Clarence L. Werner, d.b.a. Werner Enterprises, now assigned for hearing on November 29, 1978, at Dallas, TX, will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 136605 (Sub-47F), Davis Bros., Inc., now assigned for hearing on November 29, 1978, at Seattle, WA, will be held in Room 3086, Federal Building, 915 Second Avenue.

MC 95876 (Sub-232F), Anderson Trucking Service, Inc., now assigned for hearing on November 30, 1978, at St. Louis, MO, will be held in Room 313, Third Floor, U.S. Court and Customhouse, 1114 Market Street.

MC 115841 (Sub-589), Colonial Refrigerated Transportation, Inc., now assigned for hearing on November 30, 1978, at Dallas, TX, will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 118832 (Sub-8), Westours Motor Coaches, Inc., now assigned for hearing on December 4, 1978, at Seattle, WA, will be held in Room 3086, Federal Building, 915 Second Avenue.

MC 100666 (Sub-389F), Melton Truck Lines, Inc., now assigned for hearing on December 4, 1978, at Dallas, TX, will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 125433 (Sub-145), F-B Truck Lines, Co., now assigned for hearing on December 4, 1978, at San Francisco, CA, will be held in Room 510, Fifth Floor, 211 Main Street.

MC 138713 (Sub-3), R & G Transit Corp., now assigned for hearing on December 4, 1978, at St. Louis, MO, will be held in Room 313, Third Floor, U.S. Court and Customhouse, 1114 Market Street.

MC 123407 (Sub-447F), Sawyer Transport, Inc., now assigned for hearing on December 5, 1978, at San Francisco, CA, will be held in Room 510, Fifth Floor, 211 Main Street.

MC 144170 Nationwide Truck Lines, Inc., now assigned for hearing on December 6, 1978, at San Francisco, CA, will be held in Room 510, Fifth Floor, 211 Main Street.

MC 138018 (Sub-41F), Refrigerated Foods, Inc., now assigned for hearing on December 11, 1978, at Seattle, WA, will be held in Room 2866, Federal Building, 915 Second Avenue.

MC 138732 (Sub-12F), Osterkamp Trucking, Inc., now assigned for hearing on December 11, 1978, at San Francisco, CA, will be held in Room 510, Fifth Floor, 211 Main Street.

MC 29948 (Sub-10F), Empire Lines, Inc., now assigned for hearing on December 13, 1978, at Spokane, WA, will be held in Conference Room 752, U.S. Courthouse, West 920 Riverside.

MC 144296F, Lewis Bus Lines, Inc., now being assigned for hearing on December 6, 1978 (3 days), at Augusta, GA, in a hearing room to be later designated.

MC 117574 (Sub-310), Daily Express, Inc., now being assigned for hearing on December 11, 1978 (1 day), at Atlanta, GA, in a hearing room to be later designated.

MC 56679 (Sub-90), Brown Transport Corp., now being assigned for hearing on December 12, 1978 (Continued, 4 days), at Atlanta, GA, in a hearing room to be later designated.

MC 103066 (Sub-68F), Stone Trucking Co., now being assigned for hearing on January 9, 1979 (1 day), at Kansas City, MO, in a hearing room to be later designated.

MC 118535 (Sub-117F), Tiona Truck Line, Inc., now being assigned for hearing on January 15, 1979 (1 day), at Kansas City, MO, in a hearing room to be later designated.

MC 119777 (Sub-347F), Ligon Specialized Hauler, Inc., now being assigned for hearing on January 11, 1979 (1 day), at Kansas City, MO, in a hearing room to be later designated.

MC 4405 (Sub-577F), Dealers Transit, Inc., now being assigned for hearing on January 12, 1979 (1 day), at Kansas City, MO, in a hearing room to be later designated.

MC 119493 (Sub-201F), Monkem Co., Inc., now being assigned for hearing on January 10, 1979 (1 day), at Kansas City, MO, in a hearing room to be later designated.

MC 118535 (Sub-122F), Tiona Truck Line, Inc., now being assigned for hearing on January 16, 1979 (2 days), at Kansas City, MO, in hearing room to be later designated.

MC 200-300F, Riss International Corp., now being assigned for hearing on January 18, 1979 (2 days), at Kansas City, MO, in hearing room to be later designated.

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

[FR Doc. 78-29823 Filed 10-20-78; 8:45 am]

[7035-01-M]

[Notice No. 197]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 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 24379 (Sub-47TA), filed August 3, 1978. Applicant: LONG TRANSPORTATION CO., 14510 West Eight Mile Road, Oak Park, MI 48237. Representative: David A. Turano, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive engines*, from the plantsites and manufacturing facilities of Ford Motor Co. at or near Cleveland, OH, to the plant and warehouse facilities of Ford Motor Co. located at or near Norfolk, VA; and (2) *Empty returned racks, and rejected engines*, from the plant and warehouse facilities of Ford Motor Co. at or near Norfolk, VA, to the plantsite and manufacturing facilities of Ford Motor Co. at or near Cleveland, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Co., One Parklane Boulevard, Parklane Towers-East, Suite 200, Dearborn, MI 48126. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

MC 25798 (Sub-332TA), filed August 28, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, scouring pads, sodium hypochlorite, and cleaning, scouring, and washing compounds*, between the facilities of the Purex Corp. at Auburndale and Tampa, FL, on the one hand, and on the other, Atlanta, GA, restricted to traffic originating or terminating at the facilities of the Purex Corp., for 180 days. There is no environmental impact involved in this application. Supporting shipper: Purex Corp., P.O. Box 6200, Carson, CA 90749. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

MC 26396 (Sub-196TA) filed August 28, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Winnebago, MN, to points in the states of WY, MT, ID, UT, ND, SD, CO, NE, IL, IA, WI, MO, KS, OK, AR, TX, WA, OR, and CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Marvin Nilson, Winnebago Drainage Systems, Inc., Winnebago, MN 56098. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-197TA) filed August 28, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the ports of entry on the International Boundary line between the United States and Canada located in ID, MT, and ND, to points in the states of MT, WY, ID, CO, ND, SD, NE, KS, MN, IA, AR, and NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Norman G. Patterson, Cascade Imperial Mills, Ltd., 1205 Richards Street, Vancouver, BC, Canada. Send protests to: Paul J. Labane, District Supervisor, 2602 First Avenue North, Billings, MT 59101.

MC 42261 (Sub-139TA) filed August 28, 1978. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, (in bulk, in tank vehicles), from the facilities of the Rolfite Co. at or near Elizabeth, NJ, to points in AL, AR, LA, MS, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Rolfite Co., 300 Broad Street, Stamford, CT 06901. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 61825 (Sub-79TA) filed August 24, 1978. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone, Roy Stone Transfer Corp. P.O. Box 385, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and container accessories, and materials, equipment, and supplies used in the manufacture and distribution of glass containers and container accessories*, between the facilities of Brockway Glass Co., Inc., in Jefferson and Clearfield Counties, PA, on the one hand, and, on the other, Richmond, Danville, Norfolk, Suffolk, and Williamsburg, VA, and Reidsville and Eden, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Co., Inc., Brockway, PA. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 78400 (Sub-63TA) filed August 23, 1978. Applicant: BEAUFORT TRANSFER CO., P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1201 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Linn, MO, and its commercial zone, and Kansas City, KS, and its commercial zone serving the intermediate points of California, Tipton, Syracuse, Otterville, and Smithton, MO, and their commercial zones, and between the facilities of E-Z Manufacturing Co., at or near Latham, MO, and Kansas City, KS, and its commercial zone. From Linn, MO, and its commer-

cial zone, over U.S. Hwy 50 to Kansas City, KS, and its commercial zone and return over the same route. Between Smithton, MO, and its commercial zone, and East St. Louis, IL, and its commercial zone serving the intermediate points of Otterville, Syracuse, Tipton, and California, and their commercial zones, and between the facilities of E-Z Manufacturing Co., at or near Latham, MO, and East St. Louis, IL, and its commercial zone. From Smithton, MO, and its commercial zone, over U.S. Hwy 50 to East St. Louis, IL, and its commercial zone, and return over the same route for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (9) statements of support attached to this 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: P. E. Binder, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 78400 (Sub-64 TA) filed August 24, 1978. Applicant: BEAUFORT TRANSFER CO., P.O. Box 151, Gerald, MO. 63037. Representative: Allen Dieckmann, Hwy 50, Gerald, MO 63037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, (1) from the facilities of Bull Moose Tube Co., at Gerald, MO, to points in AR, IL, IN, IA, NE, KS, and OK; and (2) from the facilities of G.S.I., Warehouse in Granite City, IL, to points in AR, IL, IN, IA, NE, KS, OK, CO, TX, LA, MS, AL, GA, TN, KY, OH, MN, and WI., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bull Moose Tube Co., P.O. Box 214, Hwy 50, Gerald, MO. Send protests to: Peter E. Binder, District Supervisor, Interstate Commerce Commission, 210 N. 12th Street, room 1465, St. Louis, MO 63101.

MC 106674 (Sub-336TA) filed August 28, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47997. Representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies* used in the installation and distribution thereof, from facilities of Georgia-Pacific Corp. located at or near Wilmington, DE, Buchanan and Croton-on-Hudson, NY, to points in Michigan and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. 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 107403 (Sub-1114TA) filed August 9, 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: *Liquid chemicals* (in bulk, in tank vehicles), from Pearl River, LA, to Fresno and San Francisco, CA; Clifton and Swedesboro, NJ; Detroit, MI; Huntington, WV; Fort Madison, IA; Camas, WA; Portland, OR; Toledo, OH; and Millinocket and Bucksport, ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pearl River Chemical Co., P.O. Box 1202, Slidell, LA 70459. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, room 3238, Philadelphia, PA 19106.

MC 113908 (Sub-448TA) filed August 28, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 Dale Street, Glenstone Station, Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice* (in bulk), from Rogers, AR, to Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Speas Co., Minneapolis, MN 55402. Send protests to: John V. Barry, District Supervisor, room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 113908 (Sub-449TA) filed August 28, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 Dale Street, Glenstone Station, Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, N.O.I. (rums, among others)*, in bulk, from Boston, MA, to Paducah, KY, Allen Park, MI, and Menlo Park, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Heublein, Inc., 330 New Park Avenue, Hartford, CT 06106. Send protests to: John V. Barry, District Supervisor, room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 113908 (Sub-450TA) filed August 28, 1978. Applicant: ERICKSON TRANSPORT, P.O. Box 3180, 2105 Dale Street, Glenstone Station, Springfield, MO. 65804. Representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock* (in bulk), from Golden Eagle, IL, to Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Speas Co., Minneapolis, MN 55402. Send protests to: John V. Barry, District Supervisor, room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 114632 (Sub-180TA) filed August 28, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, 212 Southwest Second Street, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Milwaukee, WI, to points in ID, IL, IN, IA, KS, KY, MN, MO, MT, NE, ND, OH, OR, SD, WA, and WY, for 180 days. Supporting shipper: Miller Brewing Co, 3939 Highland Boulevard, Milwaukee, WI 53208 (Mr. Edward P. Geurts, Assistant Corporate Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 455, Federal Building, Pierre, SD 57501.

MC 115651 (Sub-45TA) filed August 23, 1978. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas* (in bulk, in tank trucks), from Lemont, IL, to WI points, for 180 days. Supporting shipper: Universal Energy Corp., 1301 East Main Street, Waukesha, WI 53186. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, room 1386, Chicago, IL 60604.

MC 115826 (Sub-347TA) filed August 28, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, 1960 31st Street, Denver, CO 80217. Representative: Howard Gore, 1960 31st Street, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat*, from Redmond, OR, to Boston, MA;

New York City, NY; Plainfield, CT; Houston, TX; Los Angeles and San Francisco, CA, and Seattle, WA, for 180 days. Supporting shipper: Orio Meat Co., 1607 Southwest Railroad Avenue, Redmond, OR 97756. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 421 19th Street, Denver, CO 80202.

MC 119435 (Sub-5TA) filed August 24, 1978. Applicant: WADDELL TRANSFER, INC., P.O. Box 168, Atkins, VA 24311. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products, concrete and concrete products, shale and shale products, mortar mixes, materials and supplies* used in the manufacture or distribution of the foregoing commodities, and such other commodities as are dealt in or distributed by a manufacturer of the commodities named herein (except in bulk, in tank vehicles), between facilities of General Shale Products Corporation located at or near Groseclose and Richlands, VA, on the one hand, and on the other, points in the United States, in and east of ND, SD, NE, KS, OK, and TX (except points in KY, NC, TN, and WV, restricted to the transportation of shipments moving, under a continuing contract or contracts, with General Shale Products Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Shale Products Corp., Johnson City, TN. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

MC 124078 (Sub-868TA), filed July 28, 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: *Liquid petroleum wax* (in bulk, in tank vehicles), from Doraville, GA, to Mesquite, TX, for 180 days. Supporting shipper: Multi-Chem, Inc., 200 Piedmont Court, Doraville, GA 30340 (G. W. Sinner, Vice President). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 125708 (Sub-152TA), filed August 24, 1978. Applicant: THUNDERBIRD MOTOR FREIGHT-LINES, INC., 425 West 152nd Street, East Chicago, IN 46312. Representative: Mr. Anthony C. Vance, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Kansas City, MO, to VA, WA, DE, MD, NC, SC, GA, FL, NY, MA, CT, VT, ME, NH, NJ, RI, and DC, restricted to traffic originating at the facilities of Armco, Inc., at Kansas City, MO, for 180 days. Supporting shipper: Armco, Inc., 7000 Roberts Street, Kansas City, MO 64125. Send protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128555 (Sub-24TA), filed August 28, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetoo, FL 33561. Representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and containers, materials, supplies, and equipment* used in the manufacture, production, sale, or distribution of foodstuffs (except in bulk), between Murfreesboro, TN, on the one hand, and, on the other, points in AL, AR, CA, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, restricted to the transportation of traffic originating at or destined to the plant site or facilities of Rich Products Corp. at or near Murfreesboro, TN, under a continuing contract, or contracts, with Rich Products Corp., for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53rd Terrance, Miami, FL 33166.

MC 134477 (Sub-267TA), filed August 28, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wine, cocktail mixes, and bitters* (except malt beverages and commodities in bulk), from Minneapolis, MN, to Denver, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ed Phillips & Sons Co., 2345 Kennedy Street, Minneapolis, MN 55413. 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.

MC 135221 (Sub-9TA), filed August 23, 1978. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, UT 84120. 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: *Such commodities* as are distributed by manufacturers of explosives and materials and supplies used in the manufacture and distribution of explosives, oxidizers, and boosters, (a) between West Jordan and Lehi, UT; Bonne Terre, MO; Plymouth, IN; and Biwabik, MN, and (b) between West Jordan and Lehi, UT, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ireco Chemicals, Inc., Suite 700, Kennecott Building, Salt Lake City, UT 84133 (Ronald E. Bowes, Traffic Manager). Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 135598 (Sub-18TA), filed August 14, 1978. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material*, (a) from Pabst, GA, Milwaukee, WI, Peoria, IL, Evansville, IN, LaCrosse, WI, and Omaha, NE, to Hannibal, MO, and (b) from Milwaukee, WI, Peoria, IL, and Pabst, GA, to Mexico, MO, and (2) *Empty containers and pallets on return*, from the above destinations to the above origins, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: James C. Williams, President, Mark Twain Enterprises, d.b.a. Mark Twain Beverage, Mark Twain Enterprises of Mexico, Inc., 305 South 8th Street, Hannibal, MO 63401. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 135797 (Sub-144TA), filed August 28, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR

72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such *commodities* as are dealt in or used by wholesale and retail discourt or variety stores (except commodities in bulk), from points in AL, AZ, CA, CT, FL, GA, IA, IL, IN, MA, MI, MN, NC, NJ, NM, NY, OH, PA, SC, TX, VA, and WI, to the facilities of Wal-Mart Stores, Inc., located in AR, IL, KS, KY, LA, MO, MS, OK, TN, and TX, for 180 days. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 135867 (Sub-4TA), filed August 28, 1978. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, and castings, and materials, and supplies used in the installation thereof*, from the facilities of McWane Cast Iron Pipe Co., at Birmingham, AL, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV, restricted to traffic originating at the facilities of McWane Cast Iron Pipe Co., at Birmingham, AL, and (2) *materials and supplies used in the manufacturing of commodities shown in (1) above* (except commodities in bulk, in tank vehicles), from points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WV, to the facilities of McWane Cast Iron Pipe Co., at Birmingham, AL, restricted to traffic destined to the facilities of McWane Cast Iron Pipe Co., at Birmingham, AL, under a continuing contract or contracts with McWane Cast Iron Pipe Co., at Birmingham, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McWane Cast Iron Pipe Co., 1200 Vanderbilt Road, North Birmingham, AL. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 135874 (Sub-137TA), filed August 28, 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: *Water ices, ice cream, ice milk products, low calorie products, quiescently frozen confection, yogurt, and cultured (frozen) dairy products*, from the facilities of International Dairy Queen, Inc., Richland Center, WI, to Richmond, IN, Detroit and Taylor, MI, Maryland Heights and St. Louis, MO, Cincinnati, Lima, and Westerville, OH, Evans City, Harrisburg, and Tunkhannock, PA, Midland Park, NJ, and Suffield, CT, restricted to traffic originating at the facilities of International Dairy Queen, Inc., Richland Center, WI, and destined to the points in the named States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Dairy Queen, Inc., P.O. Box 35286, Minneapolis, MN 55435. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Post Office, 110 South 4th Street, Minneapolis, MN 55401.

MC 136605 (Sub-69TA), filed August 28, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, asbestos, cement pipe, pipe fittings, and accessories* used in the installation thereof, from the facilities of Johns-Manville Sales Corp. located at or near McNary, OR, and Stockton, CA, to points in the States of MT, ID, UT and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles G. Adler, Johns-Manville Sales Corp., 2600 Campus Drive, San Mateo, CA 94403. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 138882 (Sub-140TA), filed August 28, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36018. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising materials*, from the facilities of Pabst Brewing Co., located at Pabst (Houston County), GA, to points in the States of MD, NJ, VA, DE, and PA, and (2) *Materials, equipment and supplies* used in the maufacture and sale of malt beverages, (except commodities in bulk), from points in MD, NJ, VA, DE, and PA, to the facilities of Pabst Brewing Co., located at Pabst (Houston County), GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Co., Georgia Hwy 247 Spur, Pabst, GA 31069. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 138882 (Sub-141TA), filed August 28, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials and supplies*, from the facilities of Artesian Industries, Inc., located at or near Shelby, OH, to points in KY, WV, VA, TN, SC, NC, LA, MI, AL, GA, and FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Artesian Industries, Inc., 201 East Fifth Street, Mansfield, OH 44902. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 138882 (Sub-142TA), filed August 28, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising materials*, from the facilities of Pabst Brewing Co., located at Pabst (Houston County), GA, to points in the States of NC, SC, and FL, and (2) *Materials, equipment and supplies* used in the manufacture and sale of malt beverages, (except commodities in bulk), from points in the states of NC, SC, and FL, to the facilities of Pabst Brewing Co., located at Pabst (Houston County), GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Co., Georgia Hwy 247 Spur, Pabst, GA. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 138882 (Sub-143TA), filed August 28, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products*, from Murphy and Wilming-

ton, NC; Burkeville, Norfolk, Danville, VA; Montgomery, Mobile, Selma, Brewton, AL; Lucedale, MI; Chatham, New Orleans, Baton Rouge, LA; Collins, MI; Blountstown and Jacksonville, FL; Jackson, TN; Savannah, GA, and Charleston and Olar, SC, to points in NC, NY, VA, WV, TX, IL, VT, PA, MI, WI, MI, LA, KY, TN, IN, IA, AR, CA, UT, OH, AL, SC, FL, and NH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clarke Veneers & Plywood, P.O. Box 4876, Jackson, MI 39216. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 139234 (Sub-5TA), filed August 28, 1978. Applicant: BRUCE'S TRANSPORT SERVICE, INC., P.O. Box 457, 5721 North Ventura Avenue, Ventura, CA 93001. Representative: Patricia M. Schnegg, Knapp, Stevens, Grossman & Marsh, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Barium sulfate,* (in dry bulk form), between Humbolt and Landen Counties, NV, and Kern, Ventura, and Los Angeles Counties, CA, and Douglas County, OR, under a continuing contract, or contracts, with IMCO Services, a Division of Halliburton Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: IMCO Services, a Division of Halliburton Co., 3711 Long Beach Boulevard, Suite 521, Long Beach, CA. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 140995 (Sub-1TA), filed August 28, 1978. Applicant: PARSONS TRUCKING CO., INC., P.O. Box 16, Iuka, MI 38852. Representative: Mr. Olen Parsons, P.O. Box 16, Iuka, MI 38852. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand, clay, gravel, wash gravel, crushed limestone, and rip-rap limestone,* between points in MI, AL, and TN, for 180 days. Supporting shipper: There are approximately (12) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 141008 (Sub-2TA), filed August 28, 1978. Applicant: AIR TRANSPORT, INC., 66 Von Hilleron Street, Boston, MA 02125. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen crushed bones, defatted chopped beef, and beef trimmings,* (except commodities in bulk, in tank vehicles), from Marlboro, MA, to Camden, NJ, and Clayton, DE, under a continuing contract or contracts, with Stop & Shop Cos., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stop & Shop Cos., Inc., Marlboro, MA 01752. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 142059 (Sub-46TA), filed August 23, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Folding doors or partitions and plastic sheeting in packages,* from Arlington Heights, IL, to Sunnyvale and Santa Fe Springs, CA, Hillside and Hackensack, NJ; New York NY; Philadelphia, PA, and Houston, TX, for 180 days. Supporting shipper: Plifoflex, Inc., 1400 East Davis Street, Arlington Heights, IL. 60005. Send protests to: Lois Stah, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, IL 60604.

MC 142244 (Sub-1TA), filed August 28, 1978. Applicant: LLOYD WEST AND BURDETT WEST, d.b.a. WEST BROTHERS CONSTRUCTION CO., Canada Hallow Road, Millport, PA 16739. Representative: Gregory B. Fraser, Bankers Trust Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood chips* (in bulk), from the Union Fork & Hoe Co. facility at or near Portville, NY, to the Masonite Corp. facility at or near Towanda, PA, under a continuing contract, or contracts, with Union Fork & Hoe Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Fork & Hoe Co., Portville Handle Division, P.O. Box 258, Portville, NY 14770. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 142603 (Sub-3TA), filed August 28, 1978. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richard/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Plastic granules and pellets,* in containers, from Worcester and Oxford, MA, to all points in AL, CA, FL, IL, IN, KY, MD, MI, NC, NY, OH, PA, TN, and VA; and from Owensboro, KY, to all points in MA, NJ, NY, and NC, under a continuing contract, or contracts, with Hammond Plastics Division, Carl Gordon Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hammond Plastics Division, Carl Gordon Industries, 1001 Southbridge Street, Worcester, MA 01610. Send protests to: David M. Miller, District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Springfield, MA 01103.

MC 143088 (Sub-3TA), filed August 28, 1978. Applicant: ROBERT TARBOX, d.b.a. TARBOX TRUCKING, Johnson Heights, Blossburg, PA 16912. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients,* (except liquid commodities in bulk), from Decatur and Danville, IL; Indianapolis, Decatur, and Lawrenceburg, IN; Muscatine, IA; Minneapolis and St. Paul, MN; Marion, North Baltimore, and Perrysburg, OH; and Milwaukee, WI, to points in DE, CT, MD, NJ, NY, PA, and VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (1) Agway, Inc., P.O. Box 4933, Syracuse, NY 13221. (2) Cooperative Feed Dealers, Inc., P.O. Box 670, Binghamton, NY 13902. (3) Ames Burns Co., Inc., 701-3 Hotel Jamestown Building, Jamestown, NY 14701. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 143378 (Sub-9TA), filed August 23, 1978. Applicant: WESTERN PRODISIONERS, INC., P.O. Box 15861, Salt Lake City, UT 84115. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by manufactur-

ers of explosives and materials and supplies used in the manufacture and distribution of explosives, oxidizera, and boosters, (a) between West Jordan and Lehi, UT; and Bonn Terre, MO; Plymouth, IN; and Biwabik, MN; and (b) between West Jordan and Lehi, UT, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ireco Chemicals, Inc., Suite 700, Kennecott Building, Salt Lake City, UT 84133. (Ronald E. Bowes, Traffic Manager) Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 143610 (Sub-12TA), filed August 28, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AR 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Winchester, VA, and its commercial zone, to points in TX, OR, WA, UT, CO, AR, and CA, under a continuing contract, or contracts, with Rubbermaid Commercial Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rubbermaid Commercial Products, Inc., 3124 Valley Avenue, Winchester, VA 22601. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building 230 North First Avenue, Phoenix, AR 85025.

MC 143853 (Sub-6TA), filed August 28, 1978. Applicant: SME EXPRESS, INC., P.O. Box 571, Upland, IN 46989. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Rockville, MD, to points in AZ, CA, CO, FL, GA, IL, IN, LA, MI, MN, MO, NC, OH, PA, TX, UT, and WI, under a continuing contract, or contracts, with Fawcett Printing Corp., for 180 days. Supporting shipper: Fawcett Printing Corp., 1900 Chapman Avenue, Rockville, MD 20852. 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 144075 (Sub-3TA), filed August 28, 1978. Applicant: INDUSTRIAL TRANSPORT, INC., 2301 East 65th Street, Cleveland, OH 44104. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transit expressway vehicles and equipment, materials, and supplies* (except commodities in bulk), used in the manufacture, distribution, and installation of transit expressway vehicles, (a) between Jackson Center, OH, and Pittsburgh, PA, and (b) between points named in (a) above, on the one hand, and, on the other, Atlanta, GA, under a continuing contract, or contracts, with Westinghuse Electric Corp., for 180 days. Supporting shipper: Westinghouse Electric Corp., Westinghouse Building, Room 1653, Gateway Center, Pittsburgh, PA 15222. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 144440 (Sub-1TA), filed August 28, 1978. Applicant: RICHARD C. DOMBACH, 58 South Duke Street, Millersville, PA 17551. Representative: John W. Metzger, May & May, 49 North Duke Street, Lancaster, PA 17602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals, liquid nitrogen and fertilizer*, (1) from the plantsite and storage facilities of Lebanon Chemical Corp., located at or near Baltimore, MD, to Millersville, PA, and the Pennsylvania counties of York, Lebanon, Cumberland, Dauphin, Columbia, Chester, and Snyder, and (2) from the plantsite and storage facilities of Lebanon Chemical Corp., located at or near Allentown, PA, to Baltimore, MD, under a continuing contract, or contracts, with Lebanon Chemical Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lebanon Chemical Corp., P.O. Box 180, Lebanon, PA 17042. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Harrisburg, PA 17108.

MC 145054 (Sub-1TA), filed August 15, 1978. Applicant: COORS TRANSPORTATION CO., 5101 York Street, Denver, CO 80401. Representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, such as are dealt in by grocery stores, from facilities of Safeway Stores, Inc., in Dallas and Denison, TX, to the facilities of Safeway Stores, Inc., Denver, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Safeway Stores, Inc., 5725 East 14th Street, Oakland, CA 94660. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145054 (Sub-2TA), filed August 23, 1978. Applicant: COORS TRANSPORTATION CO. 5101 York Street, Denver, CO 80401. Representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products* (except in bulk, in tank vehicles), from the facilities of Texaco, Inc., in Wilmington, CA; to points in CO; and (2) *Empty drums and pallets*, from the facilities of Texaco, Inc., in Denver, CO, to the facilities of Texaco, Inc., in Wilmington, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texaco, Inc., 1111 Rush, Houston, TX 77052. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145132 (Sub-1TA), filed August 15, 1978. Applicant: K. C. SALLEY VAN & STORAGE CO., 1301 South Falfurrias Highway, Alice, TX 78332. Representative: Stanley L. Laskowske, 1301 South Falfurrias Highway, Alice, TX 78332. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Kingsville, TX, on the one hand, and, on the other hand, points in Klebery County, TX, restricted to the transportation of traffic having a prior or subsequent movement, in containers or crates, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chief, Regulatory Law Office, U.S. Army Legal Services Agency, Department of the Army (JALS-RL), Room 2C-455, Pentagon, Washington, DC 20310. Send protests to: Richard H. Dawkins, district Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 East Durango Street, San Antonio, TX 78206.

MC 145157 (Sub-1TA), filed August 24, 1978. Applicant: GORDON D. JOHNSON AND VELMA J. JOHNSON, d.b.a. PRODUCTIVE PRODUCTS CARRIER, 1213 Georgene Northeast, Albuquerque, NM 87112.

Representative: Gordon D. Johnson and Velma Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings*, from facilities of Spartan Products Co. at or near Anaheim, CA, and facilities of Lone Star Plastic Pipe Co. at or near Ennis, TX, to points in NM and El Paso, Hale, Lubbock, Potter, and Randall Counties, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. S. P. Co., P.O. Box 26324, Albuquerque, NM 8712. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue Southwest, Albuquerque, NM 87101.

MC 145243TA, filed August 18, 1978. Applicant: REDBIRD DEVELOPMENT, INC., 1018 Whitlock Road, Rochester, NY 14609. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, for recycling purposes*, from points in CN, IL, IN, MA, ME, MI, NH, NJ, NY, OH, PA and VT, to the port of entry on the International Boundry Line between the United States and Canada at Rouses Point, NY, under a continuing contract, or contracts, with Intermetco U.S., Inc., of Detroit, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. A. Newstead, Traffic Manager, Metals Recycling Division of Intermetco U.S., Inc., Lloyd D. Jackson Square, P.O. Box 70, Hamilton, ON, Canada. Send protests to: District Supervisor, Interstate Commission, U.S. Courthouse and General Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

MC 145285TA, filed August 28, 1978. Applicant: CLICK DELIVERY SERVICE, INC., 3710 Robertson Street, P.O. Box 683, Metairie, LA 70004. Representative: Kim G. Meyer, P.O. Box 872, 235 Peachtree Street, Atlanta, GA 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home Products Distributors for the account of Avon Prodicts, Inc., from Gulfport, MS, and Baton Rouge and New Orleans, LA, to points in MS in and south of Jefferson, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, and Wayne Counties and points in LA, in and east of Pointe Coupee, Iberville, Assumption, and Terrebonne Parishes, under a continuing contract, or contracts, with Avon Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30303. Send protests to: Connie A. Guillory, District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, Bureau of Operations, 701 Loyola Avenue, New Orleans, LA 70113.

MC 145287 (Sub-1TA), filed August 24, 1978. Applicant: NIP KELLEY EQUIPMENT CO., INC., 410 William, Cape Girardeau, MO 63701. Representative: Bernard P. McDonnell, 8015 Forsyth, Suite 207, St. Louis, MO 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled, motorized, and nonmotorized machinery plus attachments and supplies for such items*, the size and weight of such items may, from time to time, require the use of special trailers, between Cape Girardeau, MO, and all points in MO, IL, AR, TN and KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Missouri-Illinois Tractor Co., I-55 at Gardenville Road, P.O. Box 639, Cape Girardeau, MO 63701. Send protests to: Peter E. Binder, District Supervisor, Interstate Commerce Commission, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

By the Commission.

H. G. Homme, Jr.,
Acting secretary.

[FR Doc. 78-29821 Filed 10-20-78; 8:45 am]

[7035-01-M]

[Notice No. 198]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

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 2368 (Sub-80TA), filed August 23, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, VA 23204. Representative: William T. Marshburn, P.O. Box 495, Richmond, VA 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid* (in bulk, in tank vehicles), between Chesapeake, VA, on the one hand, and, on the other, points in NC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Smith Douglas, Division of Borden Chemical, Borden, Inc., 5100 Virginia Beach Boulevard, Norfolk, VA 23501. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10, 502 Federal Building, 400 North Eighth Street, Richmond, VA.

MC 2368 (Sub-81TA), filed August 23, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, VA 23204. Representative: William T. Marshburn, P.O. Box 495, Richmond, VA 23204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid* (in bulk, in tank vehicles), from Richmond, VA, to points in NC and SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dominion Chemical Co., P.O. Box 1069, Petersburg, VA 23803. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10, 502 Federal Building, 400 North Eighth Street, Richmond, VA.

MC 2368 (Sub-82TA), filed August 23, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, VA 23204. Representative: William T. Marshburn, P.O. Box 496, Richmond,

VA 23204. Authority sought to operate as a *Common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer* (in bulk), from Norfolk, VA, to points in MD and NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemphalt of Carolina, Inc., P.O. Box 717, Norfolk, VA. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10, 502 Federal Building, 400 North Eighth Street, Richmond, VA 23219.

MC 2368 (Sub-82TA), filed August 23, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, VA 23204. Representative: William T. Marshburn, P.O. Box 496, Richmond, VA 23204. Authority sought to operate as a *Common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals* (in bulk, in tank vehicles), from Suffolk, VA, to points in MD, NC, and SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Suffolk Chemical Co., P.O. Box 1606, Suffolk, VA 23434. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10, 502 Federal Building, 400 North Eighth Street, Richmond, VA 23204.

MC 26396 (Sub-198TA), filed August 28, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Sharon L. Hamlett (same address as applicant). Authority sought to operate as a *Common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and posts, treated and untreated,* from points in SD, to points in the States of WY, NE, MN, IA, WI, MI, MT, UT, CO, and ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnny J. Patino, Whitewood Post & Poles, P.O. Box 97, Whitewood, SD 57793. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-199TA), filed August 28, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *Common carrier,* by motor vehicle, over irregular routes, transporting: *Building brick,* from ports of entry on the International Boundary line between the United States and Canada located in MT and ND, to points in the State of UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dave Patterson, IXL Industries, Box 70, Medicine Hat, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 31389 (Sub-255TA), filed August 21, 1978. Applicant: McLEAN TRUCKING CO., 617 Waughtown Street, Winston-Salem, NC 27107. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Wichita, KS, and Kansas City, KS: From Wichita over Interstate Hwy 35 to Kansas City, KS, and return over the same route (also from Wichita over Interstate Hwy 135 to junction U.S. Hwy 50, thence over U.S. Hwy 50 to the junction of Interstate Hwy 35, thence over Interstate Hwy 35 to Kansas City, KS, and return over the same route). Serving as intermediate or off-route points in connection with the described regular routes, points in Sedgwick, Reno, McPherson, Harvey, Sumner, and Cowley Counties, KS. Restriction: Serving Kansas City, KS-MO, St. Louis, MO, Chicago, IL, and points in the Commercial Zones thereof for joinder only. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. J. Reynolds Tobacco Co., Winston-Salem, NC. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

NOTE.—Common control may be involved, for 180 days.

MC 63417 (Sub-165TA), filed August 24, 1978. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, P.O. Box 13447, Roanoke, VA 245034. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, parts, attachments and accessories therefor,* from Evansville and Rockport, IN, to points in AR, DE, FL, LA, NJ, NY, OH, OK, PA, and TX, for 180 days. Supporting shipper: Peerless Pottery, Inc., 817 North St. Joseph Avenue, Evansville, IN 47712. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24001.

MC 63838 (Sub-8TA), filed August 28, 1978. Applicant: BOLUS MOTOR LINES, INC., 700 North Keyser Avenue, Scranton, PA 18508. 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: *Magazines and periodicals,* from Scranton, PA, to Absecon and Trenton, NJ, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Scranton Lithographing Co., 530 Electric Street, Scranton, PA 18509. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 65895 (Sub-4TA), filed August 24, 1978. Applicant: REDDAWAY'S TRUCK LINE, 1721 Northwest Northrup, Portland, OR 97210. Representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A & B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those commodities injurious or contaminating to other ladings), between Salem, OR and Seattle, WA, serving the intermediate points of Tacoma and Olympia, WA; Portland, OR; and those points in OR, intermediate to Salem, OR, and the commercial zones of the above points, from Salem, OR, over U.S. Hwy 99E to Portland, OR, then over U.S. Hwy I-5 to Seattle, WA, and return over the same route, for 180 days. Supporting shipper: There are approximately (109) statements of support attached to this 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: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

MC 77061 (Sub-12TA), filed August 24, 1978. Applicant: SHERMAN BROS., INC., P.O. Box 706, 90129 Prairie Road, Eugene, OR 97401. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Waste paper and waste paper products,* from King, Thurston, and Spokane Counties, WA, to Lane and Benton Counties, OR, for 180 days. Applicant has also filed an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

MC 78400 (Sub-62TA), filed August 21, 1978. Applicant: BEAUFORT TRANSFER CO., P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from the facilities of Maverick Tube Corp., Union, MO, to points in IL, IA, MS, IN, NC, AR, OK, KY, TN, VA, GA, PA, SC, KS, WI, AL, OH, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Maverick Tube Corp., 311 North Lindbergh, St. Louis, MO 63141. Send protests to: P. E. Binder, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 95540 (Sub-1032TA), filed August 22, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 West Griffin Road, Lakeland, FL 33802. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injuries or contaminating to other lading), (1) between Atlanta, GA, and Cuba, AL, serving all intermediate points: From Atlanta, GA, over U.S. Hwy 78 to Birmingham, AL, then over U.S. Hwy 11 to Cuba, AL, and return over the same route. (2) Between Atlanta, GA, and Grand Bay, AL, serving all intermediate points: From Atlanta, GA, over U.S. Hwy 29 to Tuskegee, AL, then over U.S. Hwy 80 to Montgomery, AL, then over U.S. Hwy 31 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Grand Bay, AL, and return over the same route. (3) Between Columbus, GA, and Cuba, AL, serving all intermediate points: From Columbus, GA, over U.S. Hwy 80 to Cuba, AL, and return over the same route. (4) Between Bainbridge, GA, and Ardmore, AL, serving all intermediate points: From Bainbridge, GA, over U.S. Hwy 84 to Dotham, AL, then over U.S. Hwy 231 to Montgomery, AL, then over U.S. Hwy 31 to junction AL Hwy 251, then over AL Hwy 251 to junction AL Hwy 53, then over AL Hwy 53 to Ardmore, AL, and return over the same route. (5) Between Dothan, AL, and Isney, AL, serving all intermediate points: From Dothan, AL, over U.S. Hwy 84 to Isney AL, and return over the same route. (6) Between Montgomery, AL, and Stafford, AL, serving all intermediate points: From Montgomery, AL, over U.S. Hwy 82 to Stafford, AL, and return over the same route. (7) Between Birmingham, AL, and Rossville, GA, serving all intermediate points: From Birmingham, AL, over U.S. Hwy 11 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Rossville, GA, and return over the same route. (8) Between Birmingham, AL, and Bexar, AL, serving all intermediate points: From Birmingham, AL, over U.S. Hwy 78 to Bexar, AL, and return over the same route. (9) Between Atlanta, GA, and Hamilton, AL, serving all intermediate points: From Atlanta, GA, over U.S. Hwy 278 to Hamilton, AL, and return over the same route. (10) Between Rossville, GA, and Cherokee, AL, serving all intermediate points: From Rossville, GA, over U.S. Hwy 27 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 72, then over U.S. Hwy 72 to Cherokee, AL, and return over the same route. (11) Between Anniston, AL, and junction U.S. Hwy 72 and Alternate U.S. Hwy 72 serving all intermediate points: From Anniston, AL, over U.S. Hwy 431 to Huntsville, AL, then over Alternate U.S. Hwy 72 to junction U.S. Hwy 72 and return over the same route. (12) Between Columbus, GA, and Birmingham, AL, serving all intermediate points: From Columbus, GA, over U.S. Hwy 280 to Birmingham, AL, and return over the same route. (13) Between Columbus, GA, and Mobile, AL, serving all intermediate points: From Columbus, GA, over U.S. Hwy 431 to Dothan, AL, then over U.S. Hwy 231 to junction U.S. Hwy 90 then over U.S. Hwy 90 to Mobile, AL, and return over the same route. (14) Between Bainbridge, GA, and Pensacola, FL, serving all intermediate points: From Bainbridge, GA, over U.S. Hwy 27 to Tallahassee, FL, then over U.S. Hwy 319 to Carrabelle, FL, then over U.S. Hwy 98 to Pensacola, FL, and return over the same route. (15) Between Pensacola, FL, and Flomaton, AL, serving all intermediate points: From Pensacola, FL, over U.S. Hwy 29 to Flomaton, AL, and return over the same route. (16) Between Rossville, GA, and Atlanta, GA, serving all intermediate points: From Rossville, GA over U.S. Hwy 27 to junction GA Hwy 2, then GA Hwy 2 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Atlanta, GA, and return over the same route. Service is authorized at all points in AL, and those points in FL, on and west of U.S. Hwy 319, and those points in GA on, north and west of U.S. Hwy 411, not on the above described routes as off route points. Restriction: The authority granted to points in GA, is restricted to the transportation of traffic moving from, to or through points in AL, for 180 days. Applicant indicates it intends to tack existing authority under MC 95540 Sub-733 and 999. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 48 statements of support attached to this applicant which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies which may be exmained at the field office named below. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 NW., 53d Terrace, Miami, FL 33166.

MC 103051 (Sub-452TA), filed August 24, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid* (in bulk, in tank vehicles), from Savannah, GA, to points in FL and SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Co., Bound Brook, NJ 08805. 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 106074 (Sub-65TA), filed August 21, 1978. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Shiloh Road, Forest City, NC 28043. Representative: William E. Collier, 447 Calumet Place, San Antonio, TX 78209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Watsonville, CA, to AL, CT, DC, FL, GA, IL, IN, IA, MI, MN, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Frozen Foods, Inc., P.O. Box 607, McAllen, TX, 78501. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 113325 (Sub-153TA), filed August 28, 1978. Applicant: SLAY

TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coaltrol* (in bulk, in tank vehicles), from Maiistee, MI, to New Madrid, MO, for 180 days. Supporting shipper: Apollo Chemical Corp., 35 South Jefferson Road, Whippany, NJ 07981. Send protests to: P. E. Binder, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

MC 114211 (Sub-372TA), filed August 24, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 210 Beck Street, Waterloo, IA 50704. Representative: Adelor J. Warren, P.O. Box 420, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast stone veneer*, from Napa and Solano Counties, CA, to points in the United States (excluding AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stucco Stone Products, P.O. Box 237, Napa, CA 94558. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 114457 (Sub-428TA), filed August 23, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Green Bay, WI, to Wichita, KS, and Stuttgart, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midway Can Co., 2341 Hampden Avenue, St. Paul, MN 55114. 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 114725 (Sub-90TA), filed August 28, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: D. F. Swerczek (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 Casper, WY, to NE, for 180 days. Supporting shipper: Dave Rau, Equipment Superintendent, Western Engineering Co., Harlan, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 115826 (Sub-344TA), filed August 23, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, Box 5088 Terminal Annex, Denver, CO 80217. Representative: Howard Gore, 1960 31st Street, Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients* (except in bulk), from the facilities of Kal Kan Foods, Inc., at or near Vernon, CA, to points in AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115841 (Sub-111TA), filed August 24, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and siding*, from Jackson, GA, to points in AL, TN, FL, NC, SC and GA, for 180 days. Supporting shipper: Fabral-Division of Alcan Aluminum, 3449 Hempland Road, Lancaster, PA 17601. Send protests to: Glen Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 118831 (Sub-164TA), filed August 21, 1978. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III, P.O. Box 7007, High Point, NC 27264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry polyester resin* (in bulk), between Fayetteville, NC, and Lewistown, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carodel Corp., P.O. Box 630, Cedar Creek Road, Fayetteville, NC 28302. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 119656 (Sub-49TA), filed August 23, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and cement pipe containing asbestos fibre;* and (2) *insulation board*, from (1) the plantsite of Johns-Manville Sales Corp., at or near Waukegan, IL, and (2) from the plantsite of Johns-Manville Perlite Corp., at or near Rockdale, IL, to points in IN, KY, MI (the Lower Peninsula), NY, OH and PA, for 180 days. Supporting shipper: Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: Lois Stahl, District Supervisor, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, IL 60604.

MC 119700 (Sub-40TA), filed August 23, 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: *Gypsum, gypsum wallboard, gypsum joint cement and related commodities* (except in bulk), from Acme, TX, to points in the States of AR, OK, KS, LA, and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corp., 900 Southwest 5th Avenue, Portland, OR 97204. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 119765 (Sub-57TA), filed August 23, 1978. Applicant: EIGHT WAY XPRESS, INC., P.O. Box 7356, 5402 South 27th Street, South Omaha Station, 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: *Beer*, from Omaha, NE, and Milwaukee, WI, and their respective commercial zones, to Jefferson City and Camdenton, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: David Allen, Transportation Manager, Quality Wholesalers, Inc., P.O. Box 274, Jefferson City, MO 65101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 121664 (Sub-33TA), filed August 28, 1978. Applicant: HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Drewery Road, Monroeville, AL

36460. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring, hardwood block or squares, adhesives, accessories, and lumber*, from Nashville and Jackson, TN, to points in MI, AL, FL, GA, NC, and SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bruce Hardwood Floors, a Triangle-Pacific Co., P.O. Box 90726, Nashville, TN 37209. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-34TA), filed August 28, 1978. Applicant: HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Drewery Road, Monroeville, AL 36460. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel in coils, flat sheet steel, steel tubing, mufflers, and tailpipes*, from, to, and between Monticello, AR, and Gadsden, Birmingham, Fayette, and Monroeville, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arvin Automotive, 1531 13th Street, Columbus, IN. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 126133 (Sub-3TA), filed August 24, 1978. Applicant: GENERAL LEASING, INC., Box 216, 1620 South 15th Street, Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 S. Pinckney Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, IL, to Prairie du Chien, WI, under a continuing contract, or contracts, with Quality Beverages of Wisconsin, Inc., of Prairie du Chien, WI, for 180 days. Supporting shipper: Quality Beverages of Wisconsin, Inc., 1620 South 15th Street, Prairie du Chien, WI 53821. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 212 East Washington Avenue, Room 317, Madison, WI 53703.

MC 126139 (Sub-3 TA), filed August 28, 1978. Applicant: AARON SMITH TRUCKING CO., INC., P.O. Box 153, Dudley, NC 28333. Representative: John N. Fountain, P.O. Box 2246, 336 Fayetteville, 1010 Institute Building, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from the facilities of Bruce Foods Corp. at Wilson, NC, to all points in FL, AL, and all points in GA south of U.S. Hwy. 78, for 180 days. Supporting shipper: Bruce Foods Corp., P.O. Drawer 1030, New Iberia, LA 70560. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 127804 (Sub-8 TA), filed August 23, 1978. Applicant: WILLIAM R. WEINRICH, d.b.a. WEINRICH TRUCK LINES, P.O. Box 1037, Hinton, IA 51024. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, from the facilities of Terra Chemicals International, Inc., at or near Sioux City, IA, to points in AR, LA, MS, OK and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert Stone, Traffic Manager, Terra Chemicals International, Inc., P.O. Box 1828, Sioux City, Ia 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 128007 (Sub-127 TA), filed August 28, 1978. Applicant: HOFER, INC., P.O. Box 583, 20th & Bypass, Pittsburg, KA 66762. Representative: Larry E. Gregg, 641 Harrison, Topeka, KA 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, (in bulk), from facilities of Gulf Oil Chemicals Co. at or near Military, KA, to points in AR, MO, OK and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gulf Oil Chemicals Co., P.O. Box 6200B, Pittsburg, KA 66762. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KA 67202.

MC 128801 (Sub-7 TA), filed August 24, 1978. Applicant: RONALD SHREINER, R.D. No. 7, Lebanon, PA 17042. Representative: Ronald Shreiner, R.D. No. 7, Lebanon, PA 17042. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate or sheet, aluminum blanks*, from the plant site and storage facilities of Howmet Aluminum Corp. at or near Lancaster, PA, to points in the States of NC, SC, GA and FL, under a continuing contract, or contracts, with Howmet Aluminum Corp., Mill Products Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Howmet Aluminum Corp., Mill Products Divison, BOX 3167, Lancaster, PA 17604. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, Harrisburg, PA 17108.

MC 133485 (Sub-23 TA), filed August 23, 1978. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, RI 02909. Representative: Morris J. Levin, 1050 Seventeenth Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals (cobalt)*, in armored motor vehicles escorted by armed guards, between New York, NY, and Valparaiso, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phillip Brothers, Division of Engelhard Minerals & Metals Corp., 1221 Avenue of the Americas, New York, NY 10020. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 135070 (Sub-11TA), filed August 28, 1978. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 18149, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cabinets and parts and accessories thereto*, from the facilities of General Metalcraft Co., at or near Dover, DE, to Bentonville, AR, Wichita, KS, Denver, CO, El Paso, TX, and Phoenix, AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midway America, Inc., 721 East Central Street, Wichita, KS 67202. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 135221 (Sub-8TA), filed August 23, 1978. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, UT 84120. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden doors*, from Vancouver, WA, to Salt Lake City, UT, for 180 days. Applicant has

also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cook Lumber, Inc., 6533 South State, Salt Lake City, UT 84107. (Ed Butterfield, Vice President). Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

MC 135326 (Sub-10TA), filed August 28, 1978. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market Street, P.O. Box 7959, Shreveport, LA 71107. Representative: J. D. Haynes, P.O. Box 759, Shreveport, LA 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulfate liquid*, from near Shreveport, LA, (Caddo Parish) to AR, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thompson-Hayward Chemical Co., 1011 Jack Wells Boulevard, P.O. Box 7884, Shreveport, LA 71107. Send protests to: Connie A. Grillory, District Supervisor, Interstate Commerce Commission, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

MC 136275 (Sub-27TA), filed August 28, 1978. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Boulevard, El Paso, TX 79922. Representative: H. B. Dudley, 777 Executive Boulevard, El Paso, TX 79922. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk and in pneumatic trailers, from Pueblo, CO, to Las Cruces, NM, and El Paso, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (1) El Paso Sand Products, Inc., One McKelligon Canyon Road, El Paso, TX, (2) Certified Concrete Products, Box 128, Las Cruces, NM. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 138635 (Sub-60TA), filed August 21, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, 1511 K Street, NW, Suite 423, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders operating pursuant to part IV of the Interstate Commerce Act, (a) between Charlotte, NC, Atlanta, GA; Lynchburg and Norfolk, VA, and points in their respective commercial zones, on the one hand, and, on the other, Chicago, IL, and points in its commercial zone, (b) from New York, NY, and points in its commercial zone to points in FL, for 180 days. Supporting shipper: Acme Fast Freight, Inc., 2335 New Hyde Park Road, New Hyde Park, NY, 11040 Universal Carloading & Distributing Co., Inc., 345 Hudson Street, New York, NY 10014. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC—516, Mart Office Building, Charlotte, NC 28205.

MC 139858 (Sub-27TA), filed August 23, 1978. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. Van Orman 1729 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stoves, fireplaces, and accessories and materials, equipment, and supplies*, used in the manufacture and distribution thereof, from Grand Rapids, MI, to Huntington, IN. Restriction: The operations described above, if authorized, are subject to the following conditions: (1) The product description does not include commodities which because of their size or weight require the use of special equipment; (2) said operations are limited to transportation service to be performed, under a continuing contract, or contracts, with American Standard, Inc., New Brunswick, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Standard, Inc., Gregory J. Decker, Manager, Rates, P.O. Box 2003, New Brunswick, NJ 08903. 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 141197 (Sub-26TA), filed August 28, 1978. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64150. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in pneumatic tank vehicles, from Muncie, KS, to points in MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holiday Sand & Gravel Co., 6811 West 63d Street, Overland Park, KS 66202. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, KS 64106.

MC 143267 (Sub-32TA), filed August 21, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and dry mixed aggregates containing silica sand*, from the facilities of Set Products, Inc., at Streetsboro, OH, to points in MT, WY, CO, NM, and States east thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Set Products, Inc., 8501 Freeway Drive, Macedonia, OH 44056. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 144041 (Sub-23TA), filed July 18, 1978. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, GA 30345. Representative: K. Edward Wolcott, 235 Peachtree Street, NE., P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastics products* (except in bulk), from the facilities of the Dow Chemical Co. at or near Carteret, NJ, and Allyn's Point, CT, to points in the States of DE, MD, WV, KY, TN NC, SC, GA, AL, MI, FL, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dow Chemical, U.S.A., Eastern Division, 14955 Sprague Road, P.O. Box 36000, Strongsville, OH 44136. Send protests to: Sara K. Davis, transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street, NW., Room 300, Atlanta, GA 30309.

MC 144855 (Sub-3TA), filed August 28, 1978. Applicant: TRANS CONTINENTAL CARRIERS, INC., 169 East Liberty Avenue, Anaheim, CA 92803. Representative: Patricia M. Schnegg, Knapp, Stevens, Grossman & Marsh, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bags, from Chester, VT to Canton, OH, for 180 days. Supporting shipper: U.S. Chemical & Plastic Co., 1446 Tuscarawas West Street, Canton, OH 44706. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145136 (Sub-1TA), filed August 23, 1978. Applicant: JOHN H. UTSINGER, d.b.a. NICK'S CARTAGE CO., 100 Summit Street, West Alexandria, OH 45381. Representative: John H. Utsinger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic vinyl gloves, mold formed; latex gloves, mold formed; PVC resins, in bags; corrugated cartons, KD; and paper board boxes, KD*, between Eaton, OH, and Richmond, IN, under a continuing contract, or contracts, with Dayton Flexible Products, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dayton Flexible Products, Charles R. Bryant, Traffic Manager, Route 35 West, Eaton, OH 45320. 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 145147 (Sub-1TA), filed August 28, 1978. Applicant: LEONARD J. MORIN, d.b.a. MORIN'S AUTO BODY SHOP, 188 Warren Avenue, Portland, ME 04103. Representative: Leonard J. Morin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coarse concrete aggregate*, from Westbrook, ME, to Seabrook, NH, under a continuing contract, or contracts, with Blue Rock Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Blue Rock Industries, 58 Main Street, Westbrook, ME 04092. Send protests to: Interstate Commerce Commission, Bureau of Operations, Room 305, 76 Pearl Street, Portland, ME 04111.

MC 145227TA, filed August 17, 1978. Applicant: ROGERS TRANSPORTATION CO., INC., 1316 South Blount Street, Raleigh, NC 27611. Representative: David H. Permar, P.O. Box 527, 327 Hillsborough Street, Raleigh, NC 276021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (in bulk, in tank truck), from pipeline terminals or port facilities at or near Wilmington, Morehead City, and Selma, NC, to points in Horry, Dillon, Marlboro, and Spartanburg Counties, SC, under a continuing contract, or contracts, with Rogers Oil Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rogers Oil Co., 1316 South Blount Street, Raleigh, NC 27611. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

MC 145251 (Sub-1TA), filed August 23, 1978. Applicant: RANCHERS TRANSPORTATION SERVICE, INC., 3102 Brighton Boulevard, Denver, CO 80216. Representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. 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 and fabricators*, from Douglas, WY, to all points in the United States, (except AL and HI); (2) *materials, equipment, supplies, and products used in the production, processing, packaging, and distribution of the commodities*, moved in (1) above, from all points in the United States, (except AL and HI), to Douglas, WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ranchers Meats, Inc., P.O. Box 547, Douglas, WY 82633. Send protests to: Roger Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145295TA, filed August 28, 1978. Applicant: VIRGIL ACHINGER, d.b.a. ACHINGER TRUCKING SERVICE, Rural Route 1, Laona, WI 54541. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Long Lake, WI, to Escanaba and Ontonagon, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pine River Lumber Co., Ltd., Long Lake, WI. 54542 (Richard Connor, Jr.). 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.

PASSENGER CARRIER

MC 144040 (Sub-1TA), filed August 23, 1978. Applicant: PINETREE TRANSPORTATION CO., 1175 East Spring Street, Long Beach, CA 90806. Representative: Robert J. Corber, 1747 Pennsylvania Avenue NW., Suite 1050, Washington, DC 20006. 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, in vehicles specially equipped to accommodate wheelchairs, from Orange County, CA, to Las Vegas, NV, and return, for 180 days. Supporting shipper: Indoor Sports, 206 South Lyon, Santa Ana, CA. Send protest to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

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

[FR Doc. 78-29822 Filed 10-20-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 120]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before November 22, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77731, filed June 27, 1978. Transferee: EMERALDA HORSE TRANSPORT, INC., Route 2, Box 444, Sanford, FL 32771. Transferor:

Fox Hollow, Inc., 155 N. Eucla, San Dimas, CA 91773. Representative: Alvin Altman, c/o Brodsky, Linett, Altman & Schechter, 888 Seventh Avenue, New York, NY 10019. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates No. MC 18944 and MC 18944 Sub-3 issued October 4, 1965 and December 31, 1968 respectively, as follows: Prize animals, livestock, horses, ponies, mascots, food, supplies, equipment, and paraphernalia incidental to the transportation, care and exhibition of such animals, and the household goods and personal effects of attendants, trainers, exhibitors and owners, over irregular routes, between points in ME, NH, VT, MA, RI, CT, NY, NJ, DE, PA, MD, VA, WV, NC, SC, KY, OH, IN, IL, MI, MO, TN, FL, AR, LA, TN, AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WY, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210(b).

MC-FC-77778, filed July 25, 1978. Transferee: WILLARD E. TEADTKE AND JACK J. L. SINCLAIR, d.b.a. T. & S. Trucking, Bristow, NE 68719. Transferor: Emil Prokop, d.b.a. Emil Prokop Trucking, Bristow, NE. Representative: Jack J. L. Sinclair, T. & S. Trucking, Bristow, NE 68719. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 92936 issued June 7, 1941 as follows: *Livestock*, over regular routes, between Bristow, NE and Sioux City, IA; from Bristow over NE Hwy 12 to junction NE Hwy 15, then over NE Hwy 15 to junction U.S. Hwy 20, and then over U.S. Hwy 20 to Sioux City; and *Livestock, agricultural implements and parts, and feeds*, from Sioux City over the above-specified routes to Bristow. Service is authorized to and from intermediate and off-route points within 10 miles of Bristow. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77813, filed August 11, 1978. Transferee: BILL H. SEVERNS and DENISE B. SEVERNS, d.b.a. RAVALLI MOTOR FREIGHT, 250 Corvallis Road, Corvallis, MT 59828. Transferor: Charles D. Shupe and Sibyl Shupe, d.b.a. Ravalli Motor Freight, Route 2, Box 2381, Hamilton, MT 59840. Representative: Gail H. Goheen, Attorney at Law, 345 West Main Street, Hamilton, MT 59840. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration MC 121623 issued September 13, 1978, as follows: Commercial freight between Victor, Corvallis, Grantsdale, Stevensville, Thrifty Grocery Store, Casey's Store, and Wayside Grocery Store, Hamilton and Darby on the one hand, and Butte and Anaconda on the other hand, over a specified regular route. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

MC-FC-77859, filed September 27, 1978. Transferee: ANN E. PRITCHETT, d.b.a. PRINCE TRUCKING, 5865 Smithway, City of Industry, CA 90040. Transferor: Robert J. Pritchett, (Ann E. Pritchett, Heir at law) d.b.a. Prince Trucking, 5865 Smithway, City of Industry, CA 90040. Representative: Theodore Moraitis, Esq., Attorney, 1200 North Main Street, Suite 440, Santa Ana, CA 92701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit MC 139333 (Sub-1), issued June 20, 1975, as follows: *New office furniture*, from the facilities of the carrier located at or near City of Commerce, CA to points in Los Angeles, Orange, San Diego, San Bernardino, Riverside, Santa Barbara, Ventura, and Kern Counties, CA. Transferee presently holds o authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77874, filed October 3, 1978. Transferee: PATRICK J. ENNIS & DOUGLAS J. BRADLEY, a Partnership, Popejoy, IA 50227. Transferor: Sioux City Bulk Feed Service, Inc., Highway 75 North, Sioux City, IA 51108. Representative: Richard D. Howe, Attorney at Law, 600 Hubbell Building, Des Moines, IA 50309. Searla Jacobsma, Box 2766, Highway 75 North, Sioux City, IA. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate MC 136803 (Sub-2), issued May 21, 1976, as follows: *Dry animal and poultry feeds, dry animal and poultry feed ingredients*, and *animal poultry health aids* (except in bulk, in tank vehicles), from the facilities of Ralston Purina at or near Iowa Falls, IA, to points in IL and WI, (2) *Dry animal and poultry feeds*, and *dry animal and poultry feed ingredients*, in bulk, (except in tank vehicles), from the facilities of Ralston Purina, at or near Iowa Falls, IA, to points in MN and NE. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29814 Filed 10-20-78; 8:45 am]

[7035-01-M]

[Notice No. 119]

MOTOR CARRIER TRANSFER PROCEEDINGS

October 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC-77884. By application filed October 12, 1978, ETI CORP., P.O. Box 549, Linden, NJ 07036, seeks temporary authority to transfer a portion of the operating rights of EASTERN TRANSPORT INC., P.O. Box 549, 320 South Stiles Street, Linden, NJ 07036, under section 210a(b). The transfer to ETI CORP. of a portion of the operating rights of EASTERN TRANSPORT INC., is presently pending.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-29815 Filed 10-20-78; 8:45 am]

[7035-01-M]

[Finance Docket No. 28870]

ILLINOIS TERMINAL RAILROAD CO.

Construction and Operation of a Line of Railroad at Wood River, Madison County, IL

Illinois Terminal Railroad Co., P.O. Box 7282, 710 North 12th Boulevard, St. Louis, MO 63177, represented by Steven J. Anthony, Secretary and General Counsel, Illinois Terminal Railroad Co., P.O. Box 7282, St. Louis, MO 63177, hereby give notice that on the 29th day of September 1978, it filed with the Interstate Commerce Commission at Washington, DC, an application under section 1(18) of the Interstate Commerce Act for a decision approving and authorizing the construction of and operation over one segment of railroad being 803 feet long, connecting the line of applicant with track of the Illinois Central Gulf Railroad Co. (ICG) at Wood River, Madison County, IL.

Applicant proposes to construct a new line of railroad, 803 feet to be constructed from a line of railroad owned by the applicant to a line of railroad owned by the ICG over which applicant proposes to acquire trackage rights. The new line of railroad will be located in Madison County, IL. The section of track at Wood River, IL, will have a total length of 803 feet between main line tacks of the ICG beginning at Valuation Station 1347+70 and continuing 803 feet southwardly to the main line of the Illinois Terminal, all located in the southwestern part of Wood River, IL.

By related application docketed Finance Docket No. 28868, Illinois Terminal seek trackage rights on a line of railroad owned by the Illinois Central Gulf between Wood River, IL, and Springfield, IL, a total distance of approximately 77.08 miles.

This application is also made in conjunction with a separate application, docketed AB-84 (Sub-2F), in which applicant seeks authority to abandon trackage rights over ICG from Mont to Springfield in Madison, Macoupin, Montgomery, and Sangamon Counties, IL, a distance of approximately 81.24 miles.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-4), *Implementation—National Environmental Policy Act, 1969*, 352 ICC 451(1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOME, Jr.,
Acting Secretary.

[FR Doc. 78-29817 Filed 10-20-78; 8:45 am]

[7035-01-M]

[Finance Docket No. 28868]

ILLINOIS TERMINAL RAILROAD CO.

Trackage Rights—Over Illinois Central Gulf Railroad Co. Between Springfield and Wood River, IL

Illinois Terminal Railroad Co., P.O. Box 7282, 710 North Twelfth Boulevard, St. Louis, Mo. 63177, represented by Steven J. Anthony, Illinois Terminal Railroad Co., P.O. Box 7282, St. Louis, Mo. 63177, hereby give notice that on the 29th day of September, 1978, it filed with the Interstate Commerce Commission at Washington, DC, an application under section 5(2) of the Interstate Commerce Act for a decision approving and authorizing the trackage rights by Illinois Terminal over trackage of the Illinois Central Gulf Railroad Co. between Wood River and Springfield, IL, a total distance of 77.08 miles.

Under the trackage rights requested, the Illinois Terminal will not serve any station along the line of the Illinois Central Gulf (ICG) nor would Illinois Terminal have the right to pick up or set out along the line. The proposed transaction will not adversely affect shippers, receivers, or employees of this carrier. This transaction is proposed as a substitute for a line which Illinois Terminal presently operates over between Mont and Springfield, IL, a distance of 81.24 miles, pursuant to authority granted in Finance Docket No. 25615. ICG has filed for abandonment in AB-43 (Sub-30) of a substantial segment of that line. These trackage rights will enable the carrier to continue operations between the St. Louis area and all points northerly.

By related application docketed Finance Docket No. 28870, applicant seeks approval and authorization for the construction of and operation over one segment of railroad being 803 feet long, connecting its line with track of the ICG at Wood River, Madison County, IL.

This application is also made in conjunction with a separate application, docketed AB-84 (Sub-2F), in which applicant seeks authority to abandon trackage rights over ICG from Mont to Springfield in Madison, Macoupin, Montgomery, and Sangamon Counties, IL, a distance of approximately 81.24 miles.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-4), *Implementation—National Environmental Policy Act, 1969*, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28868 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423, on or before December 7, 1978. Such written comments shall include the following: The person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

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

[FR Doc. 78-29816 Filed 10-20-78; 8:45 am]

[7035-01-M]

CODIFICATION OF THE INTERSTATE COMMERCE ACT

Pub. L. 95-473, an Act to "revise, codify and enact without substantive change the Interstate Commerce Act," was signed by President Carter on October 17, 1978. The new law constitutes a substantial revision and reorganization of the laws administered by the Interstate Commerce Commission. It repeals the Interstate Commerce Act (49 U.S.C. 1 et seq., 301 et seq., 901 et seq., and 1001 et seq.) and certain related statutes. These laws have now been replaced by a new subtitle IV of title 49 of the United States Code, 49 U.S.C. 10101 through 11916.

Copies of Pub. L. 95-473 may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Information concerning the price and availability of the public law may be obtained by calling the Government Printing Office "Order Desk" on 202-783-3238.

The Interstate Commerce Commission is not able to supply copies of the new subtitle to members of the public. However, copies are being made available for public reference in the public docket room (room 1221) at the Commission's office at 12th Street and Constitution Avenue NW., Washington, D.C. and at each of the Commission's field offices. A revised edition of

the laws administered by the Commission, and related sections of other acts, replacing the 1973 revision of the Interstate Commerce Act, is being prepared and will be published as soon as possible.

The Commission recognizes that not all parties to its proceedings will be able to obtain copies of the new subtitle promptly. We also recognize that persons familiar with the former Interstate Commerce Act may find it difficult at first to refer to and cite the new law. During a transition period of 6 months from the date of this notice, the Commission will accept pleadings and other documents containing citations to the old act. Parties are, however, requested to cite the new subtitle if possible, and it is suggested that, during the 6-month transition period, pleadings contain citations to both the old and the new laws (for example, 49 U.S.C. 10726; section 4 of the former Interstate Commerce Act).

Dated: October 18, 1978.

By the Commission.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-29813 Filed 10-20-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01-M]

1

[M-170, Amdt. 1; Oct. 17, 1978]

CIVIL AERONAUTICS BOARD.

Notice of typographical omission from the October 20, 1978, agenda.

TIME AND DATE: 1:30 p.m., October 20, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 26. Dockets 33448, 33567, 33550, 33558, and 33634, Pan Am request for suspension of service to points in Europe and Hawaii; applications of United, Braniff, Hawaii and Aeroamerica for exemptions to serve Seattle/Portland-Honolulu (BIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Docket 33448, Item 26, was inadvertently omitted from the announcement published on October 13, 1978.

All amendments to previously announced agendas are publicly posted at the Board's offices, sent to the Federal Register for publication, and mailed to parties to docketed cases affected by the change. We regret any inconvenience that may be caused by these changes or the delayed receipt of our notices.

[S-2119-78 Filed 10-19-78; 11:07 am]

[6740-02-M]

2

OCTOBER 18, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., October 25, 1978.

PLACE: 825 North Capitol Street NE., Washington, D.C., Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information.

GAS AGENDA—167TH MEETING, OCTOBER 25, 1978, REGULAR MEETING

CAG-1. Docket Nos. RP74-61 (PGA78-3) and RP76-10 (PGA78-3), Arkansas Louisiana Gas Co.
CAG-2. Docket No. RP72-157 (PGA78-12), Consolidated Gas Supply Corp.
CAG-3. Docket No. RP78-62, Panhandle Eastern Pipe Line Co.
CAG-4. Docket No. RP74-36, Gulf Energy & Development Corp.
CAG-5:
Docket No. CI78-686, Amerada Hess Corp.
Docket No. CI78-632, Aminoil USA Inc.
Docket No. G-3894, Atlantic Richfield Co.
Docket No. G-4542, Atlantic Richfield Co.
Docket No. CI78-636, Atlantic Richfield Co.
Docket No. CI77-327, Cities Service Co.
Docket No. CI78-882, Exxon Corp.
Docket No. G-11637, Gulf Oil Corp.
Docket No. CI78-285, Gulf Oil Corp.
Docket No. CI78-673, Helmerich & Payne, Inc.
Docket No. CI75-367, Pennzoil Co.
Docket No. CI78-508, Sun Oil Co.
Docket No. CI78-391, Tenneco Oil Co.
Docket No. CI78-1117, Texas Eastern Exploration Co.
Docket No. CI77-370, Union Oil Company of California.
CAG-6. Docket No. CP78-468, Transcontinental Gas Pipe Line Corp.
CAG-7. Docket Nos. CP77-222 and CP78-540, Arkansas Louisiana Gas Co.

I. PIPELINE RATE MATTERS

RP-1. Docket No. RP-73-14 (PGA78-3 and DCA78-2), Michigan Wisconsin Pipe Line Co.
RP-2. Docket No. RP-78-94, Texas Gas Transmission Corp.
RP-3. Docket No. RP-79-1, Colorado Interstate Gas Co.
RP-4. Docket No. RP-74-4, Cities Service Gas Co.

II. PIPELINE CERTIFICATE MATTERS

CP-1. Docket No. OR78-1, Trans Alaska Pipeline System.
CP-2. Docket No. RP75-79, *Lehigh Portland Cement Company* v. *Florida Gas Transmission Company.*

MISCELLANEOUS AGENDA, 167TH MEETING, OCTOBER 25, 1978, REGULAR MEETING

CAM-1. Docket No. RM78- , Revision in § 154.38 of Title 18 of the Code of Federal Regulations to clarify the 36 month purchased gas adjustment clause cost of service filing requirement.

POWER AGENDA, 167TH MEETING, OCTOBER 25, 1978, REGULAR MEETING

CAP-1. Docket Nos. ER78-551, ER78-552, ER78-587, and ER78-588, Central Vermont Public Service Corp.
CAP-2. Docket No. ER78-591, Empire District Power Co.
CAP-3. Docket Nos. ER78-629 and ER78-630, Iowa Power & Light Co.
CAP-4. Docket No. ER78-513, Public Service Co. of Indiana, Inc.
CAP-5. Docket No. ER78-517, The Connecticut Light & Power Co.
CAP-6. Docket Nos. ER78-337 and ER78-338, Public Service Co. of New Mexico.
CAP-7. Docket No. ER78-515, The Montana Power Co.
CAP-8. Docket No. ES78-47, Iowa Electric Light & Power Co.

I. ELECTRIC RATE MATTERS

ER-1. Docket Nos. ER78-526 and ER77-331, Central Power & Light Co.
ER-2. Docket No. ER78-512, Wisconsin Electric Power Co.
ER-3. Docket Nos. ER76-39, ER76-340 and ER76-363, Kansas Power & Light Co.

II. LICENSED PROJECT MATTERS

P-1. Project No. 2863, City of Holyoke, Mass.

KENNETH F. PLUMB,
Secretary.

[S-2120-78 Filed 10-19-78; 11:07 am]

[6735-01-M]

3

OCTOBER 19, 1978.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

Notice of addition of items to the October 24, 1978, agenda.

TIME AND DATE: 10 a.m., October 24, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20006.

STATUS: This meeting will be open.

MATTERS TO BE CONSIDERED: The following proceedings will be considered and acted upon by the Commission. Motions have been filed in these proceedings.

1. *Chris Rogers, et al.* v. *Anschutz Coal Corporation*, Docket No. DENV 76-138 (motion to dismiss petition for discretionary review).

2. *Joseph Maynard* v. *Standard Sign and Signal Company*, Docket No. IBMA 77-48 (motion for expedited ruling; motion to strike ex parte communications).

CONTACT PERSON FOR FURTHER INFORMATION:

Mr. Philip Paschall, 202-653-5648.

JEROME R. WALDIE,
Chairman, Federal Mine Safety and Health Review Commission.

[S-2121-78 Filed 10-19-78; 3:34 pm]

[7910-01-M]

4

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR, October 16, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, October 17, 1978; 10 a.m.

CHANGE IN MEETING: Matters 6 and 7 are added to the previously announced agenda.

MATTERS TO BE CONSIDERED:

6. Recommended action on contractor's request for a statement of facts and reasons: DeLong Corp., fiscal year ended December 31, 1969.

7. Recommended assignment to a division: Kings Point Industries, Inc., consolidated with: Kings Point Manufacturing Co., Inc., fiscal years ended April 30, 1969, 1970, and 1971 and simultaneous with: Victory Enterprises, Inc., fiscal years ended September 30, 1969, 1970, and 1971.

STATUS: Matters 6 and 7 are open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 18, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-2122-78 Filed 10-19-78; 3:34 pm]

[7910-01-M]

5

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 47812, October 17, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, October 24, 1978; 10 a.m.

CHANGES IN MEETING:

1. Date postponed to: Tuesday, October 31, 1978; 10 a.m.
2. Delete agenda items 2 and 3.
3. Matters 8 and 9 are added to the previously announced agenda.

MATTERS TO BE CONSIDERED:

8. Exemption recommendations (List 3008):
A. Sealright Co., Inc., fiscal year ended September 30, 1978.
B. H. P. Smith Paper Co., fiscal year ended September 30, 1976.

9. Exemption recommendations (List 3009):
A. Alloy Steels Inc., fiscal year ended September 30, 1976.
B. Jorgensen Steel Co., fiscal year ended September 30, 1976.
C. Earle M. Jorgensen Co., fiscal year ended September 30, 1976.
D. William G. Wetherall, Inc., fiscal year ended September 30, 1976.

STATUS: Matters 8 and 9 are open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 18, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-2123-78 Filed 10-19-78; 3:34 pm]

[7910-01-M]

6

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, October 26, 1978; 2 p.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED:

Kaiser Industries Corp., Kaiser Aerospace & Electronics Corp., Kaiser Engineers, Inc., Henry J. Kaiser Co., fiscal years ended December 31, 1972.

Kaiser Industries Corp. (Agent), consolidated with: Kaiser Aerospace & Electronics Corp., Henry J. Kaiser Co., Kaiser Engineers, Inc., Hallanger Engineers, Inc., fiscal years ended December 31, 1973.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 17, 1978.

GOODWIN CHASE,
Chairman.

[S-2124-78 Filed 10-19-78; 3:34 pm]

[7910-01-M]

7

RENEGOTIATION BOARD.

DATE AND TIME: Wednesday, November 8, 1978; 9:30 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Stupp Corp., fiscal year ended July 31, 1975.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 17, 1978.

GOODWIN CHASE,
Chairman.

[S-2125-78 Filed 10-19-78; 3:34 pm]

[7910-01-M]

8

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, November 30, 1978; 9:30 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Temtex Industries, Inc., consolidated with: Temco, Inc., fiscal year ended August 31, 1972.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: October 17, 1978.

GOODWIN CHASE,
Chairman.

[S-2126-78 Filed 10-19-78; 3:34 pm]

federal register

MONDAY, OCTOBER 23, 1978
PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

VISUAL DISTRESS SIGNALS AND INDEPENDENT LABORATORY PROCEDURES AND STANDARDS FOR COAST GUARD APPROVED EQUIPMENT

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 175]

[CGD 76-183]

VISUAL DISTRESS SIGNALS ON BOATS

Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 78-9470 appearing at page 15118 in the FEDERAL REGISTER of April 10, 1978, in § 175.110(a) on page 15122, the applicability was incorrectly stated as applying to any boat "carrying passengers," instead of "carrying six or less passengers". Section 175.110(a) is corrected to read as follows:

§ 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length or any boat carrying six or less passengers unless visual distress signals suitable for day and night use as listed in § 175.130 or § 175.135, in the number required, are on board.

* * * * *

EFFECTIVE DATE: October 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David Gauthier, U.S. Coast Guard, Office of Boating Safety (G-BLC), Room 4308, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590, 202-426-4176.

Dated: October 11, 1978.

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

[FR Doc. 78-29476 Filed 10-20-78; 8:45 am]

[4910-14-M]

[46 CFR Parts 2 and 159]

[CGD 76-048]

EQUIPMENT AND MATERIAL SPECIFICATIONS

Proposed Approval Procedures, Production Inspection and Test Requirements, and Independent Laboratory Standards

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: This document propopses a new part containing approval procedures, production inspection and test procedures, and standards for accepting independent laboratories for testing certain equipment and materials requiring Coast Guard approval. This new part would establish the procedures that would eventually replace the Coast Guard factory inspection requirements in many specification regulations. The factory inspections required by those specifications divert the Coast Guard's field personnel from other duties. This proposed part in conjunction with changes to the specification regulations would place the responsibility for quality control on the manufacturer of the equipment or material. This would free some of the Coast Guard's limited field personnel for other duties with no change in the quality of the approved equipment or material.

This proposal should be considered in conjunction with Coast Guard document 76-048(b), Distress Signals, Signal Pistols, and Line-Throwing Appliances appearing at page 49350 of this issue of the FEDERAL REGISTER.

DATES: Comments must be received on or before December 22, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 76-048), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert L. Markle, Office of Merchant Marine Safety (G-MMT-3/83), Room 8301, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1444.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 76-048) and the specific section of the proposal to which each comment applies, and give reasons for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank K. Thompson and Robert L. Markle, Project Managers, Office of Merchant Marine Safety, and Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

BACKGROUND

The Coast Guard is planning to amend the approval requirements in many specification regulations to permit equipment and material under those regulations to be inspected and tested by an independent laboratory or, if the equipment or material requires little inspection or testing, by the manufacturer of that equipment or material. The goal of this plan is to reduce Coast Guard involvement in routine approval and production testing and place responsibility for product quality control on the manufacturer where feasible.

Over the years, the Coast Guard's marine inspection responsibilities increased while the number of personnel available to perform these inspections has not increased at a comparable rate. Among the many demands on Coast Guard marine inspection personnel are tests and inspections for approval of equipment and materials and production inspection and testing of approved equipment and materials. While the number of man-hours devoted to each individual test and inspection is not great, these approval and production tests and inspections, taken as a whole, create a significant drain on the Coast Guard's limited personnel resources.

The Coast Guard is reviewing the need for continued Government testing and inspection of certain equipment or material required to be carried on vessels. Private industry has the capability of conducting the tests and inspections involved and there are independent laboratories that are regularly engaged in this type of activity. In many cases there appears to be no need for continued Government involvement in the tests and inspections in order to maintain the desired level of quality control. The Coast Guard currently requires independent laboratory inspection of buoyant vests and other personal flotation devices, portable fire extinguishers, and marine sanitation devices. Under the program now being considered, the Coast Guard would extend similar requirements to other types of equipment, such as distress signals, line-throwing appliances, foam buoyant materials, and similar equipment. Certain other equipment would be approved on the basis of plans, samples, and data submitted by the manufacturer with the application for approval.

Production inspections and tests, under this program, would in many instances be performed by the manufacturer; however some types of equip-

ment and material would also have to be inspected or tested periodically by an independent laboratory. The Coast Guard would monitor production tests from reports submitted annually by the manufacturer.

The procedures under this program would eventually affect all the lifesaving equipment specifications in part 160 except those for lifeboats, including disengaging apparatus and handpropelling gear, inflatable liferafts, winches, and davits, which may be considered by the Coast Guard at a later date. The planned procedures would also affect certain lifeboat equipment specifications in part 161, the fire-extinguishing equipment specifications in part 162, and the specifications for materials in part 164. Because of the number of subparts to be amended, the Coast Guard intends to carry out this proposal in increments. Proposed amendments to the approval procedures and tests for distress signals, signal pistols, and linethrowing appliances, are in another document (CGD 76-048b) that appears at page 49350 of this issue of the FEDERAL REGISTER. Proposed amendments to other equipment and material specifications will appear in future issues of the FEDERAL REGISTER.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, Mar. 8, 1978). A draft evaluation has been prepared and placed in the public docket.

DISCUSSION OF PROPOSAL

Because the proposed approval requirements and procedures are essentially the same for all types of affected equipment and materials, proposed part 159 would contain the approval requirements and procedures for all the affected specifications. This proposed part sets forth:

a. The procedures by which the Coast Guard would approve each type of equipment and material affected by these proposed amendments.

b. The procedures for production inspection and testing by the manufacturer and by an independent laboratory.

c. The standards and the procedures under which the Coast Guard would accept or recognize an independent laboratory for performing or supervising inspections and tests.

In consideration of the foregoing, the Coast Guard proposes to amend chapter I of title 46, Code of Federal Regulations, as follows:

PART 2—VESSEL INSPECTIONS

1. In § 2.75-10, the words "Parts 160 to 164, inclusive" in paragraph (a), are changed to "Parts 159 through 164". Paragraph (b) is revised to reflect current procedures and addresses. as amended § 2.75-10 reads as follows:

§ 2.75-10 Procedures for obtaining approvals.

(a) The requirements for obtaining approvals of items covered by specifications and bearing offical Coast Guard approval numbers are set forth in parts 159 through 164 of this chapter. For other items, the requirements are described in the regulations governing such items.

(b) Unless otherwise specified, correspondence concerning approvals should be addressed to the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, the material being transmitted with the application should be clearly identified.

2. In the first sentence of § 2.75-17(a), the words "33 CFR Parts 140 through 146 (artificial islands and fixed structures on the Outer Continental Shelf)" are changed to "33 CFR Chapter I". As amended, § 2.75-17(a) reads as follows:

§ 2.75-17 General policy regarding acceptance and use of industry specifications, standards, and codes.

(a) Certain equipment, materials, and installations required by various provisions of the navigation and vessel inspection laws and regulations in this chapter and in 33 CFR Chapter I have to be approved by the Commandant, U.S. Coast Guard, prior to their use. For many items of equipment, materials, and installations, the normal manufacturing practices are based on the use of certain industrial or Federal specifications, standards, and codes. However, it is realized that certain provisions are based on conditions normally found "ashore," rather than in the marine environment which may be experienced onboard vessels or on artificial islands and fixed structures. Industry specifications, standards, and codes are adopted and shall form a part of the regulations of this chapter to the extent specified in this subpart and in the more detailed regulations in parts 160 through 164 (Subchapter Q—Equipment Construction and Materials: Specifications and Approval) of this chapter. Unless specifically stated otherwise in the regulations, the current issue of the specifications, standards, or codes, including addenda or changes, described in the regulations shall be used. The current issue is that issue, including any addenda or changes, in effect on the date the work is contracted for, or, if no contract exists, the date fabrication is begun. The Commandant may authorize the use of an issue of an earlier or later date when circumstances warrant such action.

* * * * *

SUBCHAPTER Q—EQUIPMENT, CONSTRUCTION, AND MATERIALS: SPECIFICATIONS AND APPROVAL

3. By changing the title of subchapter Q to "Equipment, Construction, and Materials: Specifications and Approval" as set forth above and by adding a new part 159 to read as follows:

PART 159—APPROVAL OF EQUIPMENT ND MATERIALS

Subpart 159.001—General

Sec.

159.001-1 Purpose.
159.001-3 Definitions.
159.001-5 Correspondence and applications.
159.001-7 Substituted procedures.

Subpart 159.005—Approval Procedures

159.005-1 Purpose.
159.005-3 Application for preapproval review.
159.005-5 Preapproval review: Contents of application.
159.005-7 Preapproval review: Coast Guard action.
159.005-9 Approval inspections and tests.
159.005-11 Approval inspection or test report: Contents.
159.005-12 Plans.
159.005-13 Equipment or material: Approval.
159.005-15 Approval of equipment or material: Suspensions, withdrawals, and terminations.

Subpart 159.007—Independent Laboratory: Production Inspections and Tests

159.007-1 Purpose.
159.007-3 Production inspections and tests: Independent laboratory's procedures.
159.007-5 Production inspections and tests: Application for acceptance.
159.007-7 Application for acceptance for production inspections and tests: Coast Guard action.
159.007-9 Production inspections and tests.
159.007-11 Production inspections and tests: Yearly report.
159.007-13 Production inspections and tests: Records.

Subpart 159.010—Independent Laboratory: Acceptance, Listing, and Termination

159.010-1 Purpose.
159.010-3 Independent laboratory: Standards for acceptance.
159.010-5 Independent laboratory: Application for acceptance.
159.010-7 Independent laboratory: Standards for listing.
159.010-9 Independent laboratory: Application for listing.
159.010-11 Independent laboratory: Listing in subpart.
159.010-15 Contracting inspections and tests or transferals to another laboratory or person.
159.010-17 Application and test plans: Changes.

159.010-19 Termination of acceptance or listing of a independent laboratory.
159.010-21 Termination of acceptance or listing: Procedure.

AUTHORITY: Sec. 1, 73 Stat. 475 (46 U.S.C. 481); sec. 201, 86 Stat 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b) and (n)(4).

Subpart 159.001—General

§ 159.001-1 Purpose.

(a) This part contains the procedures for the approval of equipment and materials when that equipment or material is inspected or tested by an independent laboratory or by the manufacturer of the equipment or material.

§ 159.001-3 Definitions.

(a) As used in this part:

(1) "Applicable subpart" means a subpart under which equipment or material is approved, or under which an independent laboratory is listed.

(2) "Listed laboratory" means an independent laboratory that has been listed in an applicable subpart under the provisions of § 159.010-11.

(3) "Test plan" means a description of the procedures by which an independent laboratory meets or exceeds the inspection and test requirements of an applicable subpart.

§ 159.001-5 Correspondence and applications.

(a) Unless otherwise specified, all correspondence and applications in connection with the approval and testing of equipment and materials shall be addressed to: Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

§ 159.001-7 Substituted procedures.

(a) The Commandant may substitute the procedures in this part for the procedures in any other part of this subchapter. Each person known to be affected by the substitution shall be informed that the procedures in this part apply.

Subpart 159.005—Approval Procedures

§ 159.005-1 Purpose.

(a) This subpart contains the procedures by which the Coast Guard approves equipment and materials under other subparts of this subchapter that require—

(1) Preapproval inspections and tests by an independent laboratory;

(2) Preapproval inspections and tests by the manufacturer; or

(3) No preapproval inspections or tests.

§ 159.005-3 Application for preapproval review.

(a) Each manufacturer of equipment or material who seeks Coast Guard approval under an applicable subpart must submit an application that meets § 159.005-5 to the Commandant unless—

(1) The subpart contains a list of independent laboratories;

(2) The subpart does not require Coast Guard review prior to testing; and

(3) The manufacturer meets the requirements of paragraph (b) of this section.

(b) If the applicable subpart contains a list of independent laboratories and does not specifically require Coast Guard review prior to testing, the manufacturer may have the tests performed by a listed laboratory and submit the report required by § 159.005-11 to the Commandant.

§ 159.005-5 Preapproval review: Contents of application.

(a) Each application must contain the following:

(1) The name and address of the manufacturer and the factory where the equipment or material is produced.

(2) One or more of the following as required by the applicable subpart:

(i) Two sets of general plans of the equipment or material.

(ii) Two sets of specifications of the equipment or material.

(iii) A sample of the equipment or material accompanied by a written description of its components.

(b) If the equipment or material is required by the subpart to be inspected and tested by an independent laboratory, the application must contain the following additional information:

(1) The name and address of a laboratory that meets § 159.010-3(a) and that is selected by the manufacturer to perform or supervise the inspections and tests.

(2) If the laboratory has not been accepted previously for inspecting and testing the manufacturer's equipment or material under the applicable subpart, the completed application under § 159.010-5(a).

§ 159.005-7 Preapproval review: Coast Guard action.

(a) If approval inspections and tests are required under the applicable subpart, the Commandant takes the following action:

(1) If the Commandant determines from the application that the equipment or material appears to meet the design requirements of an applicable subpart or appears to have equivalent performance characteristics, and that the laboratory meets § 159.010-3(a), the Commandant informs the manufacturer that the required approval inspections and tests may be conducted.

(2) If the Commandant determines from the application for approval that the equipment or material does not appear to meet the design requirements of an applicable subpart or does not appear to have equivalent performance characteristics, or that the laboratory does not meet § 159.010-3(a), the Commandant informs the manufacturer of the reason why the equipment or material is not acceptable for approval inspections and tests or why the laboratory is not accepted.

(b) If no approval inspections or tests are required under the applicable subpart, the Commandant—

(1) Takes action in accordance with § 159.005-13; or

(2) Informs the manufacturer of additional information required before action under § 159.005-13 can be taken.

§ 159.005-9 Approval inspections and tests.

(a) Each manufacturer of equipment or material that is required to be subjected to approval inspections and tests must—

(1) If the applicable subpart requires the equipment or material to be inspected or tested, have the approval inspections or tests performed;

(2) If the applicable subpart requires the equipment or material to be inspected or tested by an independent laboratory, insure that a laboratory accepted by the Commandant performs or supervises the approval inspections or tests;

(3) Bear all costs of the approval inspections and tests;

(4) If requested, advise the Commandant of the time, date, and place of each approval inspection or test, or both, before the inspection or test is performed; and

(5) After completion of the approval inspections and tests, submit to the Commandant—

(i) A test report that meets § 159.005-11;

(ii) At least two sets of specifications of the material as inspected or tested or at least two sets of plans of the equipment as inspected or tested that meet § 159.005-12; and

(iii) A description of the quality control procedures that will be in effect during the production of the equipment or material.

§ 159.005-11 Approval inspection or test report: Contents.

(a) Each inspection or test report must contain the following:

(1) The name of the manufacturer.

(2) If the inspections or tests are performed or supervised by an independent laboratory, the name and address of the laboratory.

(3) The trade name and a brief description of the equipment or material inspected or tested.

(4) The time, date, and place of each approval inspection and test.

(5) The name and title of each person performing, supervising, and witnessing the approval inspections or tests.

(6) The performance data for each test required in the applicable subpart, including a description of each failure.

(7) A description or photographs of the procedures and apparatus used in the inspections or tests.

(8) At least one photograph that shows an overall view of the equipment or material submitted for approval and other photographs that show—

(i) Design details; and

(ii) Each occurance of damage or deformation to the equipment or material that occurred during the approval tests.

(b) Each inspection or test report must bear an attestation that the inspections or tests were conducted as required by the applicable subpart and that the report contains no known errors, omissions, or false statements. The attestation must be signed by:

(1) The manufacturer or manufacturer's representative, if the inspection or tests are conducted by the manufacturer; or

(2) The chief officer of the laboratory, or the chief officer's representative, if the inspection or tests were conducted by an independent laboratory.

NOTE.—A false representation on a report is a ground for suspension or withdrawal of approval of the equipment or material. A false representation is also punishable as a crime under 18 U.S.C. 1001.

§ 159.005-12 Plans.

(a) Each set of plans under § 159.005-9(a)(5)(ii) for equipment must include the following:

(1) An assembly drawing or general arrangement drawing.

(2) A description of each component of the equipment that includes the name, the manufacturer, and the part identification of each component in—

(i) A detail drawing;

(ii) A bill of material or parts list; or

(iii) A specification for that component.

(3) A list of the drawings and specifications in the set of plans, including each revision, and the date of that list.

(4) If a manufacturer's instructions or manual is required in the applicable subpart, a copy of the instructions or manual.

§ 159.005-13 Equipment or material: Approval.

(a) If from analysis of the material and data required to be submitted under this subpart, the Commandant determines that the equipment or material meets the applicable subpart, the Commandant—

(1) Approves the equipment or material;

(2) Issues a certificate of approval to the manufacturer under § 2.75-5 of this chapter;

(3) Retains one set of approved plans and returns all others to the manufacturer; and

(4) Publishes a notice of the approval in the FEDERAL REGISTER.

(b) If from analysis of the material and data submitted the Commandant determines that the equipment or material does not meet the applicable subpart, the Commandant informs the manufacturer of the reason why that equipment or material does not meet the subpart.

§ 159.005-15 Approval of equipment or material: Suspensions, withdrawals, and terminations.

(a) The Commandant suspends an approval issued under this subchapter in accordance with § 2.75-40 of this chapter, withdraws an approval issued under this subchapter in accordance with § 2.75-50(a) of this chapter, and terminates an approval issued under this subchapter in accordance with § 2.75-50(b) of this chapter.

Subpart 159.007—Independent Laboratory: Production Inspection and Tests

§ 159.007-1 Purpose.

(a) This subpart contains the procedures under which production inspections and tests of approved equipment or materials are to be performed under this subchapter.

§ 159.007-3 Production inspections and tests: Independent laboratory's procedures.

(a) The manufacturer may follow an independent laboratory's procedures for production inspections and tests if those procedures—

(1) Meet or exceed the production inspection and test requirements of the applicable subpart or are equivalent to those inspections and tests;

(2) Include labeling or marking the equipment or material when the equipment or material meets the inspection and test procedures of the laboratory; and

(3) Are accepted by the Commandant under § 159.007-7(b).

§ 159.007-5 Production inspections and tests: Application for acceptance.

(a) If the applicable subpart requires production inspections and tests by an independent laboratory, the manufacturer must insure that the laboratory selected for production inspections and tests has been accepted by the Commandant;

(b) The manufacturer must submit an application for acceptance that meets § 159.010-5(a) unless the laboratory—

(1) Is listed in the subpart; or

(2) Is accepted by the Commandant for approval inspections and tests of the equipment or material under § 159.005-7(a)(1).

(c) If the manufacturer wants to follow the laboratory's procedures for production inspections and tests instead of meeting the Coast Guard procedures under this subchapter, the application must contain a description of those procedures.

§ 159.007-7 Application for acceptance for production inspections and tests: Coast Guard action.

(a) From the information submitted with the application, the Commandant determines whether or not the laboratory is accepted for production inspections and tests. The Commandant informs the manufacturer of the results of this determination, if the Commandant does not accept a laboratory, the reason for the disapproval will be given.

(b) From the description of the laboratory's procedures for production inspections and tests, the Commandant determines whether or not those procedures are accepted. The Commandant informs the manufacturer of the results of this determination. If the Commandant does not accept the laboratory's procedures, the reasons why they are not accepted will be given.

§ 159.007-9 Production inspections and tests.

(a) If the applicable subpart requires the production inspections and tests to be performed or supervised by an independent laboratory, the manufacturer shall insure that all required production inspections and tests are performed or supervised by an independent laboratory accepted by the Commandant.

(b) If the applicable subpart does not require an independent laboratory to perform the production inspections and tests, the manufacturer shall have those inspections and tests performed.

(c) Unless alternative procedures have been accepted by the Commandant under § 159.007-3 each production inspection and test must be performed or supervised in accordance with the applicable subpart.

§ 159.007-11 Production inspections and tests: Yearly report.

(a) When the manufacturer uses the production inspection and test procedures in an applicable subpart he must submit a yearly report. The report is not required when inspection and test

procedures approved under § 159.007-3 are used.

(b) The report must include the following:

(1) A list of all inspections and test performed;

(2) A summary of the results of each group of inspections or tests:

(3) A detailed description of any test failures; and

(4) A statement whether or not all required tests were performed.

§ 159.007-13 Production inspections and tests: records.

(a) The manufacturer must have a completed record with the information under § 159.005-11 (a)(4) through (a)(7) for each production inspection and test.

(b) The manufacturer must retain each record under this section for at least 60 months after the month in which the inspection or test was conducted.

(c) The records must be made available for examination by the Commandant upon request.

Subpart 159.010—Independent Laboratory: Acceptance, Listing, and Termination

§ 159.010-1 Purpose.

(a) This subpart contains the following:

(1) The standards under which the Coast Guard accepts an independent laboratory that a manufacturer proposes to use.

(2) The standards and procedures under which a laboratory is listed in applicable subparts for tests required by that subpart.

(3) The circumstances under which the acceptance or listing of a laboratory is terminated.

§ 159.010-3 Independent laboratory: Standards for acceptance.

(a) To be accepted by the Coast Guard as an independent laboratory, a laboratory must—

(1) Be engaged, as a regular part of its business, in inspecting and testing equipment or material that is the same as or is similar to the equipment or material to be inspected and tested under the applicable subpart;

(2) Have the apparatus, facilities, personnel, and calibrated instruments that are necessary to inspect and test the equipment or material under the applicable subpart;

(3) Not be owned or controlled by—

(i) The manufacturer of the equipment or material to be inspected or tested under this subchapter or any manufacturer of similar equipment or material;

(ii) A vendor of the equipment or material to be inspected or tested under this subchapter or a vendor of similar equipment or material; or

(iii) A supplier of materials to the manufacturer;

(4) Not be dependent on Coast Guard acceptance under this subchapter to remain in business; and

(5) Not advertise or promote the manufacturer's equipment or material that the laboratory inspects and tests under this subchapter.

§ 159.010-5 Independent laboratory: Application for acceptance.

(a) Each application for acceptance of a laboratory must contain the following:

(1) The name and address of the laboratory, its subsidiaries, and its divisions.

(2) The name, title, address, and principal business activity of each of the laboratory's officers and directors, and the name, address, and principal business activity of each person, company, or corporation that owns at least 3-percent interest in the laboratory or in a company or corporation that controls the laboratory.

(3) A list of the equipment or material that the laboratory would inspect or test, or both, under this subchapter.

(4) A description of the laboratory's experience and its qualifications for conducting the inspections and tests required in the applicable subpart.

(5) A description of the apparatus and facilities available to the laboratory for conducting those inspections and tests.

(6) The qualifications of personnel who are to perform, supervise, or witness those inspections and tests.

(7) A description of the laboratory's instrument calibration program.

(8) A statement, signed by the chief officer of the laboratory or the chief officer's representative, that an official representative of the Coast Guard is allowed access to the facility to verify the information submitted in the application or to witness tests.

§ 159.010-7 Independent laboratory: Standards for listing.

(a) To be listed as an independent laboratory under an applicable subpart, a laboratory must—

(1) Meet § 159.010-3;

(2) Have a test plan that is accepted by the Commandant under § 159.010-11(a); and

(3) Agree to perform or supervise approval or production inspections or tests under that subpart upon request from a manufacturer, however a laboratory may limit the area it serves.

§ 159.010-9 Independent laboratory: Application for listing.

(a) A laboratory that wants to be listed in one or more applicable subparts must submit to the Commandant an application that contains the information required by § 159.010-5, and that includes—

(1) The subparts under which it wants to be listed;

(2) Its test plans; and

(3) A statement of any limitations on the availability of the laboratory' service.

§ 159.010-11 Independent laboratory: Listing in subpart.

(a) From the application, the Commandant determines whether or not the laboratory meets § 159.010-7. If it meets these standards, the laboratory is added to the list in the applicable subpart. If it does not meet these standards, the Commandant informs the laboratory of the reasons why it is not added to the list.

§ 159.010-15 Contracting inspections and tests or transferals to another laboratory or person.

(a) No independent laboratory may contract or transfer to another person or laboratory the performance or supervision of inspections or tests, or both, required under an applicable subpart for which it is accepted or listed unless—

(1) A request in writing regarding the contract or transfer is submitted to the Commandant before the contract is executed or the transfer is completed; and

(2) The Commandant notifies the laboratory in writing that the contract or the transfer is allowed.

§ 159.010-17 Application and test plans: Changes.

(a) If any of the information submitted under § 159.010-5(a) or § 159.010-9(a) changes, a notification in writing of each change must be submitted to the Commandant within 30 days after the change has occurred.

(b) If an independent laboratory wants to change its test plan, the proposed changes must be submitted to the Commandant. The Commandant notifies the laboratory if the changed test plan is accepted. If the changed test plan is not accepted, the Commandant informs the laboratory of the reasons why the change test plan is not accepted.

§ 159.010-19 Termination of acceptance or listing of a independent laboratory.

(a) The acceptance or listing of a laboratory terminates if the laboratory—

(1) Requests termination; or

(2) Is no longer in business.

(b) The acceptance of a laboratory may be terminated by the Commandant if the laboratory—

(1) Fails to perform or supervise an inspection or test, or both, as required in an applicable subpart;

(2) Changes its test plan without Coast Guard acceptance;

(3) Attests to the lack of errors, omissions, or false statements of an approval test report that contains errors, omissions, or false statements;

(4) Does not meet § 159.010-3(a); or

(5) Unless allowed by the Commandant, contracts or transfers the performance or supervision of required inspections or tests, or both, to another laboratory or person.

(c) A laboratory is removed from the list published in an applicable subpart if the laboratory—

(1) Is no longer accepted by the Commandant; or

(2) Unreasonably refuses a request from a manufacture to perform or supervise an approval or production inspection or test.

§ 159.010-21 Termination of acceptance or listing: Procedure.

(a) Whenever evidence is received that there exists a basis for termination of acceptance or listing of an independent laboratory under § 159.010-19 (b) or (c), the Commandant notifies the laboratory of the specific reasons for considering termination. If the deficiency could materially effect the validity of the approval issued under an applicable subpart, the Commandant may immediately suspend the acceptance of the laboratory and may direct the holder of the certificate of approval to cease claiming that the items tested or inspected by the laboratory are Coast Guard approved, pending a final decision in the matter. The Commandant may direct an investigation into the matter.

(b) Within 30 days after receipt of notice of the basis for considering termination, the laboratory may provide the Commandant evidence or arguments why acceptance or listing should continue. After consideration of all available material on the matter, the Commandant informs the laboratory, in writing, of this decision. Any person holding a certificate of approval affected by the decision is also notified of the decision.

(Sec. 1, 73 Stat. 475 (46 U.S.C. 481); sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b) and (n)(4).)

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

Dated: October 11, 1978.

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

[FR Doc. 78-29477 Filed 10-20-78; 8:45 am]

[4910-14-M]

[46 CFR Part 160]

[CGD 76-048a]

DISTRESS SIGNALS, SIGNAL PISTOLS, AND LINE-THROWING APPLIANCES

Proposed Specification and Tests

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard is considering amending the specifications for pyrotechnic distress signals, signal pistols for flare-type distress signals, and line-throwing appliances by adding a new technical test to measure flare fire exposure, amending the marking and labeling requirements, changing certain technical specifications relating to signal pistol chamber diameter, line diameter and strength, to specify dimensions in SI metric units, and adding a new requirement to label pyrotechnic distress signals with an expiration date. The amendments are necessary to update the requirements to reflect current standards, to change marking to reflect changes in USCG inspection procedures, to inform the user of the service life of pyrotechnic signals and to include a new fire test necessitated by use of distress flare signals on recreational boats. This proposal should be considered in conjunction with the proposed visual distress signals for boats (CGD 76-183a) contained in the notice appearing on page 49354 of this issue of the FEDERAL REGISTER.

DATES: Comments must be received on or before December 22, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81) (CGD 76-048a), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Markle, Office of Merchant Marine Safety (G-MMT/83), Room 8301, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1444.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this notice (CGD 76-048a) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. The proposal may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Robert L. Markle, Project Manager, Office of Merchant Marine Safety, and Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF PROPOSAL

The regulations that would be amended as a result of this proposal are:

46 CFR Subpart 160.021—Signals, Distress, Hand Red Flare, for Merchant Vessels.

46 CFR Subpart 160.022—Signals, Distress, Floating Orange Smoke (5 Minutes), for Merchant Vessels.

46 CFR Subpart 160.023—Signals, Distress, Combination Flare and Smoke, Hand, for Merchant Vessels.

46 CFR Subpart 160.024—Signals, Distress, Pistol-Projected Parachute Red Flare, for Merchant Vessels.

46 CFR Subpart 160.028—Signal Pistols for Parachute Red Flare Distress Signals for Merchant Vessels.

46 CFR Subpart 160.031—Line-Throwing Appliance, Shoulder Gun Type (and Equipment), for Merchant Vessels.

46 CFR Subpart 160.036—Signals, Distress, Hand-Held Rocket-Propelled Parachute Red Flare, for Merchant Vessels.

46 CFR Subpart 160.037—Signals, Distress, Hand, Orange Smoke, for Merchant Vessels.

46 CFR Subpart 160.040—Line-Throwing Appliance, Impulse-Projected Rocket Type (and Equipment), for Merchant Vessels.

46 CFR Subpart 160.057—Signals, Distress, Floating Orange Smoke (15 Minutes), for Merchant Vessels.

Proposed changes to the regulations in these subparts are discussed in detail below.

A new technical test would be added to the hand-held flare specification subpart 160.021 to determine the tendency of the hot slag that drips from a burning flare to start a fire. The problem of introducing flares on recreational boats introduces the problem of fire exposure. To minimize this po-

tential, passing a slag ignition test would be required before signal approval.

Changes would be made to labeling and marking requirements of the above subparts to require that each distress signal be marked with the replacement date. This would be the date on which the service life of the signal, discussed below, expires. At present, the purchaser of a distress signal has to be aware that the signal must be replaced after 3 years. Under this proposal, the replacement date would be clearly shown. Also marking would indicate that floating orange smoke distress signals are approved for daytime use only.

The Coast Guard intends to include a note in the text of the final regulation to remind manufacturers of the need to comply with the Consumer Product Safety Commission marking requirements as follows:

NOTE.—See 16 CFR 1500.3(b)(14)(i) for the information required and 16 CFR 1500.14(b)(7)(vii) for the form prescribed for fireworks device labels.

In accordance with the policy established by the Metric Conversion Act of 1975 (89 Stat. 1007), all measurements in the subparts would be converted to SI (metric) units. English units would follow in parentheses for reference.

The marking requirements in each subpart for the line-throwing appliances would be revised to delete the requirements that the launcher must be marked with the Marine Inspection Office identification letters and the letters "USCG."

Signal pistols would no longer be limited for use with parachute distress signals on merchant vessels. The existing chamber and bore dimensions currently specified in subpart 160.028 would apply only to signal pistols intended to launch parachute distress signals that meet subpart 160.024. For signal pistols intended to launch other aerial flares, the chamber and bore dimsensions of the pistol would be discretionary. Additionally a provision would be added to require that the pistol be designed to fire only a distress signal and not a conventional round of ammunition.

The requirement that the line diameter for rocket-type line-throwing appliances of the specification must be 7/32 to 9/32 inch would be revised. This requirement has been outdated by advances in rope-fiber technology. As amended, the specification would require that the breaking strength of line must be at least 2,250 N (500 lb). To provide an adequate handhold, the minimum diameter would be 4 mm (5/32 fraction in).

A provision would be added to require distress signals to be marked with an expiration date. This service life would be 3 years from the date of manufacture unless the production lot is stored in accordance with certain controlled stowage conditions which are included in the proposal. For pyrotechnic signals so stored, the expiration date would be 3 years from the date they are removed from storage, but not more than 4 years from the date of manufacture.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (43 FR 9582, Mar. 8, 1978). A draft evaluation has been prepared and placed in the public docket.

In consideration of the preceding, subchapter Q of Title 46, Code of Federal Regulations, would be amended as follows:

1. By adding paragraph (p) to § 160.021-4 to read as follows:

§160.021-4 Sampling, inspections, conditioning, and tests.

* * * * *

(p) *Hot slag test.* The following procedure must be followed for each hot slag test:

(1) Ten layers of clean standard newsprint paper must be laid out on a clean, dry, flat surface covering an area at least 110 cm (43 in) by 140 cm (55 in). Each paper must have a moisture content between 5 percent and 8 percent but paper that is neither dry and brittle nor damp and limp is allowed.

(2) The top layer of the paper must have a grid drawn on it of at least 616 squares, each of which must be 5 cm by 5 cm (2 in x 2 in).

(3) A flare must be ignited and held, with the flame projecting upward at an angle of approximately 45°, 1.2 m (4 ft) directly above the geometric center of the grid.

(4) The flare must burn completely and if the top sheet of paper is consumed by hot slag or flame anywhere within the boundaries of 308 or more of the individual squares in the grid, the flare fails the test.

2. By adding in the list of marking requirements contained in §§ 160.021(5)(a), 160.022(5)(b), 160.023(5)(a), 160.024(5)(b), 160.036(5)(b), 160.037(5)(b), and 160.057(5)(b) the following words: "service life expiration date (date to be inserted by manufacturer.)"

3. By adding a new section in subparts 160.021, 160.022, 160.023, 160.024, 160.036, 160.037, and 160.057 to read as follows:

§ 160. Marking of expiration date.

(a) Each approved signal must have an expiration date marked on it.

(b) For each signal shipped directly from the production line or from storage that does not meet the requirements in paragraph (d) of this section, the expiration date must be 3 years from the date of manufacture.

(c) For each signal stored before shipment under conditions specified in paragraph (d) of this section, the expiration date must be—

(1) Not more than 3 years after removal from storage; and

(2) Not more than 4 years after the date of manufacture.

(d) The following conditions must be met to qualify for determining the expiration date under paragraph (c) of this section:

(1) The relative humidity of the storage place must not exceed 50 percent.

(2) The temperature of the storage place must be maintained between 10° C (50° F) and 30° C (86° F).

(3) The temperature and humidity of the storage place must be recorded daily.

(4) The signal must be from a lot that is stored separately from other lots.

(5) The lot number, the date of shipment, the date the lot is placed in storage, the number of signals shipped, and the consignee of the shipment must be recorded and the manufacturer must retain this record for at least 5 years after the date of shipment.

§§ 160.022(5)(a) and 160.057(5)(a) [Amended]

4. By amending the first sentence in §§ 160.022(5)(a) and 160.057(5)(a) adding the words, "approved for daytime use only."

Subpart 160.028—Signal Pistols for Red Flare Distress Signals

5. By revising the title of subpart 160.028 to read as set forth above.

§ 160.031-6 [Amended]

6. By amending § 160.031-6 by deleting the words "the Marine Inspection Office identification letters, and the letters 'USCG.'"

§ 160.040-5 [Amended]

7. By amending § 160.040-5 by revoking and reserving paragraph (d).

8. By revising § 160.028-2 to read as follows:

§ 160.028-2 Type.

(a) Each signal pistol for launching a parachute distress signal that meets subpart 160.024 of this part must be of the center-firing type having chamber and bore dimensions within the limits indicated by drawing No. 160.028-2(A).

(b) A signal pistol for launching an aerial flare not under paragraph (a) of this section may have any chamber and bore dimensons if they are not the dimensions for a conventional round of ammunition.

9. By revising the first sentence of § 160.040-4(c) to read as follows:

§ 160.040-4 Equipment for impulse projected rocket type line-throwing appliance.

* * * * *

(c) Four service lines, each 4 mm (5/32 in) minimum diameter with a minimum breaking strength of at least 2,250 N (500 lb), and in one continual length not less than that specified in the approval of the appliance carried, without splice, knot, or other retarding or weakening features. * * *

* * * * *

(Sec. 1, 73 Stat. 475 (46 U.S.C. 481); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)).)

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

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

OCTOBER 11, 1978.

[FR Doc. 78-29478 Filed 10-20-78; 8:45 am]

[4910-14-M]

[46 CFR Part 160]

[CGD 76-048b]

DISTRESS SIGNALS, SIGNAL PISTOLS, AND LINE-THROWING APPLIANCES

Proposed Inspection and Approval Procedures

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard is considering amending the specifications for pyrotechnic distress signals, signal pistols for flare-type distress signals, and line-throwing appliances to allow the approval of these devices to be based on inspection and testing by independent laboratories. The purpose of these amendments is to place responsibility for factory inspection on the manufacturer. This would free some of the Coast Guard's field personnel for other duties while still providing necessary inspection without any changes in the quality of the product. This proposal should be considered in conjunction with the proposed general approval and test procedures (subpt. 159) CGD 76-048) contained in the notice appearing on page——of this issue of the FEDERAL REGISTER.

DATES: Comments must be received on or before December 22, 1978

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION, CONTACT:

Mr. Robert Markle, Office of Merchant Marine Safety (G-MMT/83), Room 8301, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1444.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their name and address, identify this notice (CGD 76-048b) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. The proposal may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Robert Markle, Project Manager, Office of Merchant Marine Safety, and Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF PROPOSAL

The regulations that would be amended as a result of this proposal are:

46 CFR Subpart 160.021—Signals, Distress, Hand Red Flare, for Merchant Vessels.

46 CFR Subpart 160.022—Signals, Distress, Floating Orange Smoke (5 Minutes), for Merchant Vessels.

46 CFR Subpart 160.023—Signals, Distress, Combination Flare and Smoke, Hand, for Merchant Vessels.

46 CFR Subpart 160.024—Signals, Distress, Pistol-Projected Parachute Red Flare, for Merchant Vessels.

46 CFR Subpart 160.028—Signal Pistols for Parachute Red Flare Distress Signals for Merchant Vessels.

46 CFR Subpart 160.031—Line-Throwing Appliance, Shoulder Gun Type (and Equipment), for Merchant Vessels.

46 CFR Subpart 160.036—Signals, Distress, Hand-held Rocket-Propelled Parachute Red Flare, for Merchant Vessels.

46 CFR Subpart 160.037—Signals, Distress, Hand, Orange Smoke, for Merchant Vessels.

46 CFR Subpart 160.040—Line-Throwing Appliance, Impulse-Projected Rocket Type (and Equipment), for Merchant Vessels.

46 CFR Subpart 160.057—Signals, Distress, Floating Orange Smoke (15 Minutes), for Merchant Vessels.

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (43 FR 9582, Mar. 8, 1978). A draft evaluation has been prepared and placed in the public docket.

Proposed changes to the regulations in those subparts are discussed in detail below.

DISTRESS SIGNALS

Subparts 160.021, 160.022, 160.023, 160.024, 160.036, 160.037, and 160.057 would be amended as follows:

(1) Each section entitled "*Procedure for approval*" would be revised as follows:

(a) The procedures by which a manufacturer applies for approval and the Commandant approves a distress signal would be replaced by a reference to proposed subpart 159.005.

(b) The requirements for submission of plans and specifications would be deleted. Approval testing by recognized independent laboratories would be required. Requirements for conducting and reporting tests, including submission of plans and specifications would be those specified in proposed §§ 159.005-9 and 159.005-11.

(c) The paragraph entitled "*Preapproval sample*" would be deleted. Sample selection would be as specified in a proposed sample plan which is discussed below.

(2) Each section entitled "*Sampling, inspections, conditioning and tests*" would be replaced by two new sections entitled "*Approval tests*" and "*Production tests*". The nature of the tests required would not change, however, some of the present "operational" tests would be made "technical" tests. Tests would be required to be conducted by a recognized independent laboratory, or under the supervision of such a laboratory. A list of recognized laboratories, as provided for under proposed § 159.010-11, would be added to each subpart.

(3) Under the proposed "*Approval tests.*"

(a) For each of the following subparts, the operational tests would be a

combination of the present requirements as indicated:

(i) Subpart 160.021—§ 160.021-4 (b)(1), (e), (f), and (h).

(ii) Subpart 160.022—§ 160.022-4 (b)(1), (e), and (f).

(iii) Subpart 160.024—§ 160.024-4 (b)(1), (e), (f), (g), and (h).

(iv) Subpart 160.036—§ 160.036-4 (b)(1), (e), (f), (g), and (h).

(v) Subpart 160.037—§ 160.037-4 (b)(1), (e), (f), and (h).

(vi) Subpart 160.057—§ 160.057-4 (b)(1), (e), and (f).

The existing operational tests not listed would be added to the technical tests.

(b) In subpart 160.023, the combination flare and smoke signal would continue to be tested as prescribed by MIL-S-18655.

(c) The proposed operational tests for subparts 160.021, 160.022, 160.024, 160.036, and 160.037 would be conducted in accordance with the sampling plan in table 1. The operational tests for subpart 160.057 would be conducted in accordance with the sampling plan in table 2. These sampling plans are based on MIL-STD-105, a widely used standard for quality control testing. Statistically, under the proposed sampling plans, the test results would be more more valid than the present test results. These sampling plans are discussed in further detail below.

(d) For each technical test in subparts 160.021, 160.022, 160.024, 160.036, and 160.037, three signals would have to be tested. Two of the three signals tested would have to pass for the signal model to be approved. For each technical test in subpart 160.057, one signal would be tested. Each signal tested would have to pass for the signal model to be approved. The reason for the different approach in subpart 160.057 is discussed in the explanation of the sampling plan.

(e) A report summarizing all production tests performed by the manufacturer and the independent laboratory since approval of the signal or submission of the previous report would have to be submitted to the Commandant as provided in proposed § 159.007-11. This summary would include the date of each test, the production lot number of the signals tested, and a complete test report on any lot that was rejected.

(f) The manufacturer would have to retain the records of each test performed by the manufacturer and by the recognized independent laboratory as required under the proposed § 159.007-13.

(4) Under the proposed *"Production tests"*:

(a) The operational and technical tests would be the same as those described above in paragraph (3), "Approval tests." The operational tests would have to be conducted for each lot produced and would use the same sampling plan as prescribed for "Approval tests." This sampling plan would allow larger lots than are now allowed, so that manufacturers could increase lot sizes over those presently produced and thereby reduce the frequency of the operational tests. The sampling plan would assure that the quality of the lot is maintained regardless of its size.

(b) The manufacturer or laboratory would select the required number of signals from each production lot and perform the tests that are now performed by the Coast Guard marine inspector as production checks at the place of manufacture.

(c) A recognized independent laboratory would have to perform or supervise the production tests periodically. The frequency of these tests would be determined by the laboratory, but would not be less often than four times a year, unless the number of lots of signals produced in a year is less than four. If less than four lots are produced, each lot would have to be tested by the laboratory.

(d) The production check tests that are now performed at a Government laboratory would be performed by the recognized independent laboratory at a location determined by agreement between the laboratory and the manufacturer.

(5) The existing provisions for determining the number of samples for operational tests and the accept/reject criteria would be replaced by a sampling plan as follows:

(a) Under the sampling plans in tables 1 and 2, a sample consisting of a specified number of distress signals is selected from a production lot. The sample size depends on the lot size. Each unit in the sample is tested as prescribed in the operational tests. Each signal that has a defect listed in the table of defects in each subpart is assigned a score (failure percent) in accordance with that table. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If this sum is equal to or more than the reject criterion the lot is rejected. If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative sample size is met. If any signal in the sample explodes when fired or ignites in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. The steps in the operational test procedure are diagrammed in figure 1.

[4910-14-C]

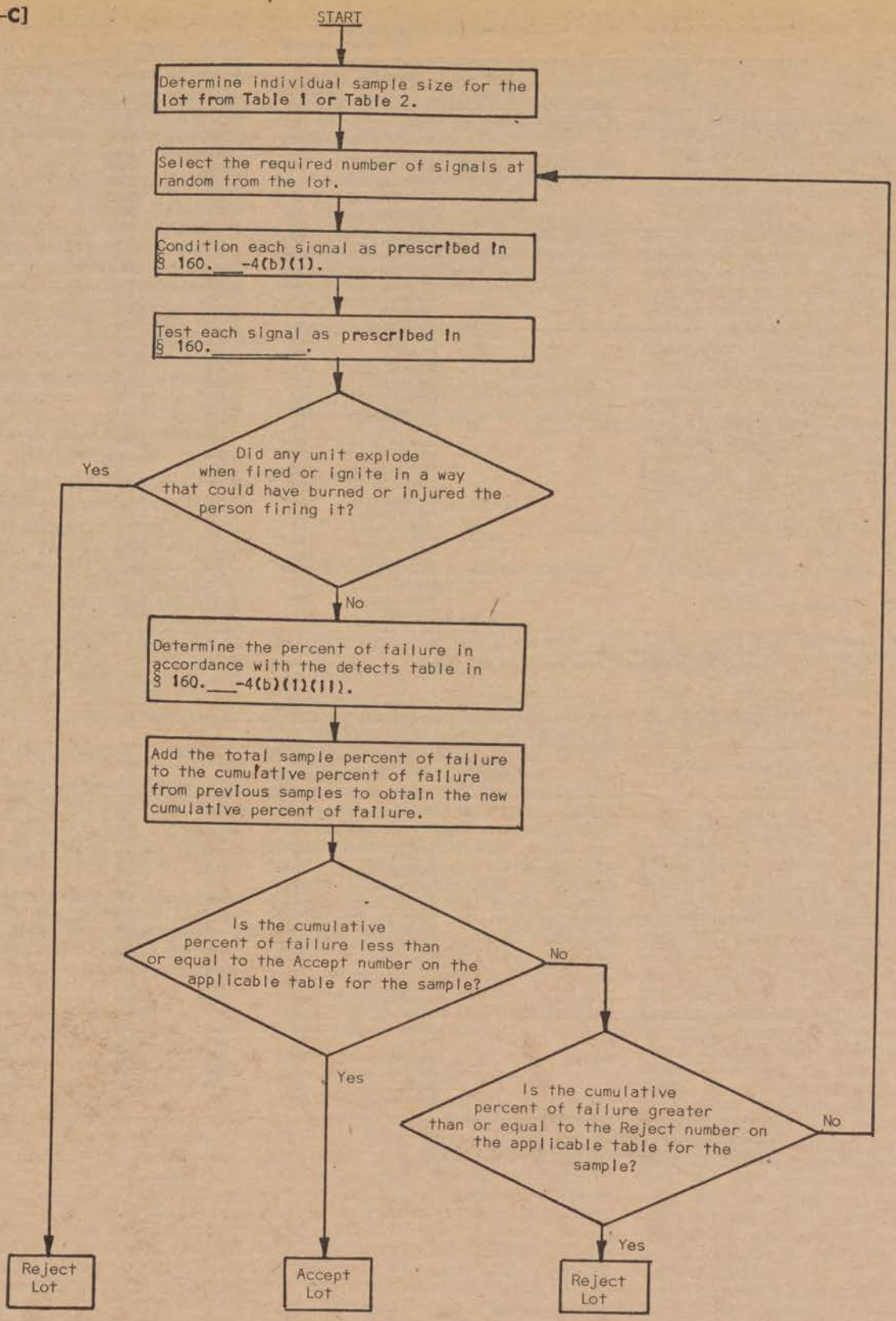


Figure 1. Operational test procedure.

TABLE 1.—*Accept and Reject Criteria for Operational Test Lots for Subparts 160.021, 160.022, 160.024, 160.036, and 160.037*

Lot size	Individual sample size	Sample	Cumulative sample size	Accept [1]	Reject [1]
280 or less	8	First	8	[2]	400
		Second	16	100	500
		Third	24	200	600
		Fourth	32	300	700
		Fifth	40	500	800
		Sixth	48	700	900
		Seventh	56	950	951
281 to 500	13	First	13	0	400
		Second	26	100	600
		Third	39	300	800
		Fourth	52	500	1,000
		Fifth	65	700	1,100
		Sixth	78	1,000	1,200
		Seventh	91	1,350	1,351
501 to 1,200	20	First	20	0	500
		Second	40	300	800
		Third	60	600	1,000
		Fourth	80	800	1,300
		Fifth	100	1,100	1,500
		Sixth	120	1,400	1,700
		Seventh	140	1,850	1,851
1,201 to 3,200	32	First	32	100	700
		Second	64	400	1,000
		Third	96	800	1,300
		Fourth	128	1,200	1,700
		Fifth	160	1,700	2,000
		Sixth	192	2,100	2,300
		Seventh	224	2,550	2,551
3,201 to 10,000	50	First	50	200	900
		Second	100	700	1,400
		Third	150	1,300	1,900
		Fourth	200	1,900	2,500
		Fifth	250	2,500	2,900
		Sixth	300	3,100	3,300
		Seventh	350	3,750	3,751

[1] Cumulative failure percent.
[2] Lot may not be accepted. Next sample must be tested.

TABLE 2.—*Accept and Reject Criteria for Operational Test Lots for Subpart 160.057*

Lot size	Individual sample size	Sample	Cumulative sample size	Accept [1]	Reject [1]
150 or less	2	First	2	[2]	200
		Second	4	[2]	200
		Third	6	0	200
		Fourth	8	0	300
		Fifth	10	100	300
		Sixth	12	100	300
		Seventh	14	299	300
151 to 500	3	First	3	[2]	200
		Second	6	0	300
		Third	9	0	300
		Fourth	12	100	400
		Fifth	15	200	400
		Sixth	18	300	500
		Seventh	21	499	500
501 to 1,200	5	First	5	[2]	300
		Second	10	0	300
		Third	15	100	400
		Fourth	20	200	500
		Fifth	25	300	600
		Sixth	30	400	600
		Seventh	35	699	700

[1] Cumulative failure percent.
[2] Lot may not be accepted. Next sample must be tested.

(b) Under the sampling plan in table 2, the sample size for subpart 160.057 (Orange Smoke Signals) would be smaller than those of the other subparts. The risk to the manufacturer that a satisfactory lot of signals might be rejected and the risk to the consumer that an unsatisfactory lot of signals might be accepted would be greater under subpart 160.057 than under the other subparts. The proposed increased risks are believed to be acceptable. The smoke signal approved under subpart 160.057 is known to be produced in much smaller quantities than the other signals and to cost much more than the other signals. Adopting the same sampling plan that is used for the other signals would result in testing that is prohibitively expensive.

SIGNAL PISTOLS AND LINE-THROWING APPLIANCES

Subparts 160.028, 160.031, and 160.040 would be amended as follows:

(6) In each subpart, the section entitled "*Procedure for approval*" would be amended as proposed in paragraph (1) of this document "*Distress Signals.*"

(7) Section 160.028-4 and 160.031-5, "*Inspections and tests*", and §160.040-5, "*Inspections, sampling, and tests*", would each be replaced by two new sections entitled "*Approval tests*" and "*Production tests.*" The test requirements, however, would remain in the same.

(8) Under the proposed "*Approval tests*":

(a) The tests would be performed by a recognized independent laboratory listed as provided in proposed § 159.010-11 or by the manufacturer under the supervision of such a laboratory.

(b) The requirements for conducting and reporting the results of the approval test would be as prescribed in proposed §§ 159.005-9 and 159.005-11.

(9) Under the proposed "*Production tests*":

(a) The manufacturer would continue to proof-test each signal pistol and line-throwing device, except that in § 160.040-5 the requirement that this be done in the presence of a marine inspector would be deleted.

(b) A recognized independent laboratory would have to perform or supervise the production tests periodically, at a frequency to be determined by the laboratory, but not less than once in any year in which signal pistols, appliances, or rockets are manufactured.

(c) A report summarizing all production tests would have to be submitted to the Commandant as provided in proposed § 159.007-11. The summary would have to include the serial number of each signal pistol or line-throwing appliance tested and the date of each test.

(d) The manufacturer would have to retain records of each test performed by the manufacturer and by the independent laboratory as required under the proposed § 159.007-13.

(Sec. 1, 73 Stat. 475 (46 U.S.C. 481); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

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

Dated: October 11, 1978.

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

[FR Doc. 78-29479 Filed 10-20-78; 8:45 am]

[4910-14-M]

[46 CFR Parts 160, 161]

[CGD 76-183a]

SPECIFICATIONS: VISUAL DISTRESS SIGNALS FOR BOATS

Proposed Rules

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing that specifications for three new distress signals be added to the regulations describing Coast Guard approved equipment. The three signals are red aerial pyrotechnic flares, electric distress lights, and distress flags. These three signals are included in the proposed rule that would require some recreational boats to carry distress signals, CGD 183, published on April 10, 1978 in the FEDERAL REGISTER (43 FR 15118). This proposal will insure that devices produced to meet the carriage requirement will not vary in performance specifications from one manufacturer to another, and the boater will be assured of both reliable and safe distress signals.

DATES: Comments must be received on or before December 22, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Copies of studies referenced in this document are available for examination at the above address. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at this address.

FOR FURTHER INFORMATION CONTACT:

Mr. David R. Gauthier Office of Boating Safety (G-BLC), Room 4308, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590, 202-426-4176.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 76-183a), the name and address of the person submitting the comments and the specific section of the proposal to which each comment is addressed. The proposal may be changed in light of comments received before the expiration of the comment period. No hearing is contemplated, but one may be held at a time and place set out in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

DRAFTING INFORMATION

The principal persons involved in the drafting of this rulemaking are: Mr. D. R. Gauthier, Project Manager, Office of Boating Safety; Lieutenant G. Stephen Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The purpose of this proposed rule is to include in Subchapter Q, specifications, three new distress signals designed for use by operators of boats as defined in the Federal Boat Safety Act of 1971 (46 U.S.C. 1452) in complying with the proposed carriage requirement published in the FEDERAL REGISTER on April 10, 1978 (43 FR 15118). The three signals are: (1) Aerial red pyrotechnic flares, both self-contained or pistol launched, and both parachute assisted and nonparachute assisted (meteors); (2) electric distress lights, both automatic and manually keyed; and (3) distress flags. Including these specifications in subchapter Q will insure that devices produced to meet the carriage requirement will not vary in performance specifications from one manufacturer to another, and the boater will be assured of both reliable and safe distress signals if he or she chooses to carry one of these types of signals.

All these signals have been manufactured in this country for several years. However, specifications for distress signals for boats are new. They are

being included in subchapter Q along with specifications for distress signals required on merchant vessels. Distress signals required on merchant vessels are designed for more extreme signaling needs than are normally encountered by boats. The proposed carriage requirement for signals on boats will be found in title 33. To require boats to carry the same devices as merchant ships would impose higher costs on the boater than is necessary.

On September 27, 1976, the Coast Guard published an advanced notice of proposed rulemaking for visual distress signals on boats (41 FR 42218). Its purpose was to solicit public input on the question of visual distress signals on boats. Over 150 comments were received, the largest group being from private individuals who own or operate boats. The following is a statistical breakdown of respondents:

	Percent
Private individuals	44
Industry	17
Organized groups	13
State boating law administrators	13
Other Government bodies	3
Media	1
Other	8

A large number of devises were suggested by respondents. Many of the suggestions in those comments have been incorporated in this proposed rule.

Several specific considerations influenced these specifications. The Coast Guard has conducted numerous tests during the past few years in attempting to define necessary characteristics for distress signals on boats. A detailed description of these tests is included in CGD 76-183, published in the FEDERAL REGISTER of April 10, 1976 (43 FR 15118), since they influenced which signals would meet the proposed carriage requirement. However, it is appropriate that they be included in summary form here as well. First, the signal must serve both an alerting and a locator function. The alerting function tells a potential observer that the boat displaying the signal needs help. The locator function aids potential rescuers in identifying which boat out of several is the one in distress. Second, it must serve both these functions at a range of 1 mile for daytime signals and 3 miles for nighttime signals. These distances were determined by analysis of both search and rescue (SAR) data and other boating surveys. Third, these signals must be visible to other boats, since they are the most likely source of assistance. Signals designed primarily for recognition from search aircraft are not acceptable. Finally, the signals should be consistent with the 1972 Convention on the International Regulations for Preventing Collisions at Sea, the 72 COL REGS.

The red aerial pyrotechnic distress signal specifications were drawn in part from existing Coast Guard specifications for other aerial pyrotechnics. There are several differences, however. First, this specification allows nonparachute assisted signals (meteors). It also allows smallers pistol-projected signals. Previous specifications required pistol projected distress signals to be 37 mm. This ruled out the smaller 25 mm and 12 gage signals that have been carried by boaters for many years. These signals will now be included. An amendment to the existing pistol specification is contained in CGD 76-048a, also in this issue of the FEDERAL REGISTER, which deletes the bore specifications for signal pistols. This amendment will allow pistols to be producted that can fire these smaller signals.

Included in the specification are some construction standards. These standards require that signals produced under this specification either be self-contained or designed for use in an approved pistol. Signals must be constructed in lots, with a new lot started whenever: (1) Any change in construction details or raw materials occurs; (2) a new product line is started; or (3) a lot exceeds 10,000 signals. Signals must have a main propulsion charge consisting of a self-oxidizing fuel containing no black powder. However, a manufacturer may use black powder in other components of the signal, such as during the candle-ejection sequence for parachute assisted signals. A final construction standard require that self-contained signals have an interior chamber containing the main propulsion charge and the pyrotechnic candle which is a single, continuous, unbroken cylinder constructed so that it is capable of withstanding the forces generated by ignition without rupture, crack, or deformation of any kind.

Performance requirements for the signal are relatively simple. The signal must burn for a minimum of 6 seconds, with a luminous intensity of at least 10,000 candela. It must burn out completely before it falls back to the level of launch. It must burn a total of at least 1,000 candle-minutes, with a candle-minute equal to the product of the intensity of the signal expressed in candela times the total burning time in minutes of the pyrotechnic candle or candles. The signal must meet these performance requirements after immersion in water for 24 hours, and must also meet these performance requirements after being subjected to an elevated temperature, humidity and storage test.

In addition, there are two performance requirements for the signal which relate to the person-device interface. A signal cannot normally function in a manner which would cause burns or injury to an unprotected person when fired in accordance with the manufacturer's instructions. The Coast Guard will not approve signals which pose hazards to prudent individuals who use signals as they were intended. We recognize that some signals do pose hazards to people when they are used for purposes other than distress signaling, or when people use them without reading or heeding the instructions the manufacturer must include. The Coast Guard does not feel that it is reasonable to require the manufacturer of the signal to try and prevent, through design and production, misuse of distress signals. The Coast Guard does feel, however, that the manufacturer has a responsibility to produce a signal that does not burn or injure an unprotected person using it properly. The accompanying performance requirement is that a signal cannot malfunction in a manner that would cause burns or injury to an unprotected person when it is fired. This is essentially a "fail-safe" provision in the specifications. Several signals currently produced already appear to meet the spirit of this proposed requirement. The key to this requirement is that, in the unlikely event that a signal did malfunction, the user would have some margin of safety in disposing of the signal promptly without the possibility, for example, of having the signal explode in one's hand.

The Coast Guard does not intend at the present time to intentionally induce signal malfunction to evaluate how the manufacturer meets this performance requirement. Evaluation of compliance with this provision would be on a design level, when the signal is submitted for approval. However, provisions are included in the production testing requirements that would automatically fail a lot where a signal malfunctioned in a manner that would cause burns or injury to an unprotected person. A further source of information would be reports from users where signals did not meet this requirement. The Coast Guard could then use such reports to reevaluate an approval certificated issued under this specification to a manufacturer. The Coast Guard invites comments from manufacturers and potential users of signals on both these related performance requirements.

Performance requirements do not vary between parachute flares and meteors. Conceivably a manufacturer could produce a parachute flare that only burns for 6 seconds. However, this probability seems unlikely, given the fact that current parachute flares of the 25 mm size have a burning time of 20 to 25 seconds, and present consumers of this device would be unlike-

ly to purchase one with a shorter duration, choosing instead a signal with longer duration that costs about what they are presently paying. Two additional factors in the performance requirements will preclude malfunctioning parachute flares from being approved as meteors. Parachute flares whose parachutes fail to deploy will not meet either the 6-second burning requirement or the requirement to burn out before falling back to the level of launch. The reason for distinguishing between meteors and parachutes flares, and the consequent labeling differences, has to do with the fact that the carriage requirement for these signals on boats, CGD 76-183, allows the parachute flares to meet both the day and night signal requirements, while the meteor is acceptable only in meeting the night signal requirement.

There are specific labeling requirements for the manufacturer. Devices must be labeled with the manufacturer's name, color, and burning time of the pyrotechnic candle or candles, the size signal pistol if one is required, the lot number, Coast Guard approval number, operation and storage instructions, date of expiration, and identification as either parachute assisted or meteor. Some of this information can be printed on a separate piece of paper packed with each signalor in the smallest container in which several signals are packed. Compliance with these labeling requirements in no way relieves the manufacturer of any obligation to comply with other labeling requirements, specifically those of the Federal Hazardous Substances Act, 15 U.S.C. 1263.

One change from previous pyrotechnic specifications is the shift from printing the date of manufacture on the signal to printing the date of expiration. This was done so consumers of the signals will know when the time has come to replace them. Date of expiration will normally be 3 years from the date of manufacture. The manufacturer can extend the date of expiration up to 1 additional year by storing the signals in a controlled environment until they are shipped from the plant. To do this, the manufacturer must store the signals in an area where the temperature remains between 10° C (50° F) and 30° C (85° F) and the relative humidity does not exceed 50 percent. A number of records must also be kept when the manufacturer choose to exercise this option.

All signals produced under this specification must be approved by the Coast Guard. The manufacturer applies to the Coast Guard for this approval. An application must include plans and diagrams of the device, as well as results of the operational and technical tests required by this specification. The tests must be conducted by an independent laboratory that has been accepted by the Coast Guard as capable of performing the required tests and as independent from the manufacturer of the signals. The Coast Guard will furnish a list of such laboratories on request from a manufacturer. Laboratories that seek to be listed by the Coast Guard for conducting these tests must apply to the Commandant (G-MMT), U.S. Coast Guard. Procedures covering this program are proposed in a separate document, CGD 76-048, which is also published in this issue of the FEDERAL REGISTER. Manufacturers must produce a lot of at least 100 signals for use in these tests. The U.S. Coast Guard will consider all the data submitted, and either accept or reject the application for approval. If accepted, the manufacturer will receive an approval certificate. If rejected, the manufacturer will be notified as to why the device was not approved.

Approval certificates will automatically expire 5 years from the date of issuance. The Coast Guard may withdraw an approval certificate before that time if the manufacturer produces signals that do not meet these specifications, or if the manufacturer does not conduct the production testing that is required by these proposed rules.

The specification includes two types of tests. Operational tests are designed to insure that the signals meet the performance requirements of the specifications. Samples for these tests are selected using a sample plan based on military standard 105D, which assures random sample selection, and adjusts the number of samples required to the size of lot produced. Technical tests are designed to insure that the intensity, color, and storage characteristics of the signals produced meet the requirements of the proposed specification. The number of samples required for the technical tests is constant, regardless of the size of the lot, since these characteristics do not normally vary among the signals produced within one lot.

Production testing for these signals will be the responsibility of the manufacturer and the listed independent laboratory that performs the tests for the application for approval. Operational tests must be conducted for each lot produced. The laboratory must conduct or directly supervise the operational tests for at least four lots during the course of each year. The lots thus selected may be at irregular intervals, but if there is production in a quarterly period, the laboratory must conduct or directly supervise the operational tests for at least one lot during that quarterly period. All other operational tests are the responsibility of the manufacturer. The technical tests do not have to be conducted for every lot. They must be conducted at least once every year, or every 10 lots, whichever happens first. All technical tests must be performed or directly supervised by the laboratory. The manufacturer must provide a yearly report of the production tests, both operational and technical, to the Coast Guard.

The specifications for the distress flag are new, but are related to those established by Canada and recognized internationally as a distress signal. The flag must be either a square or a rectangle, at least 3 feet on a side. It must be indian orange in color, and have a black square and disc superimposed on the central horizontal axis of the flag. The sizes of the square and disc are proportional to the total size of the flag, but the square must have a side that is at least 1 foot long. The disc must have a diameter of at least 1 foot. If the flag is a rectangle, the shorter side must be at least ⅔ the length of the longer side. The flag must have reinforced corners, and have a grommet in each corner. It must also be packed with four pieces of line that can be used to secure it to a pole or mast. The line must have a tensile strength of at least 25 pounds, and each piece must be at least 12 inches long.

The choice of international orange as the color for the flag was to insure a high contrast color in the marine envirnment. The color specified is indian orange, Cable No. 70072, Standard Color Card of America, issued by the Textile Color Asssociation of the United States, Inc., 200 Madison Avenue, New York, N.Y., and is the color required for Coast Guard approved life preservers. It is possible that other, more desirable colors have been developed. The Coast Guard is interested and welcomes suggestions for alternative colors for the distress flag.

Distress flags produced under this specification will not require approval from the Coast Guard. The manufacturer will however, have to certify that flags will have to be labeled accordingly, so that potential consumers will be able to indentify flags that meet the proposed carriage requirement.

Flags will not have to undergo any type of testing. However, the specification does require that the material used in the flag must be capable of passing an accelerated weathering test. The accelerated weathering test is comprised of a salt spray in combination with an air blast, and conducted under ultraviolet light. This is similar to tests currently required for plastic materials on lifeboats. The Coast

Guard solicits suggestions from flag manufacturers on this test, and specifically on ultraviolet light specifications appropriate for flag materials.

The manufacturer, by certifying the flag, must consequently insure that the material used will meet this test, either through agreements with the supplier of the material or through his own production system. The manufacturer must submit to the Commandant (B-BBT), U.S. Coast Guard, a notice that he is producing flags under this specification. The Coast Guard will maintain a copy of this notice for 5 years. This will allow the Coast Guard to list the manufacturer in CG-190, Equipment Lists, as a potential supplier of flags produced under this specification.

The specifications for the distress light represent the greatest departure from existing specifications. The Coast Guard presently approves flashlights used on lifeboats and strobe lights used as man-overboard lights. Through tests conducted and discussed in document CGD 76-183 (43 FR 15118), the conclusion was reached that these lights are not satisfactory for use on boats as distress signals. The flashlights do not have sufficient intensity, and the strobe lights do not necessarily indicate distress to an observer. This is because flashing lights, such as strobe lights, are common in the marine environment, and are used as aids to navigation lights, collision avoidance lights, and personal flotation device lights for people in the water.

The proposed specification will allow two types of distress lights. A light must either be programed to automatically flash an S-O-S signal, or be equipped with a switch that allows a similar S-O-S signal to be produced manually. Lights may either employ a parabolic beam, or emit light visible over a horizontal arc of 360 degrees. Irrespective of the type of light or beam, the light must have certain characteristics. It must be waterproof, corrosion resistant, float with the lens up, and contain an independent power source that will power the light for at least 8 hours of continuous use. If the power source requires external water to form an electrolyte, then it must operate in both sea water and fresh water.

The intensity of the light is dependent on whether it is a parabolic beam or emits light visible over a horizontal arc of 360 degrees. Parabolic beam lights must produce a light that, measured 10 feet from the outer lens surface, illuminates an area that is at least 18 inches in diameter measured perpendicular to the beam. Within this illuminated area, which will commonly be a circle, no point can have an intensity less than 50 candela, and there must be at least one point where the intensity is at least 5,000 candela.

Lights visible over a horizontal arc of 360 degrees must produce a beam that has its focal plane at the horizon. The area illuminated by a light of this type will most commonly be a band of light. At a distance of 10 feet from the outer lens surface, the intensity of this band of light must be at least 350 candela. In addition, perpendicular to this point on the focal plane at a distance of 9 inches above and below it, the measured intensity must be at least 50 candela.

The purpose in specifying beam width for both types of lights is to insure that the light will be able to transmit the S-O-S signal to an observer, and the observer will be able to recognize the signal, even if the boat in distress is rocking up and down in a seaway. If the beam width is too narrow, the light will only be seen as a blinking light, and thus will not be considered a distress signal by an observer.

Lights that produce an automatic S-O-S must produce the signal at the rate of between 3 and 5 times each minute. Our field tests have shown that a faster rate blurs the signal together at a range of 3 miles, and a slower rate is difficult to perceive as a distress signal. Lights that rely on a manual switch must be engineered in such a way that a person can produce an S-O-S signal manually that is the same as the signal produced by automatic lights. The Coast Guard considers this more a matter of switch design than any other factor, but will allow manufacturers design latitude in this area.

Lights produced under this specification will not require approval by the Coast Guard. The manufacturer must certify that the light meets Coast Guard specifications if it is sold as a distress signal. Labeling and certification statements will reflect this fact. The manufacturer will be required to test a prototype light to insure that it meets all the requirement of this specification before it can be sold as certified. In addition, he must submit to the Commandant (G-BBT), U.S. Coast Guard, a notification of the test results for each type of light that is certified under this specification. The Coast Guard will maintain a copy of this notice for 5 years. This will allow the Coast Guard to list the manufacturer in CG-190, Equipment Lists, as a potential supplier of lights produced under this specification.

The Coast Guard has evaluated this proposal under the Department of Transportation policies for improving Government regulations published on March 8, 1978 (43 FR 9582). The proposed approval system for aerial pyrotechnic distress signals requires adjusting the cost data drawn from existing approval systems. In addition, it should be noted that this proposal would increase the limits on lot size from 3,000 signals to 10,000 signals, which should lower the cost per signal. The Coast Guard estimates that the cost incident to approval will not be more than $1.50 to $2 for each signal. While this represents a relatively high percentage of the total cost of some types of pyrotechnic distress signals, the Coast Guard feels that it is reasonable in view of the necessity of insuring reliable and safe signals. Comments on the anticipated costs of the proposed approval system from persons having experience in this area are particularly desired.

Costs associated with certification of lights and flags will be primarily labeling costs. These are anticipated to range below $0.50 for each device.

The Coast Guard estimated in the proposed carriage requirement (43 FR 15118) that it will apply to about 1.9 million boats. However, it is difficult to project how many of these boats will choose to carry the three signals included in this proposed rule, especially since five other types of signals will be acceptable in meeting the proposed carriage requirement. In addition, boats not required to carry signals will be encouraged to do so through the Coast Guard's boating safety program. Considering that there are an estimated 3 million boats on the coastal waters of the United States, many boaters, who would otherwise not carry signals, might select one of these three signals to improve their margin of safety. Without knowing how many of these devices will be produced and sold to the boating public, the total cost of this proposed rule cannot be determined.

In consideration of the foregoing, it is proposed to amend Title 46, Code of Federal Regulations, Subchapter Q, by adding subparts 160.066, 160.072, and 161.013, to read as follows:

Subpart 160.066—Distress Signal for Boats, Red Aerial Pyrotechnic Flare

Sec.

160.066-1 Type.
160.066-5 Design, construction, and manufacturing requirements.
160.066-7 Performance requirements.
160.066-9 Labeling.
160.066-10 Expiration date.
160.066-11 Approval procedures.
160.066-12 Operational tests.
160.066-13 Technical tests.
160.066-14 Production testing.
160.066-18 Listed Independent Laboratories.

AUTHORITY: Sec. 5, 85 Stat. 215 (46 U.S.C. 1454); 49 CFR 1.46(n)(1).

Subpart 160.066—Distress Signal for Boats, Red Aerial Pyrotechnic Flare

§ 160.066-1 Type.

(a) Red aerial pyrotechnic distress signals specified by this subpart must be either self-contained or pistol launched, and either meteor or parachute type.

§ 160.066-5 Design, construction, and manufacturing requirements.

(a) Each signal must be either:

(1) A self-contained unit with all necessary components for firing the signal, or

(2) A cartridge intended for firing from a signal pistol that is approved under subpart 160.028 of this chapter.

(b) Each signal must have a main propulsion charge consisting of a self-oxidizing solid fuel containing no black powder.

(c) Each self-contained unit must have an interior chamber containing the main propulsion charge and the pyrotechnic candle which is a single, continuous, unbroken cylinder constructed so that it is capable of withstanding the forces generated by ignition without rupture, crack, or deformation of any kind.

(d) Signals must be constructed in lots numbered serially by the manufacturer. A new lot must be started when:

(1) Any change in construction details or raw materials occurs;

(2) Production is started on a new production line or on a previously discontinued production line; or

(3) A lot exceeds 10,000 units.

§ 160.066-7 Performance requirements.

(a) Each signal must:

(1) Burn "vivid red" as specified in 46 CFR 160.021-4(n) for at least 6 seconds.

(2) Have a luminous intensity of at least 10,000 candela.

(3) Burn out completely before falling back to the level of launch.

(4) Function in a manner that would not cause burns or injury to an unprotected person firing the signal in accordance with the manufacturer's instructions.

(5) Not malfunction in a manner that would cause burns or injury to an unprotected person.

(6) Burn a total of not less than 1,000 candle-minutes using the formula $I \times T = Cm$ where:

I=the average luminous intensity in candela;
T=the total burn time of the device in minutes; and
Cm=the candle-minute rating of the device.

(b) Each signal must meet the requirements of paragraph (a) of this section after:

(1) Submersion in water for 24 hours, or

(2) If protected by a sealed container, submersion in water for 24 hours inside the sealed container immediately followed by submersion for 10 minutes without the container, and

(3) Being exposed to the elevated temperature, humidity, and storage test in § 160.066-14(b).

§ 160.066-9 Labeling.

(a) Each signal must be legibly and indelibly marked with the following information:

(1) The manufacturer's name,

(2) The color and burning time of the pyrotechnic candle(s),

(3) The specific signal pistol for which the signal is designed, if any,

(4) The lot number,

(5) The Coast Guard approval number,

(6) Operation and storage instructions,

(7) The month and year of expiration determined by § 160.066-10, and

(8) If the signal's descent is parachute controlled, the following words:

Parachute Flare. Acceptable as a Day and Night Visual Distress Signal for boats as required by 33 CFR 175.110, For Emergency Use Only.

or

(9) If the signal's descent is not parachute controlled, the following words:

"Meteor Flare. Acceptable as a Night Only Visual Distress Signal for boats as required by 33 CFR 175.110. For Emergency Use Only".

(b) If the signal is too small to contain all of the information required by paragraph (a) of this section and any labeling which may be required by paragraph (c) of this section, the information required by paragraphs (a) (2), (6), (8), and (9) of this section may be printed on a separate piece of paper packed with each signal or with the smallest container in which several signals are packed.

(c) Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 U.S.C. 1263, the Federal Hazardous Substances Act.

§ 160.066-10 Expiration date.

(a) Each approved signal must have an expiration date marked on it.

(b) For each signal shipped directly from the production line or from storage that does not meet the requirements in paragraph (d) of this section, the expiration date must be 3 years from the date of manufacture.

(c) For each signal stored before shipment under conditions specified in paragraph (d) of this section, the expiration date must be—

(1) Not more than 3 years after removal from storage; and

(2) Not more than 4 years after the date of manufacture.

(d) The following conditions must be met to qualify for determining the expiration date under paragraph (c) of this section:

(1) The relative humidity of the storage place must not exceed 50 percent.

(2) The temperature of the storage place must be maintained between 10° C (50° F) and 30° C (86° F).

(3) The temperature and humidity of the storage place must be recorded daily.

(4) The signal must be from a lot that is stored separately from other lots.

(5) The lot number, the date of shipment, the date the lot is placed in storage, the number of signals shipped, and the consignee of the shipment must be recorded and the manufacturer must retain this record for at least 5 years after the date of shipment.

§ 160.066-11 Approval procedures.

(a) Red aerial pyrotechnic flare distress signals are approved under the procedures of subpart 159.005 of this chapter.

(b) The manufacturer must produce a lot of at least 100 signals from which samples for preapproval testing must be drawn. Preapproval testing must be conducted in accordance with the operational test in § 160.066-13 and the technical tests in § 160.066-14. In order for the signal to be approved, the samples must pass the operational tests and must not fail the technical tests.

(c) The preapproval tests must be performed by an independent laboratory accepted by the Commandant under § 159.010 of this chapter. A list of independent laboratories accepted by the Commandant is in § 160.066-18.

§ 160.066-12 Operational tests.

(a) The procedure for conducting operational tests is described in figure (1).

(1) An "accept lot" decision must be reached in order to pass the operational tests.

(2) If a "reject lot" decision is reached, the entire lot is rejected and must not be sold as Coast Guard approved.

(3) If a lot is produced with the Coast Guard approval number printed on the signals, and a "reject lot" decision is reached, the signals must be destroyed or the Coast Guard approval number obliterated.

(b) Each signal selected for the operational tests must be conditioned by:

(1) Being submerged under at least 25 mm (1 in) of water for 24 hours without any protection other than its waterproofing; or

(2) If waterproofing is provided by a sealed plastic bag or other waterproof packaging, submersion under 25 mm (1 in) of water for 24 hours in the packaging, followed immediately by submersion for 10 minutes with the signal removed from the packaging.

(c) After each signal selected has undergone the conditioning required by paragraph (b) of this section it must be fired as described by the manufacturer's operating instructions. The following data must be recorded for each signal:

(1) Burning time of the pyrotechnic candle;

(2) Color;

(3) Whether the pyrotechnic candle burns out above, at, or below the level of launch.

(d) A signal fails the operational tests if:

(1) It fails to fire;

(2) The pyrotechnic candle fails to ignite,

(3) The signal is any color other than vivid red,

(4) The burning time with a vivid red color is less than 6 seconds,

(5) The pyrotechnic candle continues to burn after if falls back to the level of launch, or

(6) The pyrotechnic candle burns less than 1,000 candle-minutes as calculated in § 160.066-7(a)(6), using the time observed from paragraph (c)(1) of this section and the rated intensity from the most recent technical test conducted under § 160.066-13.

(e) A lot is rejected if:

(1) A "reject lot" decision is reached using figure (1) and table 1 after completion of the operational tests; or

(2) Any signal in the sample malfunctions in a manner that would cause burns or injury to an unprotected person firing the signal.

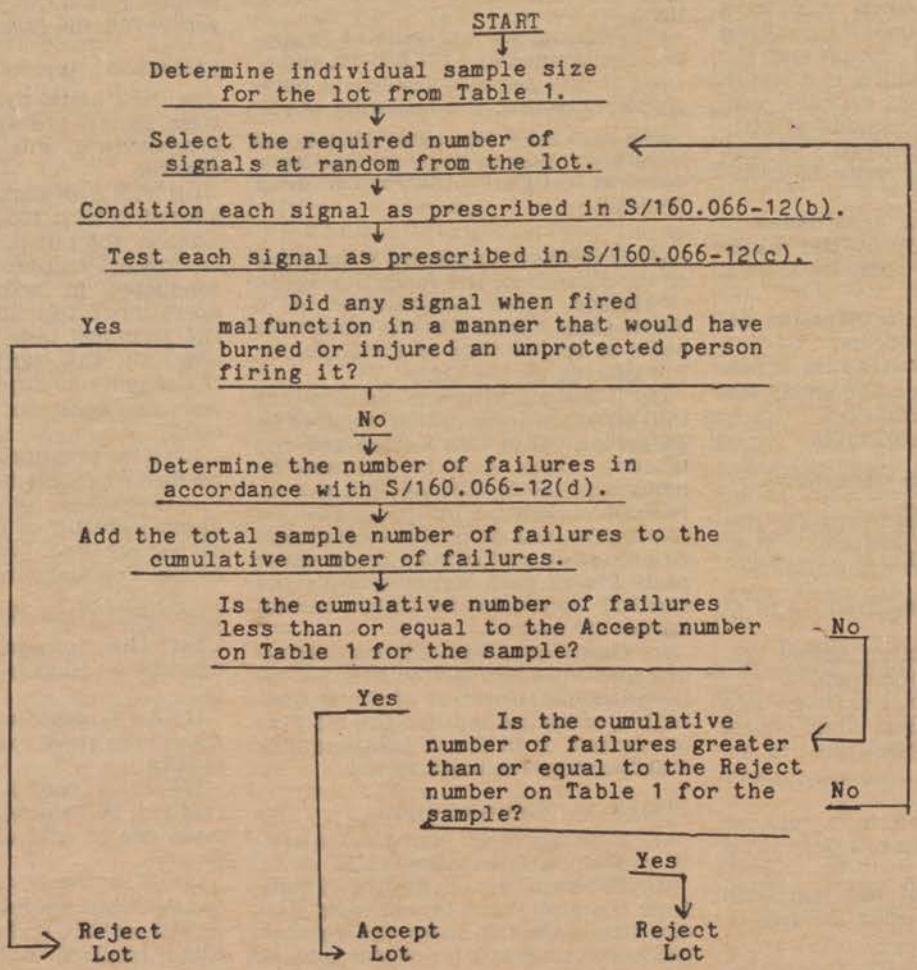


Figure 1. Operational Test Procedure.

TABLE 1.—*Accept and Reject Criteria for Operational Test Lots*

Lot size	Individual sample size	Sample	Cumulative sample size	Accept [1]	Reject [1]
280 or less	8	First	8	*	4
		Second	16	1	5
		Third	24	2	6
		Fourth	32	3	7
		Fifth	40	5	8
		Sixth	48	7	9
		Seventh	56	9	10
281 to 500	13	First	13	*	4
		Second	26	1	6
		Third	39	3	8
		Fourth	52	5	10
		Fifth	65	7	11
		Sixth	78	10	12
		Seventh	91	13	14
501 to 1,200	20	First	20	*	5
		Second	40	3	8
		Third	60	6	10
		Fourth	80	8	13
		Fifth	100	11	15
		Sixth	120	14	17
		Seventh	140	18	19
1,201 to 3,200	32	First	32	1	7
		Second	64	4	10
		Third	96	8	13
		Fourth	128	12	17
		Fifth	160	17	20
		Sixth	192	21	23
		Seventh	224	25	26
3,201 to 10,000	50	First	50	2	9
		Second	100	7	14
		Third	150	13	19
		Fourth	200	19	25
		Fifth	250	25	29
		Sixth	300	31	33
		Seventh	350	37	38

[1] Cumulative number of failures.
*Lot may not be accepted. Next sample must be tested.

§ 160.066–13 Technical tests.

(a) The following conditions apply to technical tests as described in this section:

(1) A total of nine signals must be selected at random from one lot for the tests;

(2) If the signals are protected by sealed packaging, then the technical tests must be conducted with the signal in the sealed packaging;

(3) If the test sample fails to pass one of the technical tests, the entire lot is rejected and must not be sold as Coast Guard Approved;

(4) If a lot is produced with the Coast Guard Approval Number on the signals, and the test sample fails one of the technical tests the signals must be destroyed or the approval number obliterated.

(b) The Elevated Temperature, Humidity, and Storage Test must be conducted in the following manner:

(1) Select three signals;

(2) Place each signal in a thermostatically controlled even-temperature oven held at 60 Degrees C (140 degrees F), and at not less than 90 percent relative humidity, for at least 72 hours;

(3) Remove each signal from the oven identified in (2), and immediately store each signal for 10 days in a chamber held at—

(i) A temperature of at least 20 degrees C (68 degrees F) but not more than 25 degrees C (77 degrees F), and

(ii) At not less than 65% relative humidity.

(4) Then remove each signal from any sealed packaging and fire it;

(5) The signals fail the test if:

(i) Any signal ignites or decomposes before firing,

(ii) Any signal when fired malfunctions in a manner that would cause burns or injury to an unprotected person firing the signal, or;

(iii) Two or more of the signals fail to project and ignite the pyrotechnic candle.

(c) The Spontaneous Combustion Test must be performed in the following manner:

(1) Select three signals,

(2) Place each signal in a thermostatically controlled oven for 48 hours at a temperature of 75 degrees C (167 degrees F),

(3) Remove the signals,

(4) The signals fail the test if any signal ignites or decomposes during the test.

(d) The Luminous Intensity and Chromaticity Test must be performed in the following manner:

(1) Remove the pyrotechnic candle from the remaining three signals,

(2) Ignite, measure, and record the intensity of the burning candle with a visual photometer or equivalent photometric device—

(i) While the specimen is supported in a horizontal position and the photometer is at right angles to the axis of the specimen,

(ii) At a distance of at least 3 m (10 ft.),

(iii) Every 2 seconds during the burning of the candle beginning one second after the candle (not including any primer, initiator, or delay) is ignited;

(3) Calculate the intensity of the candle as the arithmetic average of the readings taken;

(4) Measure and record the chromaticity of the burning candle as specified in 46 CFR 160.021-4(n);

(5) The signals fail the test if more than one signal has a luminous intensity of less than 10,000 candela, or more than one signal is not "vivid red".

§ 160.066–14 Production testing.

(a) Production tests must be performed under the procedures in Subpart 159.007 of this chapter.

(b) The operational tests in § 160.066–12 must be performed for every lot of signals produced.

(c) The technical tests in § 160.066–13 must be performed at least once every 12 months, or at least once every 10 lots, whichever occurs first.

(d) If a lot is rejected on the basis of the technical tests, then each subsequent lot produced must be tested according to the technical tests until samples from a lot pass these tests.

(e) The independent laboratory must perform or directly supervise—

(1) Each technical tests; and

(2) All operational tests for at least four lots in a 12-month period, unless fewer than four lots are produced in a 12-month period. If less than four lots are produced in a 12-month period, each operational tests must be performed or directly supervised by the independent laboratory.

(f) If a lot selected by the independent laboratory for an operational test is rejected, then the operational tests for each subsequent lot must be performed or directly supervised by the independent laboratory, until samples from a lot pass these tests;

(g) The independent laboratory selects the lots upon which technical tests are performed.

(h) If the manufacturer produces more than four lots within a 12-month period, the independent laboratory selects the lots for which it performs or directly supervises the operational tests.

(i) The operational test performed or directly supervised by the independent laboratory must be done at least once during each quarterly period, unless no lots are produced during that period.

(j) The independent laboratory, when it performs or directly supervises the technical tests required by paragraph (c) or (d) of this section, must inspect the signals selected for testing and compare them with the approved plans. Each signal inspected must conform to the plans.

§ 160.066–18 Listed independent laboratories.

(a) The following are independent laboratories acceptable to the Commandant for approval and production testing under this subpart:

(Independent laboratories will be listed in this section as they are accepted by the Commandant.)

Subpart 160.072—Distress Signals for Boats, Orange Flag

Sec.
160.072-1 Applicability.
160.072-3 General performance requirements.
160.072-5 Accelerated weathering test.
160.072-7 Labeling.
160.072-9 Manufacturer certification.
160.072-10 Manufacturer notification.

AUTHORITY: Sec. 5, 85 Stat. 215; (46 U.S.C. 1454); 49 CFR 1.46(n)(1).

Subpart 160.072—Distress Signals for Boats, Orange Flag

§ 160.072–1 Applicability.

(a) This subpart establishes standards for distress flags for boats.

§ 160.072–3 General performance requirements.

(a) Each flag must:

(1) Be a square or rectangle at least 90 cm (36 inches) wide and at least 90 cm (36 inches) long. If the flag is a rectangle, the shorter side cannot be less than ⅔ the length of the longer side;

(2) Have no less than 70 percent of the total area colored Indian orange as specified in § 160.002–3(b);

(3) Display a black disc and a black square on the orange background arranged as follows:

(i) The diameter of the disc and the length of one side of the square shall be equal, and shall each be ⅓ of the length of the longest side of the flag, or 30 cm (12 inches), whichever is greater;

(ii) The disc and square must be centered on one axis of the flag parallel to the longest side of the flag as shown in Figure 160.072–3. If the flag is a square, the axis may be parallel to any side.

(iii) The disc and square shall be separated by a distance of ⅛ the length of the longest side of the flag or 15 cm (6 inches), whichever is greater;



Figure 160.072–3

(4) Be constructed of material capable of withstanding the accelerated weathering test in § 160.072–5 without visible signs of fading or rot over more than 3 percent of the flag surface;

(5) Have reinforced corners, each with a grommet, capable of withstanding the accelerated weathering test in § 160.072–5 without visible signs of corrosion; and

(6) Have four pieces of line—

(i) Each at least 30 cm (12 inches) long with a minimum diameter of 10 mm,

(ii) With a tensile strength of at least 115N (25 lbs.),

(iii) Capable of passing through the grommets freely, and,

(iv) Capable of withstanding the accelerated weathering test in § 160.072–5 with no more than a 5-percent decrease in tensile strength.

§ 160.072–5 Accelerated weathering test.

(a) Under ultraviolet light, subject the material to alternate 3-minute cycles of 20-percent salt spray at 55 degrees C and an air blast of 40 knots at 55 degrees C without interruption for a period of 200 hours. Metallic parts shall be free of paint or other finish during this test.

§ 160.072–7 Labeling.

(a) Each distress flag must be legibly and indelibly marked with:

(1) The manufacturer's name; and

(2) The following words and symbols—

"Day Visual Distress Signal for Boats. Complies with U.S. Coast Guard Requirements. For Emergency Use Only".

§ 160.072–9 Manufacturer Certification.

(a) Each distress flag intended as a Day Visual Distress Signal required by 33 CFR Part 175 must be certified by the manufacturer as complying with the requirements of this subpart.

(b) Each distress flag must be accompanied by a certification statement containing:

(1) The manufacturer's name, and address, and;

(2) The following words—

"This flag complies with the requirements of 46 CFR Subpart 160.072. Acceptable as a Day Visual Distress Signal for Boats required by 33 CFR 175.110".

§ 160.072–10 Manufacturer notification.

(a) Each manufacturer certifying flags in accordance with the specifications of this subpart must send written notice to the Commandant (G–BBT), U.S. Coast Guard, Washington, D.C. 20590 within 30 days after first certifying them, and send a new notice every five years thereafter as long as it certifies flags.

Subpart 161.013—Electric Distress Light for Boats

Sec.
161.013-1 Applicability.
161.013-3 General performance requirements.
161.013-5 Intensity requirements.
161.013-7 Signal requirements.
161.013-9 Independent power source.
161.013-11 Incandescent lights.
161.013-12 Manufacturer testing.
161.013-13 Labels.
161.013-15 Manufacturer certification.
161.013-17 Manufacturer notification.

AUTHORITY: Sec. 5, 85 Stat. 215; (46 U.S.C. 1454); 49 CFR 1.46(n)(1).

Subpart 161.013—Electric Distress Light for Boats

§ 161.013–1 Applicability.

(a) This subpart establishes standards for electric distress lights for boats.

§ 161.013–3 General performance requirements.

(a) Each electric light must:

(1) Emit a white light which meets the intensity requirements of § 161.013–5;

(2) Be capable of manual or automatic signaling in a manner which meets the requirements of § 161.013–7;

(3) Contain an independent power source which meets the requirements of § 161.013–9;

(4) Float with the lens up;

(5) Be equipped with a waterproof switch; and

(b) Meet the requirement of paragraphs (a) (1) through (4) of this section after submersion in water for at least 72 hours.

§ 161.013–5 Intensity requirements.

(a) If an electric light emits light over an arc of the horizon of 360 degrees:

(1) The light's focal plane must be at the horizon;

(2) The light's peak intensity, measured 10 feet from the outer lens surface, must be at least 350 candela; and

(3) The light's minimum intensity, measured 10 feet from the outer lens surface and 9 inches perpendicular to the focal plane containing the peak intensity, must be at least 50 candela.

(b) If an electric light emits a directional beam of light, the light, measured 10 feet from the outer lens surface along the axis of the beam, must:

(1) Illuminate an area at least 18 inches in diameter measured perpendicular to the axis of the beam;

(2) Have an intensity of no less than 50 candela at any point within the area defined by paragraph (a)(1) of this section; and

(3) Have one point within the area defined by paragraph (a)(1) of this section where the intensity is at least 5,000 candela.

§ 161.013–7 Signal requirements.

(a) If an electric light signals automatically it must have a flash characteristic of the International Morse Code for S-O-S and;

(1) Each short flash must have a duration of ⅓ second;

(2) Each long flash must have a duration of 1 second;

(3) The dark period between each short flash must have a duration of ⅓ second;

(4) The dark period between each long flash must have a duration of 1 second;

(5) The dark period between each letter must have a duration of 2 seconds; and

(6) The dark period between each S-O-S signal must have a duration of 3 seconds.

(b) If an electric light does not signal automatically it must be equipped with a switch capable of manually signaling the flash characteristic of the International Morse Code for S-O-S as described in paragraph (a) of this section.

§ 161.013-9 Independent power source.

(a) Each independent power source must be capable of powering the light so that it meets the requirements of § 161.013-3(a) (1) and (2) after 8 hours of continuous use.

(b) If the independent power source is rechargeable, it must have a waterproof recharger designed for marine use.

(c) If the independent power source requires external water to form an electrolyte, it must operate in sea water and fresh water.

§ 161.013-11 Incandescent lights.

(a) Each manufacturer must test a prototype light identical to the lights to be certified prior to the labeling required by § 161.013-13.

(b) If the prototype light fails to meet any of the general performance requirements of § 161.013-3 the lights must not be certified under this subpart.

(c) Each manufacturer must:

(1) Forward the test results within 30 days to the Commandant (G-BBT), U.S. Coast Guard, Washington, D.C. 20590; and

(2) Retain records of the test results for at least 5 years, or as long as the light is manufactured and certified, whichever is longer.

§ 161.013-13 Labels.

(a) Each electric light must be legibly and indelibly marked with:

(1) The manufacturer's name;

(2) Replacement battery type;

(3) Lamp size; and

(4) The following words and symbols—

"Night Visual Distress Signal for Boats Complies with U.S. Coast Guard Requirements. International Code for Distress S-O-S (... ---...) For Emergency Use Only."

(b) If an electric light is designed for use with dry cell batteries the label must contain the following additional words: "Signal most effective when batteries have not passed expiration date".

§ 161.013-15 Manufacturer certification.

(a) Each electric light intended as a Night Visual Distress Signal required by 33 CFR Part 175 must be certified by the manufacturer as complying with the requirements of this subpart.

(b) Each electric light must be accompanied by a certification statement containing:

(1) The manufacturer's name, and address; and

(2) The following words, "This light complies with the requirements of 46 CFR Subpart 161.013. Acceptable as a Night Visual Distress Signal for Boats required by 33 CFR 175.110".

§ 161.013-17 Manufacturer notification.

(a) Each manufacturer certifying lights in accordance with the specifications of this subpart must send written notice to the Commandant (G-BBT), U.S. Coast Guard, Washington, D.C. 20590 within 30 days after first certifying them, and send a new notice every 5 years thereafter as long as it certifies lights.

(Sec. 5, 85 Stat. 215; (46 U.S.C. 1454); 49 CFR 1.46(n)(1).)

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: October 11, 1978.

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

[FR Doc. 78-29480 Filed 10-20-78; 8:45 am]

[4910-14-M]

[33 CFR Part 175]

[CGD 76-183]

VISUAL DISTRESS SIGNALS ON BOATS

Reopen of Comment Period on Proposed Rules.

AGENCY: U.S. Coast Guard, DOT.

ACTION: Reopen comment period for proposed rules.

SUMMARY: The Coast Guard published a proposed rule (CGD 76-183), in the FEDERAL REGISTER of April 10, 1978 (43 FR 15118), that would require some recreational boats to carry Coast Guard-approved visual distress signals. The comment period on CGD 76-183 ended on August 8, 1978. The preamble to CGD 76-183 noted that associated proposals concerning Coast Guard approval specifications for visual distress signals would be published in a future issue of the FEDERAL REGISTER. Those proposals appear in this issue of the FEDERAL REGISTER in CGD 76-183a, CGD 76-048a, CGD 76-048b, and CGD 76-048. The comment period on CGD 78-183 is reopened so that interested persons may comment further on the carriage requirements in light of the associated proposals concerning approval specifications. The comment period for all five proposals (CGD 76-183, CGD 76-183a, CGD 76-048a, CGD 76-048b, and CGD 76-048), will run concurrently and close on December 22, 1978.

DATES: As explained above, comments must be received on or before December 22, 1978.

ADDRESSES: As explained in the notice of proposed rulemaking published on April 10, 1978, written comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. David Gauthier, U.S. Coast Guard, Office of Boating Safety (G-BLC), Room 4308, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590, 202-426-4176.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Mr. David Gauthier, Project Manager, Office of Boating Safety, and Lt. Steven Karavitis, Project Attorney, Office of the Chief Counsel.

(Sec. 5, 85 Stat. 215; (46 U.S.C. 1454); 49 CFR 1.46(n)(1).)

Dated: October 11, 1978.

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

[FR Doc. 78-29481 Filed 10-20-78; 8:45 am]

federal register

MONDAY, OCTOBER 23, 1978
PART III



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish off the Coasts of the United States

[4710-09-M]

DEPARTMENT OF STATE

[Public Notice 635]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the act.

The act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the FEDERAL REGISTER.

Applications have been received from foreign nations for fishing during 1979 and are reproduced herewith. Individual vessel applications for fishing during 1978 and 1979 have been received from foreign nations and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone, 202-634-7265.

Dated: October 13, 1978.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

[FR Doc. 78-29486 Filed 10-20-78; 8:45 am]

FISHERY CODES AND DESIGNATION OF REGIONAL COUNCILS WHICH REVIEW APPLICATIONS FOR INDIVIDUAL FISHERIES ARE AS FOLLOWS:

CODE	FISHERY	REGIONAL COUNCIL
ABS	Atlantic Billfishes and Sharks	New England Mid-Atlantic South Atlantic Gulf of Mexico Caribbean
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	North Pacific
CRB	Crab (Bering Sea)	North Pacific
GOA	Gulf of Alaska	North Pacific
NWA	Northwest Atlantic	New England Mid-Atlantic
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific
SNL	Snails (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl	Pacific

ACTIVITY CODES SPECIFY CATEGORIES OF FISHING OPERATIONS APPLIED FOR AS FOLLOWS:

ACTIVITY CODE	FISHING OPERATIONS
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
BULGARIA			
AKTINIA LARGE STERN TRAWLER	BU-79-0001	NWA	1
ARGONAUT LARGE STERN TRAWLER	BU-79-0002	NWA	1
ROTALIA LARGE STERN TRAWLER	BU-79-0005	NWA	1
ALBENA CARGO/TRANSPORT VESSEL	BU-79-0006	NWA	3
FIZALIA LARGE STERN TRAWLER	BU-79-0008	NWA	1
KITEN CARGO/TRANSPORT VESSEL	BU-79-0010	NWA	3
AURELIA LARGE STERN TRAWLER	BU-79-0018	NWA	1
KAPRELA LARGE STERN TRAWLER	BU-79-0019	NWA	1
JAPAN			
KASHIMA MARU FACTORY SHIP	JA-79-0001	SNA, CRB, GOA, NWA BSA	3 2
OTOHA MARU PAIR TRAWLER	JA-79-0010	BSA	1
KUREHA MARU PAIR TRAWLER	JA-79-0011	BSA	1
HOKKAI MARU PAIR TRAWLER	JA-79-0012	BSA	1
HAKUREI MARU PAIR TRAWLER	JA-79-0013	BSA	1
HOKUSHIN MARU PAIR TRAWLER	JA-79-0014	BSA	1
HOKUTO MARU PAIR TRAWLER	JA-79-0015	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SHIKISHIMA MARU FACTORY SHIP	JA-79-0030	BSA	2
KAIUN MARU NO. 52 DANISH SEINER	JA-79-0040	BSA	1
EBISU MARU NO. 11 DANISH SEINER	JA-79-0042	BSA	1
SEIHO MARU NO. 15 DANISH SEINER	JA-79-0043	BSA	1
HOKKO MARU NO. 17 DANISH SEINER	JA-79-0050	BSA	1
MIZUHO MARU PAIR TRAWLER	JA-79-0060	BSA	1
AKIHO MARU PAIR TRAWLER	JA-79-0061	BSA	1
SYUNYO MARU PAIR TRAWLER	JA-79-0062	BSA	1
RAKUYO MARU PAIR TRAWLER	JA-79-0063	BSA	1
WAYO MARU PAIR TRAWLER	JA-79-0064	BSA	1
JUNYO MARU PAIR TRAWLER	JA-79-0065	BSA	1
KOYO MARU PAIR TRAWLER	JA-79-0066	BSA	1
RYUYO MARU PAIR TRAWLER	JA-79-0067	BSA	1
YASHIMA MARU PAIR TRAWLER	JA-79-0070	BSA	1
TSUSHIMA MARU PAIR TRAWLER	JA-79-0071	BSA	1
MINESHIMA MARU FACTORY SHIP	JA-79-0080	BSA	2
KAIKO MARU NO. 8 DANISH SEINER	JA-79-0090	BSA	1
EBISU MARU NO. 21 DANISH SEINER	JA-79-0091	BSA	1
KAIUN MARU NO. 78 DANISH SEINER	JA-79-0092	BSA	1
HEIKYU MARU NO. 25 DANISH SEINER	JA-79-0093	BSA	1
MITSU MARU NO. 50 DANISH SEINER	JA-79-0095	BSA	1
HOKKO MARU NO. 77 MEDIUM STERN TRAWLER	JA-79-0100	BSA	1
SHUYO MARU PAIR TRAWLER	JA-79-0110	BSA	1
EIYO MARU PAIR TRAWLER	JA-79-0111	BSA	1
KOYO MARU PAIR TRAWLER	JA-79-0112	BSA	1
FUKUYO MARU PAIR TRAWLER	JA-79-0113	BSA	1
KATORI MARU PAIR TRAWLER	JA-79-0114	BSA	1
KATSUKI MARU PAIR TRAWLER	JA-79-0115	BSA	1
AOBA MARU PAIR TRAWLER	JA-79-0116	BSA	1
WAKABA MARU PAIR TRAWLER	JA-79-0117	BSA	1
OYO MARU PAIR TRAWLER	JA-79-0120	BSA	1
EIYO MARU PAIR TRAWLER	JA-79-0121	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
WASHIMA MARU PAIR TRAWLER	JA-79-0122	BSA	1
TOYOSHIMA MARU PAIR TRAWLER	JA-79-0123	BSA	1
NISSHIN MARU NO. 2 FACTORY SHIP	JA-79-0140	BSA	2
SHOKEN MARU NO. 8 DANISH SEINER	JA-79-0151	BSA	1
AKASHI MARU NO. 16 PAIR TRAWLER	JA-79-0160	BSA	1
AKASHI MARU NO. 17 PAIR TRAWLER	JA-79-0161	BSA	1
AKASHI MARU NO. 51 PAIR TRAWLER	JA-79-0162	BSA	1
AKASHI MARU NO. 52 PAIR TRAWLER	JA-79-0163	BSA	1
AKASHI MARU NO. 58 PAIR TRAWLER	JA-79-0164	BSA	1
AKASHI MARU NO. 59 PAIR TRAWLER	JA-79-0165	BSA	1
AKASHI MARU NO. 63 PAIR TRAWLER	JA-79-0166	BSA	1
AKASHI MARU NO. 65 PAIR TRAWLER	JA-79-0167	BSA	1
AKASHI MARU NO. 66 PAIR TRAWLER	JA-79-0168	BSA	1
AKASHI MARU NO. 67 PAIR TRAWLER	JA-79-0169	BSA	1
AKASHI MARU NO. 68 PAIR TRAWLER	JA-79-0170	BSA	1
AKASHI MARU NO. 69 PAIR TRAWLER	JA-79-0171	BSA	1
AKASHI MARU NO. 71 PAIR TRAWLER	JA-79-0172	BSA	1
AKASHI MARU NO. 72 PAIR TRAWLER	JA-79-0173	BSA	1
AKASHI MARU NO. 73 PAIR TRAWLER	JA-79-0174	BSA	1
AKASHI MARU NO. 75 PAIR TRAWLER	JA-79-0175	BSA	1
AKASHI MARU NO. 76 PAIR TRAWLER	JA-79-0176	BSA	1
AKASHI MARU NO. 77 PAIR TRAWLER	JA-79-0177	BSA	1
AKASHI MARU NO. 18 PAIR TRAWLER	JA-79-0178	BSA	1
HOYO MARU FACTORY SHIP	JA-79-0190	BSA	2
TENYU MARU NO. 21 DANISH SEINER	JA-79-0200	BSA	1
YURYO MARU NO. 35 DANISH SEINER	JA-79-0201	BSA	1
TENYU MARU NO. 18 DANISH SEINER	JA-79-0202	BSA	1
SOHO MARU NO. 68 DANISH SEINER	JA-79-0204	BSA	1
KAKUYO MARU NO. 1 PAIR TRAWLER	JA-79-0210	BSA	1
KAKUYO MARU NO. 2 PAIR TRAWLER	JA-79-0211	BSA	1
KAKUYO MARU NO. 3 PAIR TRAWLER	JA-79-0212	BSA	1
KAKUYO MARU NO. 5 PAIR TRAWLER	JA-79-0213	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
KAKUYO MARU NO. 7 PAIR TRAWLER	JA-79-0214	BSA	1
KAKUYO MARU NO. 8 PAIR TRAWLER	JA-79-0215	BSA	1
NITTO MARU NO. 31 PAIR TRAWLER	JA-79-0218	BSA	1
NITTO MARU NO. 32 PAIR TRAWLER	JA-79-0219	BSA	1
NITTO MARU NO. 35 PAIR TRAWLER	JA-79-0220	BSA	1
NITTO MARU NO. 36 PAIR TRAWLER	JA-79-0221	BSA	1
SOYO MARU FACTORY SHIP	JA-79-0240	BSA	2
TAISEI MARU NO. 51 MEDIUM STERN TRAWLER	JA-79-0250	BSA	1
MUTSU MARU NO. 52 MEDIUM STERN TRAWLER	JA-79-0251	BSA	1
TORA MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0252	BSA	1
ZENPO MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0253	BSA	1
KAKUDAI MARU NO. 25 MEDIUM STERN TRAWLER	JA-79-0254	BSA	1
FUJI MARU NO. 1 MEDIUM STERN TRAWLER	JA-79-0255	BSA	1
HOKEN MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0256	BSA	1
KAIKO MARU NO. 2 MEDIUM STERN TRAWLER	JA-79-0257	BSA	1
KAIKO MARU NO. 3 MEDIUM STERN TRAWLER	JA-79-0258	BSA	1
JAPAN			
RYUYO MARU LARGE STERN TRAWLER	JA-79-0280	BSA,GOA	1
TOMI MARU NO. 85 MEDIUM STERN TRAWLER	JA-79-0282	BSA,GOA	1
ANYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-79-0283	BSA	1
DAISHIN MARU NO. 12 LARGE STERN TRAWLER	JA-79-0285	GOA,BSA	1
DAISHIN MARU NO. 22 LARGE STERN TRAWLER	JA-79-0286	GOA,BSA	1
DAISHIN MARU NO. 23 LARGE STERN TRAWLER	JA-79-0287	GOA,BSA	1
ASO MARU LARGE STERN TRAWLER	JA-79-0288	BSA,GOA,SMT	1
NIITAKA MARU LARGE STERN TRAWLER	JA-79-0289	BSA,GOA	1
TAKACHIHO MARU LARGE STERN TRAWLER	JA-79-0291	BSA,GOA	1
KOYO MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0292	GOA,BSA	1
SHINNICHI-MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0293	BSA	1
SHUNYOO MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0294	BSA	1
ZUIHOO-MARU NO. 8 MEDIUM STERN TRAWLER	JA-79-0296	BSA	1
KOYO MARU NO. 2 LARGE STERN TRAWLER	JA-79-0297	GOA,BSA	1
EIKYU MARU NO. 2 MEDIUM STERN TRAWLER	JA-79-0299	BSA	1
EIKYU MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0300	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
EIKYU MARU NO. 86 MEDIUM STERN TRAWLER	JA-79-0302	BSA	1
KOSHIN MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0303	BSA	1
FUKUYOSHI MARU NO. 38 MEDIUM STERN TRAWLER	JA-79-0304	BSA,GOA	1
KYOWA MARU NO. 15 MEDIUM STERN TRAWLER	JA-79-0305	BSA,GOA	1
AKEBONO MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0306	BSA,GOA	1
AKEBONO MARU NO. 32 MEDIUM STERN TRAWLER	JA-79-0307	BSA,GOA	1
AKEBONO MARU NO. 27 MEDIUM STERN TRAWLER	JA-79-0308	BSA,GOA	1
AKEBONO MARU NO. 28 MEDIUM STERN TRAWLER	JA-79-0309	BSA,GOA	1
AKEBONO MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0310	BSA,GOA	1
AKEBONO MARU NO. 12 MEDIUM STERN TRAWLER	JA-79-0311	BSA	1
AKEBONO MARU NO. 15 MEDIUM STERN TRAWLER	JA-79-0312	BSA	1
AKEBONO MARU NO. 16 MEDIUM STERN TRAWLER	JA-79-0313	BSA,GOA	1
AKEBONO MARU NO. 17 MEDIUM STERN TRAWLER	JA-79-0314	BSA	1
AKEBONO MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0315	BSA,GOA	1
AKEBONO MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0316	BSA	1
AKEBONO MARU NO. 22 MEDIUM STERN TRAWLER	JA-79-0317	BSA,GOA	1
JAPAN			
SHIZUOKA MARU MEDIUM STERN TRAWLER	JA-79-0318	BSA,GOA	1
KITAKAMI MARU MEDIUM STERN TRAWLER	JA-79-0321	BSA,GOA	1
RYUYO MARU NO. 2 LARGE STERN TRAWLER	JA-79-0330	BSA,GOA	1
ZUIYO MARU NO. 3 LARGE STERN TRAWLER	JA-79-0331	BSA,GOA	1
TENYO MARU NO. 2 LARGE STERN TRAWLER	JA-79-0332	BSA	1
TENYO MARU NO. 3 LARGE STERN TRAWLER	JA-79-0333	BSA	1
TENYO MARU NO. 5 LARGE STERN TRAWLER	JA-79-0334	BSA	1
CHIKUBU MARU LARGE STERN TRAWLER	JA-79-0336	BSA,GOA	1
TSUDA MARU LARGE STERN TRAWLER	JA-79-0337	BSA,GOA	1
AKEBONO MARU NO. 72 LARGE STERN TRAWLER	JA-79-0338	BSA,GOA	1
YAMATO MARU LARGE STERN TRAWLER	JA-79-0339	BSA,GOA	1
RIKUZEN MARU LARGE STERN TRAWLER	JA-79-0340	BSA,GOA	1
KONGO MARU LARGE STERN TRAWLER	JA-79-0341	BSA,GOA,SMT	1
OHTORI MARU LARGE STERN TRAWLER	JA-79-0342	GOA,BSA	1
KOYO MARU NO. 3 LARGE STERN TRAWLER	JA-79-0343	BSA,GOA	1
HARUNA MARU LARGE STERN TRAWLER	JA-79-0350	BSA,GOA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
ZUIYO MARU NO. 2 LARGE STERN TRAWLER	JA-79-0351	BSA,GOA	1
TENYO MARU LARGE STERN TRAWLER	JA-79-0352	BSA	1
TOKACHI MARU LARGE STERN TRAWLER	JA-79-0360	NWA	1
ZAO MARU LARGE STERN TRAWLER	JA-79-0361	NWA	1
SHIRANE MARU LARGE STERN TRAWLER	JA-79-0362	NWA	1
SUZUKA MARU LARGE STERN TRAWLER	JA-79-0363	NWA	1
OKUNI MARU LARGE STERN TRAWLER	JA-79-0364	NWA	1
KOYO MARU LARGE STERN TRAWLER	JA-79-0365	NWA	1
MIKAMI MARU LARGE STERN TRAWLER	JA-79-0368	NWA	1
NIHONKAI MARU MEDIUM STERN TRAWLER	JA-79-0369	NWA	1
AKEBONO MARU NO. 50 LARGE STERN TRAWLER	JA-79-0371	NWA	1
BANSHU MARU NO. 6 LARGE STERN TRAWLER	JA-79-0373	NWA	1
BANSHU MARU NO. 7 LARGE STERN TRAWLER	JA-79-0374	NWA	1
DAISHIN MARU NO. 16 LARGE STERN TRAWLER	JA-79-0376	NWA	1
DAISHIN MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0377	NWA	1
DAISHUN MARU MEDIUM STERN TRAWLER	JA-79-0378	NWA	1
TAIYO MARU NO. 83 MEDIUM STERN TRAWLER	JA-79-0380	NWA	1
JUKYU MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0402	BSA	1
HATSUE MARU NO. 62 MEDIUM STERN TRAWLER	JA-79-0403	BSA	1
HOKUYU MARU NO. 32 MEDIUM STERN TRAWLER	JA-79-0405	BSA	1
NITTO MARU NO. 75 MEDIUM STERN TRAWLER	JA-79-0406	BSA	1
HOKKO MARU NO. 57 MEDIUM STERN TRAWLER	JA-79-0407	BSA	1
YAMASAN MARU NO. 81 MEDIUM STERN TRAWLER	JA-79-0409	BSA	1
YAMASAN MARU NO. 85 MEDIUM STERN TRAWLER	JA-79-0410	BSA	1
EIKYU MARU NO. 12 MEDIUM STERN TRAWLER	JA-79-0411	BSA	1
DAITO MARU NO. 38 MEDIUM STERN TRAWLER	JA-79-0413	BSA	1
DAITO MARU NO. 55 MEDIUM STERN TRAWLER	JA-79-0414	BSA	1
TOMI MARU NO. 52 MEDIUM STERN TRAWLER	JA-79-0415	BSA	1
CHUYO MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0418	BSA	1
CHUYO MARU NO. 22 MEDIUM STERN TRAWLER	JA-79-0419	BSA	1
EIKYU MARU NO. 16 MEDIUM STERN TRAWLER	JA-79-0420	BSA	1
KORYO MARU NO. 108 MEDIUM STERN TRAWLER	JA-79-0421	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
TORA MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0422	BSA	1
EBISU MARU NO. 38 MEDIUM STERN TRAWLER	JA-79-0423	BSA	1
KYOYO MARU NO. 2 MEDIUM STERN TRAWLER	JA-79-0424	BSA	1
HOKEN MARU NO. 38 MEDIUM STERN TRAWLER	JA-79-0425	BSA	1
RYOAN MARU NO. 28 MEDIUM STERN TRAWLER	JA-79-0426	BSA	1
TAISEI MARU NO. 68 MEDIUM STERN TRAWLER	JA-79-0428	BSA	1
SHOYO MARU MEDIUM STERN TRAWLER	JA-79-0429	BSA	1
KAIYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-79-0432	BSA	1
TOMI MARU NO. 53 MEDIUM STERN TRAWLER	JA-79-0433	BSA	1
TOMI MARU NO. 82 MEDIUM STERN TRAWLER	JA-79-0434	BSA	1
NO. 8 MITOMARU MEDIUM STERN TRAWLER	JA-79-0435	BSA	1
TOMI MARU NO. 55 MEDIUM STERN TRAWLER	JA-79-0437	BSA	1
SHOTOKU MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0438	BSA	1
YAHATA MARU NO. 53 MEDIUM STERN TRAWLER	JA-79-0440	BSA	1
YAHATA MARU NO. 56 MEDIUM STERN TRAWLER	JA-79-0441	BSA	1
KOHOKU MARU NO. 16 MEDIUM STERN TRAWLER	JA-79-0442	BSA	1
JAPAN			
KOHOKU MARU NO. 17 MEDIUM STERN TRAWLER	JA-79-0443	BSA	1
MANRYO MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0445	BSA	1
MANRYO MARU NO. 32 MEDIUM STERN TRAWLER	JA-79-0446	BSA	1
SEITOKU MARU NO. 105 MEDIUM STERN TRAWLER	JA-79-0447	BSA	1
TAISEI MARU NO. 3 MEDIUM STERN TRAWLER	JA-79-0449	BSA	1
TAISEI MARU NO. 16 MEDIUM STERN TRAWLER	JA-79-0450	BSA	1
TAISEI MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0451	BSA	1
YASHIO MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0452	BSA	1
SHOSHIN MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0453	BSA	1
SHOSHIN MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0454	BSA	1
NARITA MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0456	BSA	1
HOKUO MARU NO. 25 MEDIUM STERN TRAWLER	JA-79-0457	BSA	1
KYUEI MARU NO. 1 MEDIUM STERN TRAWLER	JA-79-0459	BSA	1
HAMAZEN MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0461	BSA	1
YURYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-79-0463	BSA	1
KAIYO MARU NO. 53 MEDIUM STERN TRAWLER	JA-79-0464	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SEIJU MARU NO. 28 MEDIUM STERN TRAWLER	JA-79-0465	BSA	1
SEIJU MARU NO. 20 MEDIUM STERN TRAWLER	JA-79-0466	BSA	1
YAHATA MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0467	BSA	1
FUKUYOSHI MARU NO. 28 MEDIUM STERN TRAWLER	JA-79-0472	BSA	1
RYOAN MARU NO. 25 MEDIUM STERN TRAWLER	JA-79-0475	BSA	1
SACHI MARU NO. 22 MEDIUM STERN TRAWLER	JA-79-0477	BSA	1
RYUHO MARU NO. 51 MEDIUM STERN TRAWLER	JA-79-0479	BSA	1
RYUHO MARU NO. 37 MEDIUM STERN TRAWLER	JA-79-0480	BSA	1
DAIKICHI MARU NO. 32 MEDIUM STERN TRAWLER	JA-79-0482	BSA	1
DAIKICHI MARU NO. 37 MEDIUM STERN TRAWLER	JA-79-0483	BSA	1
DAIKICHI MARU NO. 51 MEDIUM STERN TRAWLER	JA-79-0484	BSA	1
RYUJIN MARU NO. 8 MEDIUM STERN TRAWLER	JA-79-0486	BSA	1
SHINEI MARU NO. 53 MEDIUM STERN TRAWLER	JA-79-0487	BSA	1
KOEI MARU NO. 51 MEDIUM STERN TRAWLER	JA-79-0488	BSA	1
KOEI MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0489	BSA	1
KOEI MARU NO. 25 MEDIUM STERN TRAWLER	JA-79-0490	BSA	1
YAKUSHI NO. 21 MEDIUM STERN TRAWLER	JA-79-0491	BSA	1
DAIKICHI MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0494	BSA	1
FUKUCHO MARU NO. 23 MEDIUM STERN TRAWLER	JA-79-0495	BSA	1
YAKUSHI MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0496	BSA	1
TENYU MARU NO. 3 MEDIUM STERN TRAWLER	JA-79-0497	BSA	1
RYUJIN MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0499	BSA	1
ANYO MARU NO. 12 MEDIUM STERN TRAWLER	JA-79-0500	BSA	1
KOTOBUKI MARU NO. 25 MEDIUM STERN TRAWLER	JA-79-0502	BSA	1
ANYO MARU NO. 15 MEDIUM STERN TRAWLER	JA-79-0504	BSA	1
HAKURYU MARU NO.51 MEDIUM STERN TRAWLER	JA-79-0505	BSA	1
RYUHO MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0506	BSA	1
KASHIMA MARU NO. 23 MEDIUM STERN TRAWLER	JA-79-0508	BSA	1
EIKYU MARU NO. 35 MEDIUM STERN TRAWLER	JA-79-0511	BSA	1
SHOFUKU MARU NO. 61 MEDIUM STERN TRAWLER	JA-79-0512	BSA	1
DAINICHI MARU NO. 31 MEDIUM STERN TRAWLER	JA-79-0514	BSA	1
KYOWA MARU NO. 23 MEDIUM STERN TRAWLER	JA-79-0516	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
RYOEI MARU NO. 38 MEDIUM STERN TRAWLER	JA-79-0517	BSA	1
CHOUN MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0519	BSA	1
MEISHO MARU NO. 15 MEDIUM STERN TRAWLER	JA-79-0522	BSA	1
DAIRIN MARU NO. 28 MEDIUM STERN TRAWLER	JA-79-0524	BSA	1
KOSHIN MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0525	BSA	1
FUKUHO MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0528	BSA	1
KYOWA MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0530	BSA,GOA	1
FUKUSHIN MARU NO. 5 MEDIUM STERN TRAWLER	JA-79-0531	BSA	1
KAIUN MARU NO. 38 MEDIUM STERN TRAWLER	JA-79-0533	BSA	1
KUMANO MARU NO. 15 MEDIUM STERN TRAWLER	JA-79-0534	BSA	1
TEISHO MARU NO. 18 MEDIUM STERN TRAWLER	JA-79-0535	BSA	1
SHINEI MARU NO. 21 MEDIUM STERN TRAWLER	JA-79-0537	BSA	1
SHOEI MARU NO. 2 MEDIUM STERN TRAWLER	JA-79-0539	BSA	1
ANYO MARU NO. 11 MEDIUM STERN TRAWLER	JA-79-0541	GOA,BSA	1
FUKUI MARU NO. 8 MEDIUM STERN TRAWLER	JA-79-0542	BSA	1
FUKUI MARU NO. 10 MEDIUM STERN TRAWLER	JA-79-0543	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
DAIEI MARU NO. 2 MEDIUM STERN TRAWLER	JA-79-0544	BSA	1
YASHIMA MARU NO. 3 MEDIUM STERN TRAWLER	JA-79-0548	BSA	1
YASHIMA MARU NO. 2 MEDIUM STERN TRAWLER	JA-79-0550	BSA	1
ORIENT MARU NO. 3 MEDIUM STERN TRAWLER	JA-79-0551	BSA	1
DAIAN MARU NO. 188 MEDIUM STERN TRAWLER	JA-79-0553	BSA	1
TSUNE MARU NO. 31 LONGLINER/GILLNET	JA-79-0601	GOA,BSA	1
KIYO MARU NO. 55 LONGLINER/GILLNET	JA-79-0602	GOA,BSA	1
FUKUYOSHI MARU NO. 85 LONGLINER/GILLNET	JA-79-0603	GOA,BSA	1
HATSUE MARU NO. 38 LONGLINER/GILLNET	JA-79-0605	GOA,BSA	1
HATSUE MARU NO. 55 LONGLINER/GILLNET	JA-79-0606	GOA,BSA	1
SUMIYOSHI MARU NO. 53 LONGLINER/GILLNET	JA-79-0608	GOA,BSA	1
MATSUEI MARU NO. 88 LONGLINER/GILLNET	JA-79-0609	GOA,BSA	1
EBISU MARU NO. 88 LONGLINER/GILLNET	JA-79-0610	GOA,BSA	1
MITO MARU NO. 82 LONGLINER/GILLNET	JA-79-0611	GOA,BSA	1
TOMI MARU NO. 88 LONGLINER/GILLNET	JA-79-0612	GOA,BSA	1
SHINTOKU MARU NO. 25 LONGLINER/GILLNET	JA-79-0613	GOA,BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SHINKO MARU NO. 3 LONGLINER/GILLNET	JA-79-0614	GOA,BSA	1
CHOYO MARU NO. 81 LONGLINER/GILLNET	JA-79-0615	GOA,BSA	1
TENYU MARU NO. 37 LONGLINER/GILLNET	JA-79-0616	GOA,BSA	1
RYUHO MARU NO. 17 LONGLINER/GILLNET	JA-79-0617	GOA,BSA	1
TENYO MARU NO. 25 LONGLINER/GILLNET	JA-79-0618	GOA,BSA	1
RYUSHO MARU NO. 15 LONGLINER/GILLNET	JA-79-0619	GOA,BSA	1
RYUSHO MARU NO. 18 LONGLINER/GILLNET	JA-79-0620	GOA,BSA	1
ANYO MARU NO. 21 LONGLINER/GILLNET	JA-79-0621	GOA,BSA	1
ANYO MARU NO. 22 LONGLINER/GILLNET	JA-79-0622	GOA,BSA	1
FUKUYOSHI MARU NO. 8 LONGLINER/GILLNET	JA-79-0624	GOA,BSA	1
KAIYO MARU NO. 12 MEDIUM STERN TRAWLER	JA-79-0724	BSA	1
EIKYU MARU NO. 26 POT FISHING VESSEL	JA-79-0822	GOA,BSA,CRB	1
DAIHO MARU CARGO/TRANSPORT VESSEL	JA-79-1000	NWA,BSA,GOA	3
SAKURA MARU CARGO/TRANSPORT VESSEL	JA-79-1001	NWA,BSA,GOA	3
DAIRYO MARU CARGO/TRANSPORT VESSEL	JA-79-1002	NWA,BSA,GOA	3
DAITOKU MARU NO. 16 CARGO/TRANSPORT VESSEL	JA-79-1003	NWA,BSA,GOA	3
JAPAN			
SATSUKI MARU CARGO/TRANSPORT VESSEL	JA-79-1004	NWA,BSA,GOA	3
SHINTOKU MARU CARGO/TRANSPORT VESSEL	JA-79-1008	NWA,BSA,GOA	3
SETA MARU CARGO/TRANSPORT VESSEL	JA-79-1010	ABS,BSA,CRB,GOA NWA	3
KARASAKI MARU CARGO/TRANSPORT VESSEL	JA-79-1011	BSA,CRB,GOA,SNA	3
SHIGA MARU CARGO/TRANSPORT VESSEL	JA-79-1012	ABS,BSA,CRB,GOA NWA	3
WAKASHIO MARU CARGO/TRANSPORT VESSEL	JA-79-1013	CRB,GOA,BSA,SNA NWA	3
SEIWA MARU CARGO/TRANSPORT VESSEL	JA-79-1014	BSA,CRB,GOA,NWA SMT,SNA	3
KAISEI MARU NO. 5 CARGO/TRANSPORT VESSEL	JA-79-1015	BSA,CRB,GOA,NWA SNA	3
HAKODATE MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-79-1017	NWA,CRB,GOA,BSA SNA	3
YOHO MARU CARGO/TRANSPORT VESSEL	JA-79-1018	NWA,CRB,GOA,BSA SNA	3
KAIKO MARU CARGO/TRANSPORT VESSEL	JA-79-1019	NWA,CRB,GOA,BSA SNA	3
KENTOKU MARU CARGO/TRANSPORT VESSEL	JA-79-1021	NWA,CRB,GOA,BSA SNA	3
TIYODA MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-79-1022	CRB,GOA,BSA,SNA NWA	3
RYOYO MARU CARGO/TRANSPORT VESSEL	JA-79-1024	BSA,CRB,GOA,NWA SMT,SNA	3
FUKUYO MARU CARGO/TRANSPORT VESSEL	JA-79-1025	BSA,CRB,GOA,NWA SMT,SNA	3
KIYO MARU CARGO/TRANSPORT VESSEL	JA-79-1026	BSA,CRB,GOA,NWA SMT,SNA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
HAKUBASAN MARU CARGO/TRANSPORT VESSEL	JA-79-1027	BSA,CRB,GOA,NWA SNA	3
SHUYO MARU CARGO/TRANSPORT VESSEL	JA-79-1028	BSA,CRB,GOA,NWA SMT,SNA	3
HOYO MARU CARGO/TRANSPORT VESSEL	JA-79-1029	BSA,CRB,GOA,NWA SMT,SNA	3
TAMAGAWA MARU CARGO/TRANSPORT VESSEL	JA-79-1030	BSA,CRB,GOA,NWA SMT,SNA	3
KAKOGAWA MARU CARGO/TRANSPORT VESSEL	JA-79-1031	BSA,CRB,GOA,NWA SMT,SNA	3
ABUGAWA MARU CARGO/TRANSPORT VESSEL	JA-79-1032	BSA,CRB,GOA,NWA SMT,SNA	3
KYOHO MARU CARGO/TRANSPORT VESSEL	JA-79-1034	BSA,CRB,GOA	3
KOTOKU MARU CARGO/TRANSPORT VESSEL	JA-79-1035	NWA,CRB,GOA,BSA SNA	3
BUSAN CARGO/TRANSPORT VESSEL	JA-79-1036	BSA,CRB,GOA	3
HAYATSUKI MARU CARGO/TRANSPORT VESSEL	JA-79-1037	CRB,GOA,BSA,SNA NWA	3
ISOKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1038	BSA,CRB,GOA,NWA SNA	3
EIHEI MARU CARGO/TRANSPORT VESSEL	JA-79-1039	CRB,GOA,BSA,SNA	3
SOYOKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1040	BSA,CRB,GOA,NWA SNA	3
NANKO MARU CARGO/TRANSPORT VESSEL	JA-79-1041	BSA,CRB,GOA,NWA SNA	3
TOKO MARU CARGO/TRANSPORT VESSEL	JA-79-1042	BSA,CRB,GOA,NWA SNA	3
SEIKO MARU CARGO/TRANSPORT VESSEL	JA-79-1043	BSA,CRB,GOA,NWA SNA	3
JAPAN			
HOKKO MARU CARGO/TRANSPORT VESSEL	JA-79-1044	BSA,CRB,GOA,NWA SNA	3
MATSUKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1045	BSA,CRB,GOA,NWA SNA	3
KAZUSHIMA MARU CARGO/TRANSPORT VESSEL	JA-79-1046	BSA,CRB,GOA,NWA SNA	3
HARUKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1049	BSA,CRB,GOA,NWA SNA	3
FUKUJU MARU NO. 57 CARGO/TRANSPORT VESSEL	JA-79-1050	CRB,BSA,GOA,SNA	3
TAISEI MARU NO. 16 CARGO/TRANSPORT VESSEL	JA-79-1052	NWA,CRB,BSA,GOA SNA	3
TAISEI MARU NO. 87 CARGO/TRANSPORT VESSEL	JA-79-1053	NWA,CRB,BSA,GOA SNA	3
TAISEI MARU NO. 98 CARGO/TRANSPORT VESSEL	JA-79-1054	NWA,CRB,BSA,GOA SNA	3
TAISEI MARU NO. 52 CARGO/TRANSPORT VESSEL	JA-79-1055	NWA,CRB,BSA,GOA SNA	3
TAISEI MARU NO. 41 CARGO/TRANSPORT VESSEL	JA-79-1056	CRB,BSA,GOA,SNA	3
SACHIKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1057	BSA,GOA,CRB	3
SUZUKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1058	BSA,GOA,CRB	3
KASHIWAHANA MARU CARGO/TRANSPORT VESSEL	JA-79-1059	BSA,GOA	3
AWASHIMA MARU CARGO/TRANSPORT VESSEL	JA-79-1060	BSA,GOA	3
NAGISA MARU CARGO/TRANSPORT VESSEL	JA-79-1061	BSA,GOA	3
EIHO MARU CARGO/TRANSPORT VESSEL	JA-79-1062	CRB,GOA,BSA,SNA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
EIO MARU CARGO/TRANSPORT VESSEL	JA-79-1063	CRB,GOA,BSA,SNA	3
TAKASHIRO MARU NO. 28 CARGO/TRANSPORT VESSEL	JA-79-1064	BSA,CRB,GOA,NWA SMT,SNA	3
JINYO MARU CARGO/TRANSPORT VESSEL	JA-79-1066	CRB,GOA,BSA,SNA	3
REIYO MARU CARGO/TRANSPORT VESSEL	JA-79-1067	BSA,CRB,GOA,NWA SMT,SNA	3
JUYO MARU CARGO/TRANSPORT VESSEL	JA-79-1068	BSA,CRB,GOA,NWA SMT,SNA	3
MIHO MARU CARGO/TRANSPORT VESSEL	JA-79-1069	NWA,BSA,GOA	3
HAKUYO MARU CARGO/TRANSPORT VESSEL	JA-79-1070	BSA,CRB,GOA,NWA SMT,SNA	3
TOSA MARU CARGO/TRANSPORT VESSEL	JA-79-1071	BSA,CRB,GOA,NWA SMT,SNA	3
ITOHAM MARU CARGO/TRANSPORT VESSEL	JA-79-1072	BSA,CRB,GOA,NWA SMT,SNA	3
SANPUKU MARU CARGO/TRANSPORT VESSEL	JA-79-1073	BSA,CRB,GOA	3
DAIEN MARU NO. 18 CARGO/TRANSPORT VESSEL	JA-79-1074	NWA,BSA,GOA	3
SANTO MARU CARGO/TRANSPORT VESSEL	JA-79-1075	NWA,BSA,GOA	3
NIKKO MARU CARGO/TRANSPORT VESSEL	JA-79-1077	NWA,CRB,GOA,BSA SNA	3
KOEI MARU NO. 22 CARGO/TRANSPORT VESSEL	JA-79-1078	CRB,GOA,BSA,SNA	3
YACHIYO MARU NO. 26 CARGO/TRANSPORT VESSEL	JA-79-1079	CRB,GOA,BSA,SNA	3
SHINPRIMA MARU CARGO/TRANSPORT VESSEL	JA-79-1081	NWA,CRB,GOA,BSA SNA	3
JAPAN			
NIPPONHAM MARU NO. 1 CARGO/TRANSPORT VESSEL	JA-79-1082	NWA,CRB,GOA,BSA SNA	3
HOKO MARU NO. 31 CARGO/TRANSPORT VESSEL	JA-79-1083	BSA,CRB,GOA,NWA SNA	3
TSURU MARU CARGO/TRANSPORT VESSEL	JA-79-1085	BSA,CRB,GOA	3
KIZAN MARU CARGO/TRANSPORT VESSEL	JA-79-1088	NWA,CRB,GOA,BSA SNA	3
ASAKAZE MARU CARGO/TRANSPORT VESSEL	JA-79-1089	BSA,CRB,GOA,NWA SNA	3
DAITOKU MARU NO. 31 CARGO/TRANSPORT VESSEL	JA-79-1092	NWA,BSA,GOA	3
NOJIMA MARU CARGO/TRANSPORT VESSEL	JA-79-1096	BSA,CRB,GOA,NWA SNA	3
KAIJIN MARU NO. 28 CARGO/TRANSPORT VESSEL	JA-79-1099	BSA,CRB,GOA,NWA SMT,SNA	3
MIYAJIMA MARU CARGO/TRANSPORT VESSEL	JA-79-1101	BSA,CRB,GOA,NWA SNA	3
HAYASHIKANE MARU NO. 1 CARGO/TRANSPORT VESSEL	JA-79-1102	BSA,CRB,GOA,NWA SMT,SNA	3
HAYASHIKANE MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-79-1103	BSA,CRB,GOA,NWA SMT,SNA	3
TENRYU MARU CARGO/TRANSPORT VESSEL	JA-79-1104	NWA,BSA,GOA	3
TAIHAKU MARU CARGO/TRANSPORT VESSEL	JA-79-1106	BSA,CRB,GOA,NWA SMT,SNA	3
TAISHO MARU CARGO/TRANSPORT VESSEL	JA-79-1107	BSA,CRB,GOA	3
SEIRYU MARU CARGO/TRANSPORT VESSEL	JA-79-1109	CRB,GOA,BSA,SNA	3
ITU MARU NO. 18 CARGO/TRANSPORT VESSEL	JA-79-1111	CRB,GOA,BSA,SNA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
KOEI MARU NO. 16 CARGO/TRANSPORT VESSEL	JA-79-1117	CRB,GOA,BSA,SNA	3
WAKASHIO MARU NO. 26 CARGO/TRANSPORT VESSEL	JA-79-1118	CRB,GOA,BSA,SNA	3
WAKASHIO MARU NO. 32 CARGO/TRANSPORT VESSEL	JA-79-1121	CRB,GOA,BSA,SNA	3
WAKASHIO MARU NO. 27 CARGO/TRANSPORT VESSEL	JA-79-1122	CRB,GOA,BSA,SNA	3
YACHIYO MARU NO. 15 CARGO/TRANSPORT VESSEL	JA-79-1123	CRB,GOA,BSA,SNA	3
YUWASU MARU CARGO/TRANSPORT VESSEL	JA-79-1125	BSA,CRB,GOA	3
TAKASHIRO MARU NO. 25 CARGO/TRANSPORT VESSEL	JA-79-1127	BSA,CRB,GOA,NWA SMT,SNA	3
KURUSHIMA MARU CARGO/TRANSPORT VESSEL	JA-79-1128	BSA,GOA	3
AKATSUKI MARU NO. 1 PAIR TRAWLER	JA-79-1129	BSA	1
JINYO-MARU CARGO/TRANSPORT VESSEL	JA-79-1132	BSA,CRB,GOA,NWA SMT,SNA	3
MEIYO-MARU CARGO/TRANSPORT VESSEL	JA-79-1133	BSA,CRB,GOA,NWA SMT,SNA	3
CHIYO-MARU CARGO/TRANSPORT VESSEL	JA-79-1134	BSA,CRB,GOA,NWA SMT,SNA	3
TOKYO REEFER CARGO/TRANSPORT VESSEL	JA-79-1135	NWA,CRB,GOA,BSA SNA	3
AKASHI MARU NO. 19 PAIR TRAWLER	JA-79-1136	BSA	1
JIN PO MARU NO. 65 CARGO/TRANSPORT VESSEL	JA-79-1142	BSA,GOA,CRB	3
KAISEI MARU NO. 7 CARGO/TRANSPORT VESSEL	JA-79-1143	BSA,CRB,GOA,NWA SNA	3
JAPAN			
TENKAI MARU TANKER FUEL/WATER	JA-79-2000	CRB,BSA,GOA,SNA	3
UKO MARU TANKER FUEL/WATER	JA-79-2001	CRB,BSA,GOA,SNA	3
CHIGUSA MARU TANKER FUEL/WATER	JA-79-2002	CRB,BSA,GOA,SNA	3
TENRYO MARU TANKER FUEL/WATER	JA-79-2003	BSA,GOA,CRB	3
KANAZURU MARU TANKER FUEL/WATER	JA-79-2004	CRB,BSA,GOA,SNA	3
SHOSEI MARU NO. 25 DANISH SEINER	JA-79-2006	BSA	1
SOHO MARU NO. 32 DANISH SEINER	JA-79-2007	BSA	1
KAKUYO MARU NO. 11 PAIR TRAWLER	JA-79-2008	BSA	1
KAKUYO MARU NO. 12 PAIR TRAWLER	JA-79-2009	BSA	1
OSAKA REEFER CARGO/TRANSPORT VESSEL	JA-79-2011	NWA,NWA,CRB,GOA BSA,SNA	3
EIRYU MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-79-2012	NWA,CRB,GOA,BSA SNA	3
NISSHO MARU CARGO/TRANSPORT VESSEL	JA-79-2013	BSA,CRB,GOA	3
SURUGA MARU CARGO/TRANSPORT VESSEL	JA-79-2014	BSA,CRB,GOA	3
MATSUSHIMA MARU CARGO/TRANSPORT VESSEL	JA-79-2015	BSA,CRB,GOA	3
RYUSHO MARU CARGO/TRANSPORT VESSEL	JA-79-2016	CRB,GOA	3
KOSHO MARU CARGO/TRANSPORT VESSEL	JA-79-2017	BSA,CRB,GOA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
MIKO MARU CARGO/TRANSPORT VESSEL	JA-79-2018	BSA,CRB,GOA	3
YAMATO REEFER CARGO/TRANSPORT VESSEL	JA-79-2019	NWA,CRB,GOA,BSA SNA	3
EIRYU MARU NO. 3 CARGO/TRANSPORT VESSEL	JA-79-2020	NWA,CRB,GOA,BSA SNA	3
KOMESHIMA MARU CARGO/TRANSPORT VESSEL	JA-79-2021	NWA,BSA,GOA	3
TAKATSUKI MARU CARGO/TRANSPORT VESSEL	JA-79-2022	NWA,BSA,GOA	3
AKIZUKI MARU CARGO/TRANSPORT VESSEL	JA-79-2023	NWA,BSA,GOA	3
SOUTH KOREA			
GAE YANG HO LARGE STERN TRAWLER	KS-79-0001	BSA,GOA	1
SEO YANG HO LARGE STERN TRAWLER	KS-79-0002	BSA,GOA	1
CHEOG YANG HO LARGE STERN TRAWLER	KS-79-0003	BSA,GOA	1
PUNG YANG HO LARGE STERN TRAWLER	KS-79-0004	BSA,GOA	1
HEUNG YANG HO LARGE STERN TRAWLER	KS-79-0006	BSA,GOA	1
NAMBUG LARGE STERN TRAWLER	KS-79-0033	BSA,GOA	1
DAEJIN NO. 52 LARGE STERN TRAWLER	KS-79-0037	BSA,GOA	1
DONGSAN-HO LARGE STERN TRAWLER	KS-79-0039	BSA,GOA	1
SOO GONG NO. 51 LARGE STERN TRAWLER	KS-79-0042	BSA,GOA	1
SOUTH KOREA			
SHIN AN HO LARGE STERN TRAWLER	KS-79-0047	BSA,GOA	1
DAE SUNG HO LARGE STERN TRAWLER	KS-79-0051	BSA,GOA	1
NO. 91 DONGWON LONGLINE FISHING VESSEL	KS-79-0054	GOA	1
SOO GONG NO. 31 LONGLINE FISHING VESSEL	KS-79-0059	GOA	1
NO. 3 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-79-0074	BSA,GOA	3
NO. 5 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-79-0075	BSA,GOA	3
NO. 6 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-79-0076	BSA	3
TAE YANG NO. 12 CARGO/TRANSPORT VESSEL	KS-79-0081	BSA,GOA	3
KYUNG YANG HO LARGE STERN TRAWLER	KS-79-0085	BSA,GOA	1
GAE CHEOG HO NO. 2 CARGO/TRANSPORT VESSEL	KS-79-0090	BSA,GOA	3
ROMANIA			
IEZER LARGE STERN TRAWLER	RO-79-0006	NWA	1
CARAIMAN LARGE STERN TRAWLER	RO-79-0007	NWA	1
CALIMAN LARGE STERN TRAWLER	RO-79-0014	NWA	1
CIUCAS LARGE STERN TRAWLER	RO-79-0017	NWA	1
COSTILA LARGE STERN TRAWLER	RO-79-0018	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
ROMANIA			
CLABUCET LARGE STERN TRAWLER	RO-79-0022	NWA	1
HARGHITA LARGE STERN TRAWLER	RO-79-0023	NWA	1
MEXICO			
KORMEX NO. 1 MEDIUM STERN TRAWLER	MX-78-0052	GOA	1
KORMEX NO. 2 MEDIUM STERN TRAWLER	MX-78-0053	GOA	1
KORMEX NO. 3 MEDIUM STERN TRAWLER	MX-78-0054	GOA	1
KORMEX NO. 5 MEDIUM STERN TRAWLER	MX-78-0055	GOA	1
KORMEX NO. 6 MEDIUM STERN TRAWLER	MX-78-0056	GOA	1
JAPAN			
KOSHIN MARU NO. 2 LONGLINER	JA-78-1290	ABS	1

federal register

MONDAY, OCTOBER 23, 1978
PART IV



DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

[4310-10-M]

DEPARTMENT OF THE INTERIOR
Office of the Secretary
Privacy Act Issuances
Notice of Incorporation by Reference

Agency: Department of the Interior.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish in full the systems that the Department of the Interior has amended since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: Warren Dahlstrom Privacy Act Officer (202) 343-6669.

Approval of the Director

The notices of systems of records of the Interior Department which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978. Published below is the full text of systems of records that Interior has amended since publication of the 1977 Compilation.

NEW SYSTEMS OR SYSTEMS TRANSFERRED TO OTHER AGENCIES

SYSTEM NAME, BUREAU AND NATURE OF CHANGE

Office of the Secretary

Pilot Flight Time Report—Interior, AAS-97—New.

Personnel Research Records—Interior O/S-98—New.

Bonneville Power Administration

Travel Records—Interior, BPA-1—Transferred to Department of Energy.

Payroll Files—Interior, BPA-2—Transferred to Department of Energy.

Audiometric Testing Forms—Interior, BPA-3—Transferred to Department of Energy.

Automotive Accident files—Interior, BPA-4—Transferred to Department of Energy.

Motor Vehical Operator Identification Records—Interior, BPA-5—Transferred to Department of Energy.

Industrial Accident Files and Employee Claim Files—Interior, BPA-6—Transferred to Department of Energy.

Safety Training Files—Interior, BPA-7—Transferred to Department of Energy.

Plant Services History Files—Interior, BPA-8—Transferred to Department of Energy.

Plant Services Personal Accountability Property System—Interior, BPA-9—Transferred to Department of Energy.

Land Records—Interior, BPA-10—Transferred to Department of Energy.

Accounts Receivable—Interior, BPA-11—Transferred to Department of Energy.

Report of Inventions—Interior, BPA-12—Transferred to Department of Energy.

Parking Assignment Records—Interior, BPA-13—Transferred to Department of Energy.

Security Clearance Files—Interior, BPA-14—Transferred to Department of Energy.

Alaska Power Administration

Administrative Management and Fiscal Records—Interior, Alaska Power Administration-1—Transferred to Department of Energy.

Southeastern Power Administration

Administrative Management and Fiscal Records—Interior, Southeastern Power Administration-1—Transferred to Department of Energy.

Southwestern Power Administration

Payroll System—Interior, Southwestern Power Administration-1—Transferred to Department of Energy.

Contracts System—Interior, Southwestern Power Administration-2—Transferred to Department of Energy.

Property Management System—Interior, Southwestern Power Administration-4—Transferred to Department of Energy.

Travel Record System—Interior, Southwestern Power Administration-5—Transferred to Department of Energy.

Imprest Fund Cashiers—Interior, Southwestern Power Administration-6—Transferred to Department of Energy.

Accidents—Interior, Southwestern Power Administration-7—Transferred to Department of Energy.

Bureau of Reclamation

Sale of Power to Individuals—Interior, Reclamation-31—Transferred to Department of Energy.

Mining Enforcement and Safety Administration

Coal and Metal and Nonmetal Mine Accident and Injury—Interior, MESA-1—Transferred to Department of Labor.

Identification Cards—Interior, MESA-2—Transferred to Department of Labor.

Metal and Nonmetal Mine Health and Safety Management Control—Interior, MESA-3—Transferred to Department of Labor.

Employee Conduct Investigations—Interior, MESA-4—Transferred to Department of Labor.

Payroll Records—Interior, MESA-5—Transferred to Department of Labor.

Travel—Interior, MESA-6—Transferred to Department of Labor.

Travel Advance File—Interior, MESA-7—Transferred to Department of Labor.

Accident and Injury Records—Interior, MESA-8—Transferred to Department of Labor.

Security Clearance Records—Interior, MESA-9—Transferred to Department of Labor.

Coal Mine Health and Safety Special Investigations—Interior, MESA-10—Transferred to Department of Labor.

A system of records, National Mine Health and Safety Academy Records—Interior, MESA-11, will remain with the Department of the Interior, National Mine Health and Safety Academy. The system notice published April 11, 1977, remains substantially in effect as published on page 19065, Vol. 42 of that date.

Property Control—Interior, MESA-12—Transferred to Department of Labor.

Coal Mine Respirable Dust Program—Interior, MESA-13—Transferred to Department of Labor.

Coal Mine Noise Level Program—Interior, MESA-14—Transferred to Department of Labor.

Health and Safety Training Records Including Qualifications and Certification Data—Interior, MESA-15—Transferred to Department of Labor.

Employee Locator System, Department of the Interior, Mesa-16—Transferred to Department of Labor.

National Park Service

Advisory Council on Historic Preservation Membership—Interior, NPS-9—Transferred to Advisory Council on Historic Preservation (independent agency).

Congressional Correspondence, Advisory Council on Historic Preservation—Interior, NPS-11—Transferred to Advisory Council on Historic Preservation (independent agency).

Office of Surface Mining Reclamation and Enforcement

Payroll—Interior, OSM-1—New system.

Travel Advance File—Interior, OSM-2—New system.

Travel Vouchers and Authorizations—Interior, OSM-3—New system.

Property—Interior, OSM-4—New system.

Personnel Identification—Interior, OSM-5—New system.

Safety Files—Interior, OSM-6—New system.

Personnel Security Files—Interior, OSM-7—New system.

Employment and Financial Interest Statements—States and Other Federal Agencies—Interior, OSM-8—New system.

Geological Survey

Water Data Sources Directory—Interior, EGS-25—New system.

National Water Data Exchange User Accounting System—Interior, EGS-26—New system.

Office of the Secretary

Office of the Secretary Financial Interest Statements and Ethics Counselor Decisions—Interior, OS-3—Modified.

Biography File—Interior, OS-65—Modified.

Proposed modification of the following three systems of records was published in the Federal Register for August 10, 1978 (43 FR 35557). No comments were received, therefore, they are being adopted as proposed. The full text of these systems appears in sequence with the other systems published below.

Youth Conservation Corps (YCC) and Youth Adult Conservation Corps (YACC) Enrollee and Corpsmember Records—Interior, Office of the Secretary—25—Modified.

Youth Conservation Corps (YCC) Enrollee and Young Adult Conservation Corps (YACC) Corpsmembers Payroll Records File—Interior, Office of the Secretary—26—Modified.

Youth Conservation Corps (YCC) Enrollee and Young Adult Conservation Corps (YACC) Corpsmember Medical Records—Interior, Office of the Secretary—27—Modified.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the central headquarters and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of the Interior Department's systems of records appear in Volume 6 of the 1977 Compilation at pages 3 to 157 (42 FR 18968, April 11, 1977). The price of this Volume is 5 dollars and 75 cents.

September 25, 1978.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

Interior/AAS—97

System name: Pilot Flight Time Report—Interior, Office of the Secretary—

System location: (1) National Headquarters, Office of Aircraft Services, Division of Technical Services, 3905 Vista Avenue, Boise, Idaho, 83705. (2) Regional Office—Regional Director, Office of Aircraft Services, 4343 Aircraft Drive, Anchorage, Alaska 99503.

Categories of individuals covered by the system: Professional, dual-function and incidental pilots employed by Interior Bureaus/Offices.

Categories of records in the system: The system contains information relative to certificates, qualifications, experience levels, currency and proficiency.

Authority for maintenance of the system: 5 USC 301, Reorganization Plan 3 of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the record is to determine pilot qualifications and to monitor compliance with OAS directives and Federal Aviation Regulations. Disclosure outside the Department of the Interior may be made, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) 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, (3) 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, pilot qualification card, grant or other benefit, (4) to Federal, State, local agencies or commercial business where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, pilot qualification card, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —Manual and automated.

Retrievability: —Indexed Social Security Account Number, Name, Agency and Location.

Safeguards: —Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: —According to approved records disposal schedules.

System manager(s) and address: (1) National Headquarters—Chief, Technical Services Division, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho, 83705. (2) Regional Office—Regional Director, Office of Aircraft Services, 4343 Aircraft Drive, Anchorage, Alaska, 99503.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the appropriate 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 shall be addressed to the appropriate 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 shall be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information in this system comes from the individual to whom it applies and from OAS records.

System name: Personnel Research Records—INTERIOR OS—98.

System location: For Departmental Records: a. Office of the Secretary, Office of Personnel Management, Division of Program Planning and Evaluation, 18th and C Streets, N.W., Washington, D.C. 20240. For Bureau Records: a. Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. b. Bureau of Mines, Division of Personnel, 2401 E Street, N.W., (Columbia Plaza) Washington, D.C. 20241. c. Geological Survey 12201 Sunrise Valley Drive, Reston, Virginia 22092. d. National Park Service, Division of Personnel, 18th and C Streets N.W., Washington, D.C. 20240. e. U.S. Fish and Wildlife Service, Division of Personnel Management, 18th and C Streets, N.W., Washington, D.C. 20240. f. Bureau of Reclamation, Division of Personnel Management, 18th and C Streets, N.W., Washington, D.C. 20240. g. Bureau of Land Management, Division of Personnel (530, 18th and C Streets, N.W., Washington, D.C. 20240). h. Heritage Conservation and Recreation Service, Division of Personnel, 1951 Constitution Avenue, N.W., Washington, D.C. 20245. i. Office of the Solicitor, 18th and C Streets, N.W., Washington, D.C. 20240. j. Office of the Secretary and other Departmental Offices, Division of Personnel Services, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Department of the Interior employees and applicants for Interior employment.

Categories of records in the system: These records may include education and experiential history, test scores, responses to questionnaires and test, interview data, ratings of supervisors or other individuals (such as references) familiar with the individual and other pertinent information concerning the individual to whom the records pertain.

Authority for maintenance of the system: Title 5, U.S. Code Section 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data are collected on a project-by-project basis and are used for research on personnel measurement and selection methods. Routine use includes the exchange of personnel records between the department and other Federal agencies for personnel research purposes only and the use of personal identifiers such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personal personnel decisions are made in the use of these research records. The confidentiality of the data collected will be protected. Personnel identifiers will be used only as a means of relating information. Information in this system of records is used by the Departmental personnel research staff or by the specific bureau personnel offices involved. These records may be also used as a data source for management information for production of summary descriptive statistics and analytical studies in support of research function for which the records are collected and maintained, or for related personnel research functions or manpower studies; they may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

In addition to the above uses disclosures outside the Department of Interior many be made: 1. to other Federal agencies (such as the Civil Service Commission) having a subject matter interest; 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —Records are maintained in file folders, on punched cards, magnetic tape, computer printout, and/or organized lists.

Retrievability: —Records are maintained by project. Personal information can be retrieved by name or personal identifier only for research projects that involve longitudinal studies, and only for the period of time needed to complete all data collection.

Safeguards: —Records are kept in locked files, in a locked room, and access is limited to authorized research staff.

Retention and disposal: —Retention may be for a short period of time or indefinite.

System manager(s) and address: Chief, Division of Program Planning and Evaluation, Office of Personnel Management, Office of the Secretary, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240 and Bureau Personnel Officers (see systems location above for Bureau Personnel Officer addresses).

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him/her by contacting the systems manager.

Record access procedures: Under very specific situations (see exemptions) an individual may gain access to portions of or all of their record by contacting the system manager.

Record source categories: Interior employees or applicants, supervisors, colleges, or data from the agency files and records.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(6) all material and information in this system of records about an individual that meets the critieria stated in 5 U.S.C. 552(c)(3); (d): (e)(4)(G)(H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the Federal Register, and provisions regarding agency rules in that portion of this system relate to testing and examination materials. The specific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations, or examination procedures.
c. Rating sheets.
d. Rating schedules, including crediting plans.
3. Transmutation tables.
f. Test booklets.
g. Test item files.

Interior/OSM-1

System name: Payroll—Interior, OSM-1

System location: (1) U.S. Bureau of Mines, Division of Finance, Building 53, Denver Federal Center, Denver, Colorado 80225. (2) Input documents supplied by all facilities of the Office of Surface Mining Reclamation and Enforcement (OSM).

Categories of individuals covered by the system: Current OSM employees and employees separated within the prior 2 years.

Categories of records in the system: A variety of documents which set forth or affect an employee's annual wage rate, leave, biweekly earnings, payroll deductions, and disposition of earnings. Hard copy records consist of a folder of action-type documents for each employee. The information from these documents is recorded on computer tape for payroll purposes.

Authority for maintenance of the system: 5 U.S.C. 5101 et seq., 31 U.S.C. 66a.

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) to provide information and accounting records regarding employee pay and leave for the automated payroll data file; (b) to inform each OSM office of the composition of their labor cost changes by reporting total payroll changes for each individual made to various cost accounts within the finance system. This reporting is made every 2 weeks on a regular payroll cycle. Disclosures outside the Department of the Interior may be made (1) to provide States with pay data relative to claims for unemployment; (2) to the Department of the Treasury for preparation of payroll checks and payroll deductions and other checks to Federal, State and local Government agencies, non-governmental organizations and individuals; (3) to the Internal Revenue Service and to state, commonwealth, territorial and local governments for tax purposes; (4) to the Civil Service Commission in connection with the Civil Service Retirement System; (5) to another Federal agency to which an employee has transferred; (6) to the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (7) 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; (8) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (9) 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; (10) 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, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —records are maintained in file folders, magnetic tape, and punched cards.

Retrievability: —file folders are maintained by name and magnetic tape and punched cards are maintained by social security number.

Safeguards: —file folders are maintained in metal file cabinets which are in a locked room during periods of non-work. During working hours; access is allowed only to Division of Finance, Bureau of Mines personnel or Division of Budget and Financial Management, OSM personnel. Punched cards have no interpreted printing on them and are retained in cardboard boxes locked into the same room as the file folders. Magnetic tapes are maintained in the Division of Data Processing with limited ADP personnel accessibility.

Retention and disposal: —actively employed personnel file folders are retained indefinitely. Inactive employees' folders (death, resignation, retirement, and separation) are destroyed after 2 years. Cards are destroyed after 1 year. Magnetic tapes are erased and reused in accordance with memorandum dated December 29, 1970, from the Chief, Division of Finance to the Chief, Division of ADP, Bureau of Mines. All other official payroll data are disposed of in accordance with General Records Schedule FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Division of Budget and Financial Management, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Streets, NW., 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: Information in this system of records comes from the individual to whom it applies or is derived from information he supplied. Pay rates and their applicability and leave regulations are established by public law and their effect upon the individual are in accordance with such public laws and regulations. Generally, most payroll source data are echo records of official personnel actions.

INTERIOR/OSM-2

System name: Travel Advance File—Interior, OSM-2

System location: U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225.

Categories of individuals covered by the system: All Office of Surface Mining Reclamation and Enforcement (OSM) employees who have active travel advances or who have closed travel advances.

Categories of records in the system: File consists of signed forms whereon employees request travel advances for the purpose of paying travel expenses incurred in the performance of official government business. These forms also include repayments against any advances, whether by claims offset on travel vouchers or remittances by checks, money orders, etc.

Authority for maintenance of the system: 5 U.S.C. Secs. 4111(b), 5701-5709, 5721-5733, 5742(b).

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 (1) to provide an accounting record of obligations due to the U.S. Government from employees' authorized cash advances to defray expenses incurred in official travel. Payments to the traveler and repayments to the Government are reflected in this record; (b) to serve as a backup authority and manually reconciled file to the entries for travel expenses in the automated Finance systems; (c) computer data are reported to each OSM office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual OSM offices are available to that office. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (2) 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; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to is hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (5) 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, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —records are maintained in cardboard boxes in the Division of Finance, Bureau of Mines.

Retrievability: —files are stored alphabetically by fiscal year.

Safeguards: —files are maintained in a locked steel file drawer during periods of non-work and are accessible during working hours only be personnel from the Division of Finance, Bureau of Mines, or the Division of Budget and Financial Management, OSM.

Retention and disposal: —disposition is in accordance with General Records Schedule, FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Division of Budget and Financial Management, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Sts., NW., 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: Information for this system originates with the traveler who specifies the need of a travel advance. The request is concurred in by signature of a responsible supervisory official. All entries on the file are as a result of actions taken by the individual to liquidate his travel advance.

Interior/OSM-3

System name: Travel Vouchers and Authorizations—Interior, OSM-3

System location: U.S. Bureau of Mines, Division of Finance, Building 20, Denver Federal Center, Denver, Colorado 80225, and the various Divisions of the Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240.

Categories of individuals covered by the system: All persons traveling for or in behalf of OSM on official business.

Categories of records in the system: Voucher file consists of paid travel vouchers which reimburse travelers for expenses incurred in connection with official travel. Travel authorization file consists of record copies of authorizations for travel for which no travel vouchers have been submitted for payment.

Authority for maintenance of the system: 5 U.S.C. Sec. 5701 et seq.

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) as backup entry data for obligations and disbursements in the automated Finance system of OSM; (b) computer data are reported to each OSM office as part of the detailed composition of monthly expense reports applicable to charges made to cost accounts within the Finance system. Only data pertinent to individual OSM offices are available to that office; (c) vouchers are used to determine allowability of expenses within the law, authorizing payment of travel expenses. The documents are used to determine which expenses incurred by the traveler can be paid and are sometimes used to report to other Federal agencies summarizations of those types of allowable expenses. Usually, the individual's name is not used in outside reporting but the data is. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; (2) 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; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) 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; (5) 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, contract, license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —records are maintained in steel filing cabinet in the Division of Finance, Bureau of Mines, and Divisions of OSM.

Retrievability: —vouchers are filed by voucher number in sequence of payment within the overall numbering sequence of the finance system. Authorizations are filed alphabetically by name awaiting payment of a travel voucher. Authorization becomes part of the voucher packet at time of payment.

Safeguards: —files are maintained with safeguards meeting the requirements of 43 CFR 2.51 in the Division of Finance and are available only to personnel from the Department of Finance, Bureau of Mines, or the Divisions of the Office of Surface Mining.

Retention and disposal: —disposition is in accordance with General Schedule, FPMR 101-11.4 dated August 1, 1974.

System manager(s) and address: Chief, Division of Budget and Financial Management, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Sts., NW., 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: Information for these files is based on an authorization signed by the traveler in the form of a request. Travel vouchers are submitted by the traveler after incurring expenses for official travel and is a request for payment based on his record of official expenses.

Interior/OSM-4

System name: Property Control—Interior, OSM-4

System location: (1) Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240. (2) All field facilities of OSM.

Categories of individuals covered by the system: Employees who have custody or responsibility for OSM property.

Categories of records in the system: Contains information indicating what property, including equipment, motor vehicle operator's license, keys, motor pool vehicles, transportation request books, and parking spaces, for which the employee has custody or responsibility. A list is maintained of inventions by name as a cross-reference to case numbers. In addition, all other records directly related to the property control function.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. Sec. 483(b)(1); 5 U.S.C. 301.

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) identification, assignment, and control of OSM property; (b) assistance in locating carpools. Disclosures outside of the Department of Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —maintained in manual form in file folders or card indexes, a limited quantity on computer tape.

Retrievability: —indexed by employee name or control number.

Safeguards: —security will be provided to meet the requirements of 43 CFR 2.51.

Retention and disposal: —upon completion of the use period, vital records are transferred to the Official Personnel Folder or Federal Records Center and all other records are destroyed.

System manager(s) and address: Chief, Division of Administrative Services, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240.

Notification procedure: System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and 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 or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Employees. Property control information required for accountability purposes.

INTERIOR/OSM-5

System name: Personnel Identification—Interior, OSM-5

System location: (1) Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, 18th and C Sts., N.W. Washington, D.C. 20240. (2) All field facilities of OSM.

Categories of individuals covered by the system: All employees of OSM.

Categories of records in the system: Records concerning identification and location of employees.

Authority for maintenance of the system: 5 U.S.C. Secs. 301, 3101; 43 U.S.C. Sec. 1457.

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) to provide identification cards to employees; (b) locator information provided for use by management to contact employees in case of an emergency. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —card indexes, manually.

Retrievability: —indexed by employee name and identification card number

Safeguards: —security will be provided to meet the requirements of 43 CFR 2.51 for manual records

Retention and disposal: —after use period, records transferred to Federal Records Center or destroyed.

System manager(s) and address: Chief, Division of Personnel, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240.

Notification procedure: System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and 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, or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must meet the content requirement of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Employees. Information necessary to prepare the identification card and locator index.

Interior/OSM-6

System name: Safety Files—Interior, OSM-6

System location: (1) Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240. (2) All field facilities of OSM.

Categories of individuals covered by the system: Persons who have had an accident, injury, illness or fatality or are associated with a health hazard, radio-active materials, and radiation producing media in performance of job related duties or while a visitor.

Categories of records in the system: Contains records about accident, injury, illness, or fatality of an employee in a work related situation or a visitor. Also, records of initial, re-examination, annual, and terminal health physical of employees in potentially hazardous health and radiation situations. In addition, all other records directly related to employee health and safety.

Authority for maintenance of the system: (1) Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. Sec. 668 and 5 U.S.C. Sec. 7902. (2) Executive Order 11807 (September 28, 1974). (3) Federal Employees Compensation Act, as amended, 5 U.S.C. Sec. 8101, et seq.

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 managerial review of safety related work situations, and (b) for authenticating work related accident, injury, illness, or fatalities for employee compensation purposes. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —maintenance in manual form in card index and file folders.

Retrievability: —indexed by name or control number of the individual..

Safeguards: —security will be provided to meet the requirements of 43 CFR 2.51 for manual records.

Retention and disposal: —upon completion of work project or employee separation, health records are transferred to the Official Personnel Folder. All other records are transferred to Federal Records Centers upon completion of case processing.

System manager(s) and address: Chief, Division Personnel, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240.

Notification procedure: System Manager, or with respect to records maintained at field facilities, the safety officer of the facility. A written and 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 or, with respect to records maintained at field facilities, the safety officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individuals involved and physicians.

INTERIOR/OSM-7

System name: Personnel Security Files—Interior, OSM-7

System location: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240.

Categories of individuals covered by the system: OSM personnel who have been authorized access to classified information.

Categories of records in the system: Contains records concerning employees, including personal data submitted by the individual, information developed by investigatory authorities, and records of the requirement, basis, degree and data of clearances. Contains a security briefing statement signed by the employee.

Authority for maintenance of the system: Executive Order 10450, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to identify OSM personnel who have security clearances and their degree of clearance. Disclosures outside the Department of the Interior may be made (1) 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; (2) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or issuance of a security clearance, contract, license, grant or other benefit; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation; (4) 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —maintained in manual form in file folders.

Retrievability: —indexed by name.

Safeguards: —maintained in a safe having a three-position dial-type, manipulation proof, combination lock, in the same manner as defense classified material.

Retention and disposal: —maintained until the individual has been debriefed or terminated. Destroyed by fire, shredder, disintegrator or pulverizer.

System manager(s) and address: Chief, Division of Personnel, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: A written and signed request to the System Manager stating that the requester seeks information concerning record pertaining to him.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and signed by the requester.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager.

Record source categories: Individual on whom the record is maintained and investigations conducted by Federal, State or local agencies or other pertinent authorities.

Interior/OSM-8

System name: Employment and Financial Interest Statements—States and other Federal agencies—Interior, OSM—8.

System location: (1) Office of Surface Mining Reclamation and Enforcement, 18th and C Streets, NW., Washington, D.C. 20240.

Categories of individuals covered by the system: 1. The head of each State regulatory authority who is required to file a financial statement with the Director of the Office of Surface Mining Reclamation and Enforcement by 30 CFR 705.15; 2. Federal employees, other than Interior Department employees, who are required to file a financial interest statement by 30 CFR 706.11(b) and who file with the Director of the Office of Surface Mining Reclamation and Enforcement in accordance with 30 CFR 706.15(c); and 3. State employees, and Federal employees other than Interior Department employees, whose financial interest statements are referred to the Department of the Interior in accordance with 30 CFR 705.19(a)(3) or 30 CFR 706.19(c).

Categories of records in the system: Contains Statements of Employment and Financial Interest forms for State employees (form OSM-705-1) and for Federal employees (form DI-212A) and similar forms used by Federal agencies other than the Department of the Interior. Also contains records of decisions, analysis of financial holdings, employee statements, pertinent comments from supervisors, heads of bureaus or offices, and the Solicitor's Office, and related records needed for processing.

Authority for maintenance of the system: Sections 201(c) and (f) and 517(g) of P.L. 95-87.

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) to review employee financial interests and determine employee compliance or non-compliance with the applicable statute and regulations; (b) to record the fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and duties and that he or she is in compliance with such specific legislation or regulations; and (c) to provide an adequate system of records for auditors performing compliance audits. Disclosures outside the Department of the Interior may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, or local agencies responsible for investigating or prosecuting the violation or, (3) to a Congressional office from the record of an individual in response to an inquiry made at the request of that individual, (4) to Federal, State or local agencies where necessary to obtain information relevant to resolving prohibited financial interest situations or to litigation which may affect the hiring or retention of an employee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —maintained in file folders;

Retrievability: —filed alphabetically by position or by employee name;

Safeguards: —maintained in locked file cabinet in a locked office;

Retention and disposal: —records filed with the Department by regulation will be destroyed two years after the employee leaves the position requiring the filing of a financial interest statement. Records referred to the Department will be returned to the referring agency for disposal in accordance with that agency's disposal policy.

System manager(s) and address: Director, Office of Surface Mining, U.S. Department of the Interior, 18th and C Sts., NW., Washington, D.C. 20240.

Notification procedure: Inquiries may be addressed to the System Manager as indicated above.

Record access procedures: A request for access may be addressed to the System Manager for information regarding the entire system or for specific information about a State or Federal office system. 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 shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Present or past Federal or State employees required to file Employment and Financial Interest Statements, employee's supervisors, bureau or office heads, Ethics Counselors or the Solicitor.

INTERIOR/EGS-25

System name: Water Data Sources Directory

System location: National Water Data Exchange, Water Resources Division, U.S. Geological Survey, Reston, Virginia 22092.

Categories of individuals covered by the system: Individuals who are sources of water or water-related data and to whom requesters can be referred to obtain water data held by them.

Categories of records in the system: Contains, name, address and telephone number of individuals who are sources of water or water-related data.

Authority for maintenance of the system: The Water Data Sources Directory is maintained under the authority of 43 U.S.C. 31 (28 Stat. 398), OMB Cir. A-67, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referenced by (1) Geological Survey and Geological Survey contractor personnel in processing requests for water or water-related data, (2) Personnel of Local Assistance Centers listed in Appendix A of the National Water

Data Exchange (NAWDEX) including Geological Survey personnel and personnel of state-governmental, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing requests for water or water-related data, and (3) Users of NAWDEX including Federal, state-governmental, local-governmental, other public, and private organizations and private citizens in identifying sources of water and water-related data and transmitting requests for the acquistion of desired data. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —Maintained in computerized form on punch cards, magnetic disks or magnetic tape, printed lists, and a published directory available for public dissemination;

Retrievability: —Retrievable by name, a unique identifier, geographical identifiers, and types of data available from the individual;

Safeguards: —Computer files are password protected to prevent unauthorized use, and all entry of information is made by Geological Survey personnel of the NAWDEX Program Office only;

Retention and disposal: —Records retained indenfinitely unless cancelled by a reported individual.

System manager(s) and address: Program Manager, National Water Data Exchange, U.S. Geological Survey, 421 National Center, Reston, Virginia 22092.

Notification procedure: Any individial may inquire about information stored on themselves by submitting a written request to the System Manager. See 43 CFR 2.60.

Record access procedures: Requests for access should be in writing addressed to the System Manager. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment must be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information stored may be obtained from the individual on whom the record is maintained, organizations, or other individuals, with whom the individual identified in the record is associated, NAWDEX personnel, and NAWDEX-contracted information researchers.

Interior/EGS-26

System name: National Water Data Exchange User Accounting System

System location: (1) National Water Data Exchange, NAWDEX Water Resources Division, U.S. Geological Survey Reston, Virginia 22092 (2) NAWDEX Local Assistance Centers listed in Appendix A

Categories of individuals covered by the system: Individuals who have requested water data from or to whom information has been sent by the National Water Data Exchange and its Local Assistance Centers.

Categories of records in the system: Contains name, address, and telephone number, types of data requested, type of response made, types and volumes of data provided and appropriate cost accounting procedures.

Authority for maintenance of the system: The User Accounting System is maintained under authority of 43 U.S.C. 31 (Stat. 398), OMB Cir. A-67, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) By Geological Survey and Geological Survey contractor personnel in processing user requests for data, (2) By personnel of Local Assistance Centers of the National Water Data Exchange (NAWDEX) including Geological Survey personnel and personnel of state-governmental, local-governmental, other public, and private organizations serving as NAWDEX Local Assistance Centers in processing user requests for data, (3) By the personnel in (1) and (2) above for verification of responses referred to other organizations for data acquisition, program planning and accounting, cost effectiveness computations, and follow-up on quality of service provided. (4) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —Maintained in manual form in file folders and on magnetic computer storage devices;

Retrievability: —Indexed by geographic location or requester and cross-indexed by name of requester, in chronological order, and by request record number;

Safeguards: —Maintained in areas occupied by NAWDEX personnel during working hours with building locked and/or guarded during off-duty hours. Computer files are password protected to restrict unauthorized use;

Retention and disposal: —Original hard copy destroyed after a period not to exceed two years. Computerized file copy destroyed after a period not to exceed three years. All records may be retained longer, with permission of subject individual requester transactions.

System manager(s) and address: Program Manager, National Water Data Exchange (NAWDEX), U.S. Geological Survey, 421 National Center, Reston, Virginia 22092.

Notification procedure: System manager or manager of installation which is believed to have the request record. Installation will only provide information on records held locally. A written and signed request stating that the requester seeks information concerning records pertaining to himself or herself is required. See 43 CFR 2.63.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment must 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 or individuals or organization requesting data be sent to the individual on whom the record is maintained.

INTERIOR/AAI-3

System name: Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3.

System location: (1) Office of Audit and Investigation, U.S. Department of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240. (2) Bureau and Office Ethics Counselors, Deputy Ethics Counselors and Assistant Ethics Counselors. (A list may be obtained from the Department Ethics Counselor, Office of Audit and Investigation.)

Categories of individuals covered by the system: Current or past Interior Department employees required to file a Statement of Employment and Financial Interests by regulations contained in 43 CFR 20.735-18, 19, 20, 22, and 43, or in 30 CFR 706-11.

Categories of records in the system: Contains Confidential Statements of Employment and Financial Interests (forms DI-212, DI-212A or DI-213) for present or past Interior Department employees required to file such statements by 43 CFR 735-22(a), 30 CFR 706-11, and 43 CFR 20.735-43(a). Contains Public Disclosure Statements of Known Financial Interests (forms DI-211, DI-211A and DI-211B) for present or past incumbents in positions required to file such statements by 43 CFR 20.735-18, 19 and 20. Also contains records of conflict of interest decisions and appeals, analysis of financial holdings, employee statements, Solicitor's comments, head of bureau or office comments, and supervisor comments on present or past employees as requested by the bureau of office conselors or as needed by the Departmental counselor.

Authority for maintenance of the system: (1) 5 USC 7301. (2) 43 USC 11. (3) 30 USC 6 (4) 43 USC 31. (5) 18 USC 201-209. (6) 25 USC 68. (7) E.O. 11222. (8) P.L. 94-579. (9) P.L. 94-429. (10) P.L. 94-163. (11) P.L. 95-87.

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) to review employee financial interests and determine employee compliance on non-compliance with applicable conflict of interest statutes and regulations; (b) to record the fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and that he or she is in compliance with such specific legislation or regulations; and (c) to provide an adequate system of records for Interior auditors performing compliance audits within the Interior Department. Disclosures outside

the Department of the Interior may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulations, rule, order, or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or, (3) to a Congressional office from the record of an individual in response to an inquiry made at the request of that individual, (4) 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, contract, license grant or other benefit, (5) to the Civil Service Commission to perform oversight reviews, (6) to the public for only those records covered by 43 CFR 20.735-18, 19 and 20.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: For Confidential Statements of Employment and Financial Interests:

Storage: —maintained in file folders;

Retrievability: —filed alphabetically by position or employee name;

Safeguards: —maintained in locked file cabinet in locked office;

Retention and disposal: —disposal will be made two years after an employee leaves a position requiring the filing of the Statement.

For Public Disclosure Statements of known Financial Interest:

Storage: —maintained in file folders;

Retrievability: —filed by Bureau, form number, and alphabetically by employee name at the Department Library;

Record access procedures: —maintained by Bureau or Office Ethics Counselors designated in 43 CFR 20.735-22(c) and maintained centrally at the main Department Library.

System manager(s) and address: Department Ethics Counselor, Office of Audit and Investigation, U.S. Department of the Interior 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries may be addressed to the System manager, as indicated above, or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c). (See 43 CFR 2.60 for details on inquiries.)

Record access procedures: A request for access may be addressed to the System Manager (for information regarding the entire system) or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c) (for information regarding the specific bureau or office system). The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63. With respect to the public disclosure statements, persons wishing to invoke the Privacy Act may do so in accordance with the foregoing procedures. However, such persons are advised that the public disclosure statements are available for direct access from Bureau or Office Ethics Counselors designated in 43 CFR 20.735-22(c) and at the main Department Library.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c) and must meet the requirements of 43 CFR 2.71.

Record source categories: Present or past Interior employees required to file financial intererst statements, Ethics Counselors, employees's supervisors, or the Solicitors.

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: Enrollees (YCC) and corpsmembers (YACC) of USDI Federal YCC and YACC programs.

Categories of records in the system: (1) Current enrollees and corpsmembers USDI Application Forms and Employment and Training Administration Form 27; USDI Medical History Forms; Personal and Statistical Information. (2) Optional: Evaluation of enrollee'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 enrollee 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 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: —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 manager(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 offical.

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 addressed 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.

Interior/AJC-27

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.

INTERIOR/AOC-65

System name: Biography File—Interior, Office of the Secretary—65.

System location: (1) Office of Public Affairs, Research Office, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) Bureau public information offices in the Bureau of Indian Affairs, the Bureau of Reclamation, the U.S. Geological Survey, the National Park Service, the U.S. Fish and Wildlife Service, and the Office of Surface Mining Reclamation and Enforcement (OSM). (See System Manager paragraph for addresses.)

Categories of individuals covered by the system: Officials of the Department of the Interior, including the Secretary, Assistant Secretaries, heads of Bureaus and Offices.

Categories of records in the system: The records are biographical news releases generally containing the individual's name, place and date of birth, education, military service, work experience, publications, membership in professional or scientific societies, maritial status plus occasional newspaper clippings about the individual and in some cases a photograph of the individual.

Authority for maintenance of the system: Statutes 5 U.S.C. Secs. 301, 3101, 43 U.S.C. Sec. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary use of the records is to maintain biographic information on key officials of the Department. Disclosures outside the Department of the Interior may be made (1) to the news media and the public for public information purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: —biographies are in press release form, maintained in file folders.

Retrievability: —alphabetized by name.

Safeguards: —maintained in a locked room.

Retention and disposal: —destroyed when obsolete.

System manager(s) and address: Unless othewise noted, the addresss for all system managers: U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (1) For the Office of Public Affairs: Director, Office of Public Affairs. (2) For the Bureau of Indian Affairs: Director, Public Information Staff, Bureau of Indian Affairs. (3) For the Bureau of Reclamation: Chief, Office of Public Affairs, Bureau of Reclamation. (4) For the Geological Survey: Information Officer, U.S. Geological Survey, the National Center, Reston, Virginia 22092. (5) For the National Park Service: Assistant to the Director, Office of Public Affairs, National Park Service. (6) For the Fish and Wildlife Service. Assistant Director—Public Affairs, U.S. Fish and Wildlife Service. For Office of Surface Mining Reclamation and Enforcement, Chief, Public Affairs Staff.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. The request must be in writing, signed by the requester. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual and newspaper clippings.

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federal register

MONDAY, OCTOBER 23, 1978
PART V



INTERSTATE COMMERCE COMMISSION

■

AMENDED SYSTEM DIAGRAM MAPS

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[AB 6 (SDM)]

BURLINGTON NORTHERN, INC.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Burlington Northern, Inc., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 6 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on August 7, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 6 (SDM).

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

BURLINGTON NORTHERN INC. AB-6

Category I (Unless Otherwise Noted)

BN Map No. 1

Line Segment No. 12—Moose Lake (MP 107.50) to Carlton MP 129.49), Carlton County, Minn.—Stations: Barnum—112.5; Mahtowa—118.5; Otter Creek—124.2.

BN Map No. 2

Line Segment No. 13—French (MP 56.5) to Breckenridge (MP 74.0), Ottertail and Wilkin Counties, Minn.—Stations: Foxhome—61.27; Everdell—66.0.

Line Segment No. 15—Fergus Falls W. Jct. (MP 0.00) to Pelican Rapids (MP 21.37), Ottertail County, Minn.—Stations: Erhard—15.4; Pelican Rapids—21.37.

Line Segment No. 16—Barnesville (MP 5.0) to Downer (MP 9.09), Clay County, Minn.—Stations: Downer—9.09.

Line Segment No. 19 is a Category 3 line pending before the Commission.

Line Segment No. 23—Joliette (MP 179.13) to Pembina (MP 191.71), Pembina County, N. Dak.—Stations: McArthur—82.5; Pembina—189.49.

Line Segment No. 71—Funkley (MP 126.28) to Kelliher (MP 136.70), Beltrami County, Minn.—Stations: Shooks—131.40; Kelliher—136.00.

BN Map No. 3

Line Segment No. 20 is a Category 3 line pending before the Commission.

Line Segment No. 22—York (Mp 0.00) to Dunseith (MP 41.8), Benson, Pierce and Rolette Counties, N. Dak.—Stations: Wolford—14.01; Rolette—27.76; Thorne—33.80; Dunseith—41.80.

Line Segment No. 24—Crete (MP 141.93) to Oakes (MP 148.18), Sargent and Dickey Counties, N. Dak.—Stations: None.

Line Segment No. 75—Hamar (MP 97.40) to Devils Lake (MP 125.01), Benson, Eddy and Ramsey Counties, N. Dak.—Stations: Warwick—79.6; Tokio—86.9; Fort Totten—96.1.

BN Map No. 4

All lines Category 5.

BN Map No. 5

Line Segment No. 73—Glasgow (MP 0.00) to Glasgow Air Base (MP 18.39), Valley County, Mont.—Stations: Glasgow Air Base—18.8.

Line Segment No. 74—Beach (MP 0.00) to Carlyle (MP 20.76), Golden Valley County, N. Dak., and Wibaux County, Mont.—Stations: Thelan, N. Dak.—8.4; Golya, N. Dak.—13.3; Carlyle, Mont.—20.8.

BN Map No. 6

Line Segment No. 28 (also shown BN MP 26) is a Category 3 line pending before the Commission.

Line Segment No. 29—Moccasin (MP 0.00) to Lewistown (MP 30.68), Judith Basin and Fergus Counties, Mont.—Stations: Kolin—7.32; Rossfork—14.1; Kingston—20.19; Spring Creek Jct.—21.38; Hanover—70.2; Lewistown Jct.—62.2; Lewistown—61.9.

Line Segment No. 31—Saco (MP 0.10) to Hogeland (MP 77.40), Phillips and Blaine Counties, Mont.—Stations: Hogeland Jct.—0.10; Cole—6.87; Tattnall—13.41; Whitewater—24.01; Loring—36.95; Chapman—52.26; Turner—65.27; Hogeland—77.40.

BN Map No. 7

All lines Category 5.

BN Map No. 8

Line Segment No. 30 is a Category 3 line pending before the Commission.

Line Segment No. 72—St. Regis (MP 0.00) to Haugan (MP 19.57), Mineral County, Mont.—Stations: Foraker—4.7; Drexel—8.7; Henderson—13.5; DeBorgia—15.6; Haugan—18.7.

BN Map No. 9

Line Segment No. 48—Palouse (MP 75.80) to Grinnell (MP 70.83), Whitman County, Wash.—Stations: Grinnell—70.81.

Line Segment No. 52—Mt. Hope (MP 25.17) to Spring Valley (MP 39.90), Spokane County, Wash.—Stations: West Fairfield—31.0; Waverly—34.1; Jefferson—36.55; Spring Valley—39.96.

Line Segment No. 53—Rosalia (MP 46.10) to Manning (MP 71.20), Whitman County, Wash.—Stations: Balder—50.6; Thorton—55.44; Cashup—59.65; Steptoe—64.65; Manning—71.12.

Line Segment No. 54—Spring Valley (MP 40.30) to Seabury (MP 47.75), Spokane and Whitman Counties, Wash.—Stations: Fairbanks—45.55; Seabury—47.75.

Line Segment No. 55—Palouse (MP 75.85), Whitman County, Wash., to Viola (MP 82.68), Latah County, Idaho—Stations: State Line—3.9; Viola—82.68.

BN Map No. 10

Line Segment Nos. 48, 53 and 55 are described with Map No. 9.

BN Map No. 11

Line Segment No. 56—Aloha (MP 96.36) to Moclips (MP 100.70), Grays Harbor County, Wash.—Stations: Moclips—100.4.

Line Segment No. 57—Clear Lake (MP 85.79) to Sedro Woolley (MP 83.05), Skagit County, Wash.—Stations: Clear Lake—83.3.

BN Map No. 12

All lines Category 5.

BN Map No. 13

All lines Category 5.

BN Map No. 14

Line Segment No. 14—Elk River (MP 2.95) to Princeton (MP 18.79), Sherburne and Mille Lacs Counties, Minn.—Stations: Zimmerman—9.5; Princeton—18.8.

Line Segment No. 17—Starbuck (MP 67.00) to Villard (MP 51.61), Pope County, Minn.—Stations: Villard—52.0; Glenwood—58.91.

Line Segment No. 18—White Bear Lake (MP 0.00) to Duluth Jct. (MP 6.38), Ramsey and Washington Counties, Minn.—Stations: Mahtomedi—3.54.

BN Map No. 15

Line Segment No. 17—Starbuck to Villard—Also shown on BN Map No. 14.

Line Segment No. 21—Oakes (MP 149.5) to Forbes (MP 62.97), Dickey County, N.Dak.—Stations: Guelph—34.66; Ellendale—49.17; Forbes—62.51—Including trackage rights.

Line Segment No. 26—Sioux Falls (MP 2.8) to Hayti (MP 85.26), Minnehaha, Lake, Brookings, Kingsbury and Hamlin Counties, S.Dak.—Stations: Crooks—9.15; Lyons—14.8; Colton—20.61; Chester—28.19; Wentworth—35.80; Rutland—42.1; Nunda—47.79; Sinai—53.80; Arlington—63.47; Badger—73.03; Lake Norden—79.67; Hayti—85.26.

Line Segment No. 27—Sioux Falls (MP 150.68) to Yankton (MP 208.80), Minnehaha, Lincoln, Turner and Yankton Counties, S.Dak.—Stations: Tea—156.55; Lennox—163.32; Davis—171.95; Viborg—179.35; Irene—186.74; Volin—196.96; Mission Hill—201.7; Yankton—208.30—Including trackage rights.

BN Map No. 16

All lines Category 5.

BN Map No. 17

Line Segment No. 2—Aledo (MP 39.40) to Joy (MP 45.18), Mercer County, Ill.—Stations: Joy—44.54.

Line Segment No. 3—Bushnell (MP 161.10) to Roseville (MP 176.97), McDonough and Warren Counties, Ill.—Stations: Walnut Grove—165.9; Swan Creek—172.1; Roseville—176.85.

Line Segment No. 5—Bradford (MP 10.00) to Buda (MP 0.32), Stark and Bureau Counties, Ill.—Stations: Lombardville—7.1; Burnett—3.2; Buda—0.00.

Line Segment No. 7—Earlville (MP 8.55) to Baker (MP 13.72), LaSalle County, Ill.—Stations: Baker—13.72.

Line Segment No. 10—Alpha (MP 18.52) to Woodhull (MP 14.36), Henry County, Ill.—Stations: Woodhull—14.62.

BN Map No. 18

Line Segment No. 4 is a Cagetory 3 line pending before the Commission.

Line Segment No. 6—Vermont (MP 140.13) to Astoria (MP 133.02), Fulton County, Ill.—Stations: Astoria Branch Jct.—140.13; Amax Coal Co., Sun Spot Mine—139.5; Astoria—133.4.

Line Segment No. 11—E. Alton (MP 26.63) to Whitehall (MP 72.37), Greene, Macoupin, Madison and Jersey Counties, Ill.—Stations: Wrights—65,45; Greenfield—60.64; Rockbridge—55.53; Medora—47.95; Piasa—43.6; Brighton—38.49; Alton Hospital—28.28.

Line Segment No. 46—Old Monroe (MP 52.35) to Mexico (MP 114.17), Lincoln, Warren, Montgomery and Audrain Counties, Mo.—Stations: Ethlyn—56.25; Moscow—61.3; South Troy—65.5; Hawk Point—72.9; Bellflower—85.25; Buell—90.6; Wellsville-98.2; Haig—109.6; Francis—114.6; Mexico via trackage rights.

BN Map No. 19

Line Segment No. 2—Aledo to Joy—See BN Map No. 17.

Line Segment No. 9—Quincy (MP 70.30) to Mendon (MP 55.77), Adams County, Ill.—Stations: Rock Creek—64.1; Ursa—61.2; Mendon-56.1.

Line Segment No. 40—Burlington (MP 0.00) to Washington (MP 52.64), Des Moines, Henry, Louisa and Washington Counties, Iowa—Stations: Sperry—11.6 (CRI&P); Roscoe—20.55; Yarmouth—24.93; Mt. Union—28.35; Winfield—33.97; Wyman—36.6; Crawfordsville—42.43; Washington—52.50—Including trackage rights.

Line Segment No. 43—St. Joseph (MP 142.19) to Humeston (MP 16.65), including Giles to Mt. Lamoni, in Buchanan, Andrew, DeKalb, Gentry, and Harrison Counties, Mo., and Decatur and Wayne Counties, Iowa—Stations: End of Line—143.56; Helena—125.7; Union Star—119.66; King City—112.68; Darlington—99.16; Albany Junction—96.88; Albany—94.88; New Hampton—86.75; Bethany—77.85; Ridgeway—67.5; Blythedale—60.6; State Line—52.5; Giles—49.31; Davis City—44.48; Leon—36.97; Garden Grove—23.68; Huxeston—16.92; Lamoni—approximately 2 miles west of Giles.

Line Segment No. 44—West Quincy (MP 1.99) to Kirksville (MP 70.68), Marion, Lewis, Knox, and Adair Counties, Mo.—Stations: Taylor—6.55; Maywood—10.8; Ewing—18.12; Lewistown—26.05; LaBelle—31.8; Knox—37.2; Edina—46.6; Hurdland—53.4; Brashear—57.55; Kirksville Ag. Center—67.7; Kirksville—69.3.

Line Segment No. 45—Alexandria (MP 5.23), Clark, Scotland and Schulyer Counties, Mo., to Centerville (MP 91.53), Appanoose County, Iowa—Stations: Wayland—12.4; Kahoka—20.0; Medill—23.3; Granger—34.2; Arbela—36.6; Memphis—45.1; Downing—56.35; Lancaster—65.75; Glenwood Jct.—69.0; State Line—74.85; Centerville—89.6.

Line Segment No. 47—Laclede (MP 181.73) to Unionville (MP 128.41), Linn, Sullivan and Putnam Counties, Mo.—Stations: Linneus—174.6; Purdin—169.25; Browning—162.43; Milan—149.95; Unionville—128.3.

BN Map No. 20

Line Segment No. 33—Cooper Spur (MP 26.5) to Shubert (MP 11.23), Nemaha and Richardson Counties, Nebr.—Stations: Nemaha—28.45; Shubert—11.49.

Line Segment No. 34—Ashland (MP 0.00) to Prague (MP 31.42), Saunders County, Nebr.—Stations: Memphis—6.04; Ithaca—13.14; Wahoo—18.91; Malmo—25.58; Prague—31.40.

Line Segment No. 36—Villisca (MP 52.43) to Clarinda (MP 67.67), Page and Montgomery Counties, Iowa—Stations: Hepburn—60.45; Clarinda—52.82.

Line Segment No. 37—Creston (MP 0.53), Adams, Union, and Taylor Counties, Iowa, to Maryville (MP 59.80), Nodaway County, Mo.—Stations: Kent—9.33; Lenox—17.27; Merle—24.78; Conway—27.63; Bedford—35.20; Hopkins—45.05; Pickering—52.17; Maryville—59.50.

Line Segment No. 38—Hastings (MP 0.17) to Randolph (MP 11.61), Mills and Fremont Counties, Iowa—Stations: Clark—5.83; Randolph—11.45.

Line Segment No. 39—Merle (MP 196.13) to Clearfield (MP 189.42), Taylor County, Iowa—Stations: Clearfield—189.70.

Line Segment No. 41—Albany Jct. (MP 65.75) to Grant City (MP 45.66), Gentry and Worth Counties, Mo.—Stations: Gentry—57.45; Worth—52.2; Grant City—45.65.

Line Segment No. 42—Birmingham (MP 216.18) to Kearney (MP 199.07), Clay County, Mo.—Stations: Liberty—210.5; Kearney—200.3.

Line Segment No. 43—St. Joseph to Humeston—See BN Map No. 19.

BN Map No. 21

Line Segment No. 27—Sioux Falls to Yankton—See BN Map No. 15.

Line Segment No. 32—Edgar (MP 26.44) to Nelson (MP 14.01), Clay and Nuckolls Counties, Nebr.—Stations: Nelson—14.01.

Line Segment Nos. 33, 34, and 38—See BN Map No. 20.

BN Map Nos. 22, 23, and 24

All lines Catetory 5.

BN Map No. 25

Line Segment No. 25—Hill City (MP 0.00) to Keystone (MP 8.85), Pennington County, S. Dak.—Stations: Oblivion—4.24; Keystone—8.85.

BN Map No. 26

Line Segment No. 28—Silesia to Red Lodge—See BN Map No. 6.

BN Map No. 27

All lines Category 5.

Category 3 Lines

AB-6 (Sub-48F)—Jamestown—Klose, N. Dak. 5.92 miles, MP 39.67—33.75, Stutsman County. Line Segment 20—BN Map No. 3.

AB-6 (Sub-49F)—Battle Lake—Henning, Minn. 15.11 miles, MP 31.42—15.89, Otter Tail County. Line Segment 19—BN Map No. 2.

AB-6 (Sub-51F)—Haugan, Montana—Wallace, Idaho. 39.04 miles, MP 19.57—58.61, Mineral County, Mont., and Shoshone County, Idaho. Line Segment 30—BN Map No. 8.

AB-6 (Sub-52F)—Silesia—Red Lodge, Mont. 34.52 miles, MP 9.65—44.17, Carbon County. Line Segment 28—BN Map No. 6.

AB-6 (Sub-53F)—Vermont—Rushville, Ill. 15.09 miles, MP 94.60—109.69, Schuyler and Fulton Counties. Line Segment 4—BN Map No. 18.

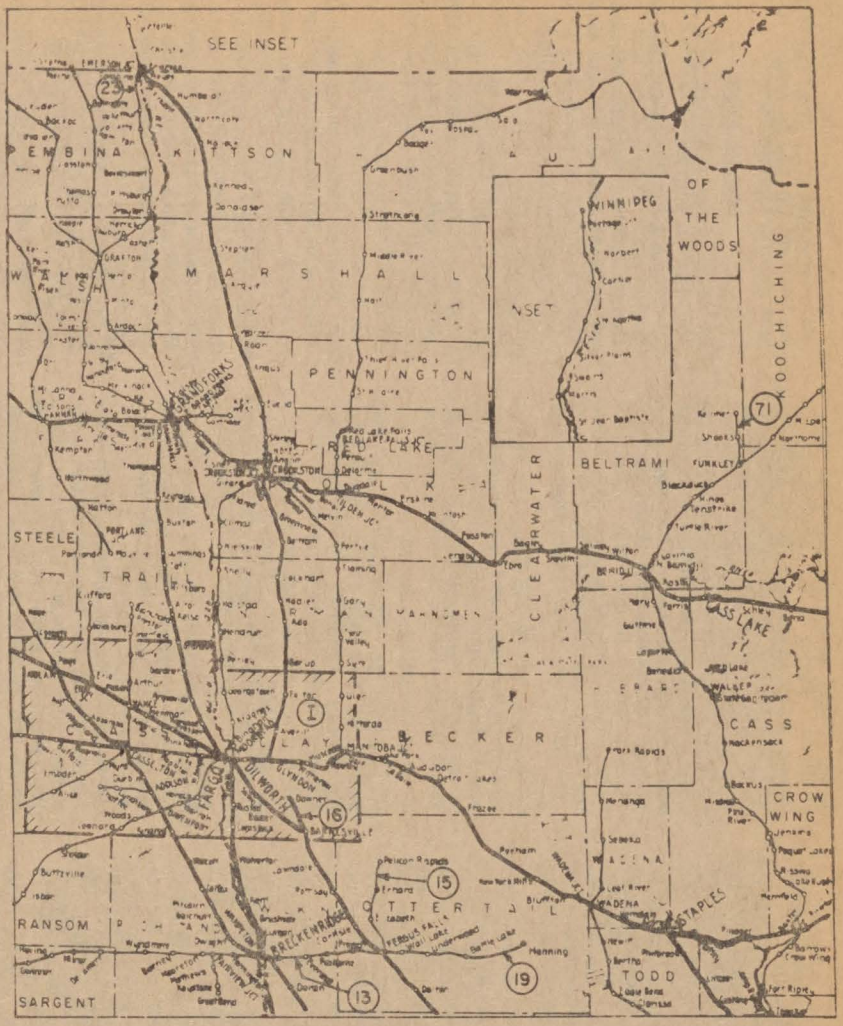
AB-6 (Sub-2F)—Camp Clatsop—Seaside, Oreg. 10.5 miles, MP 108.59—119.09, Clatsop County. Line Segment 58—BN Map No. 12.

[FR Doc. 78-29809 Filed 10-20-78; 8:45 am]

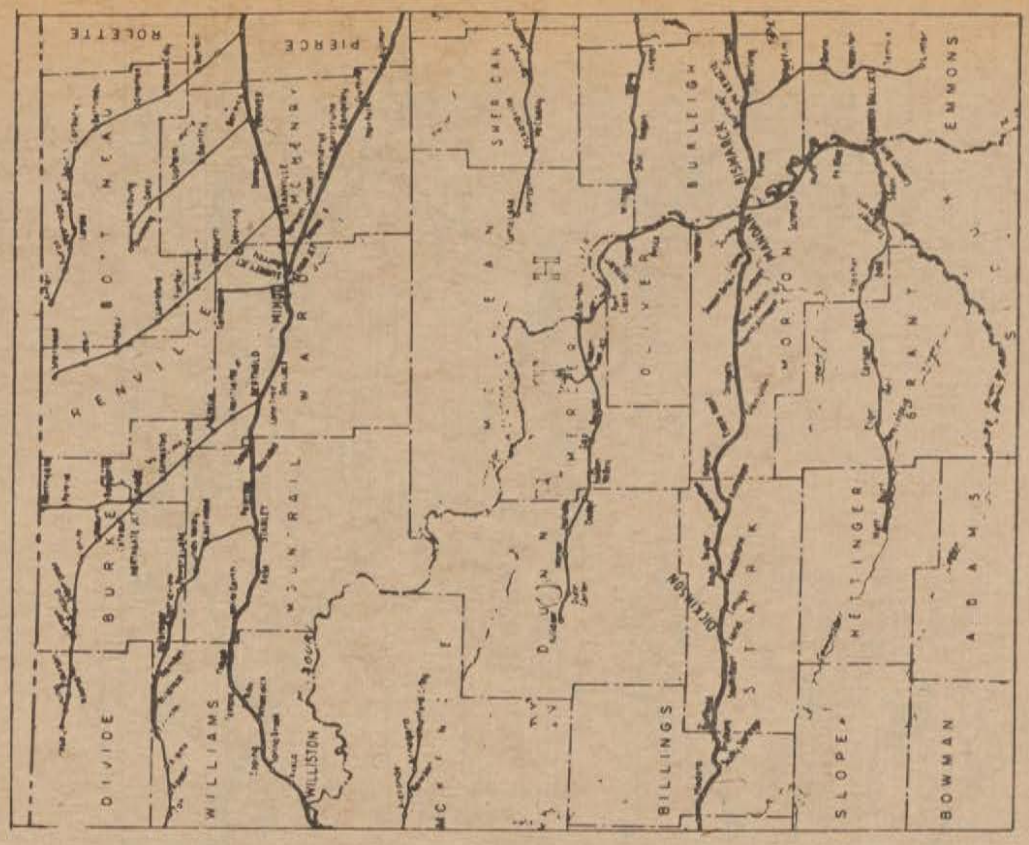
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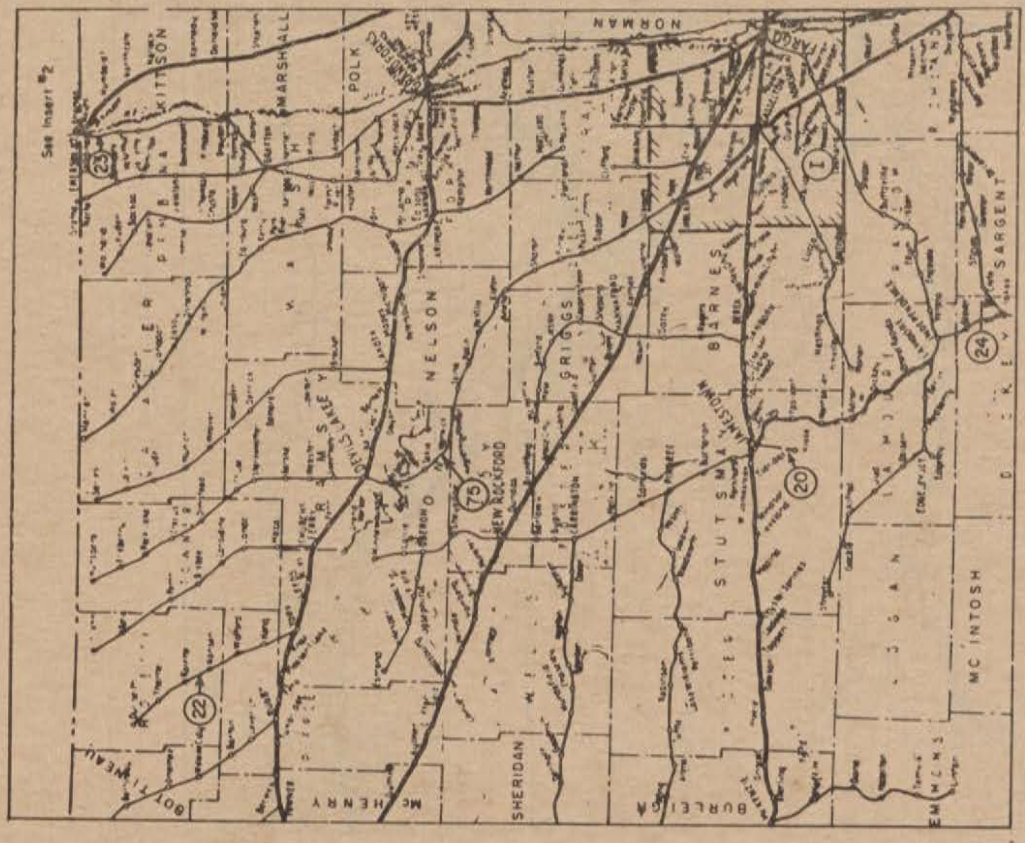
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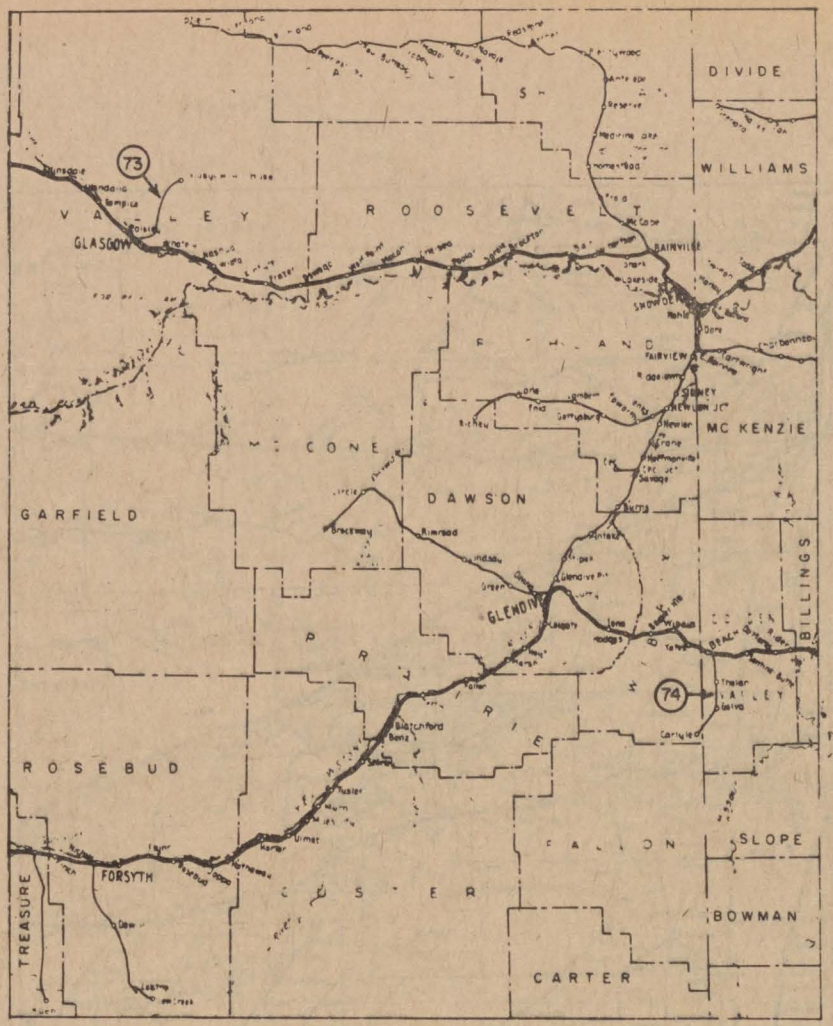
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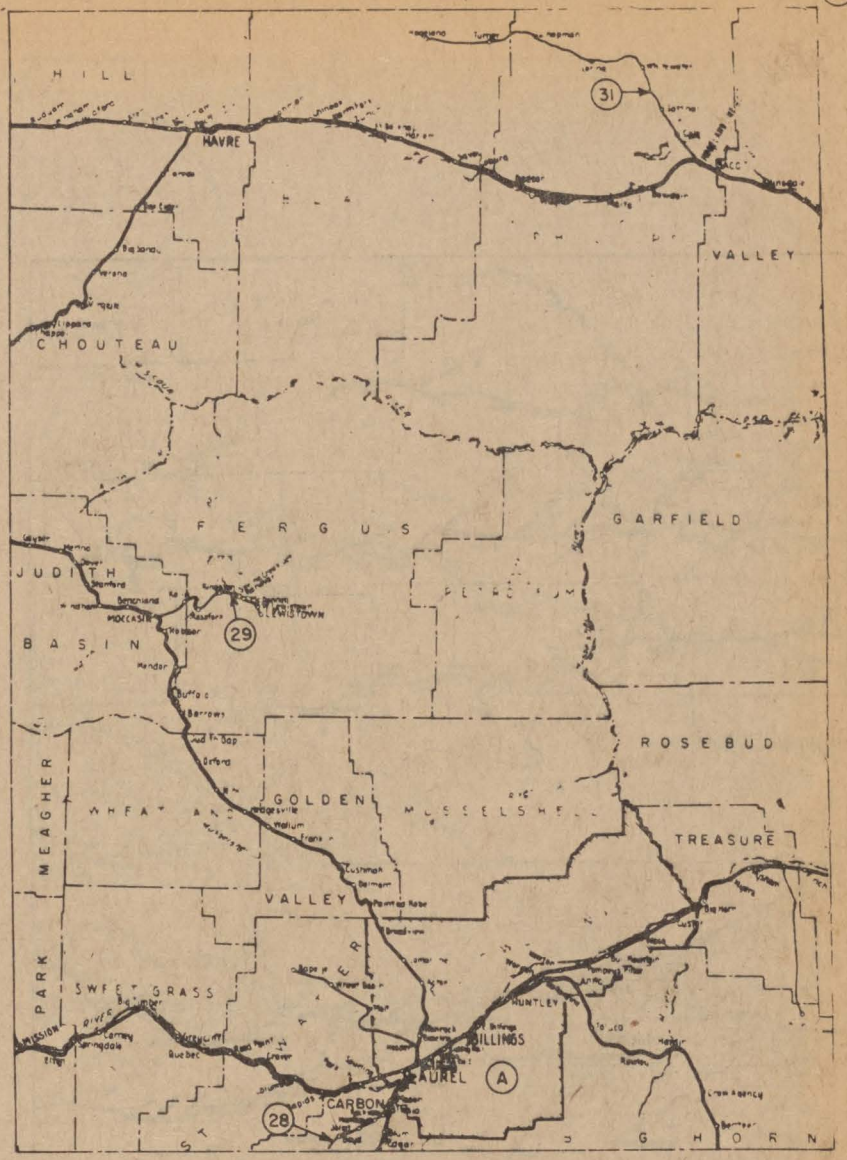
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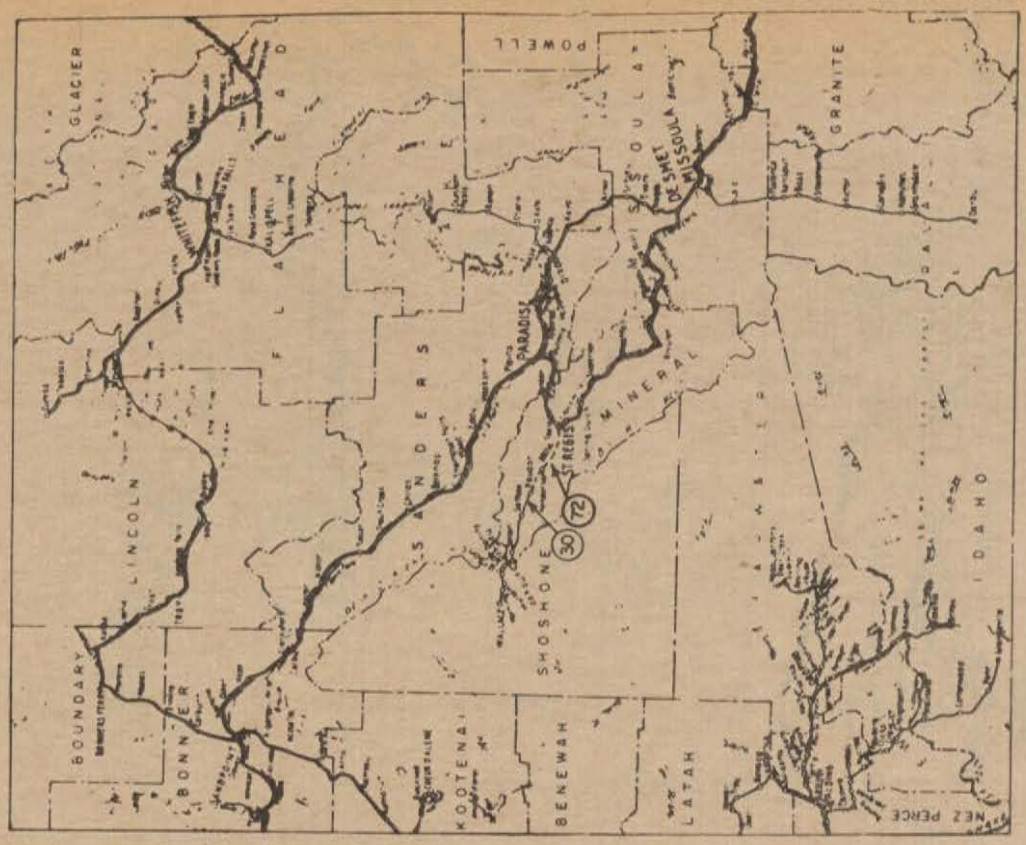
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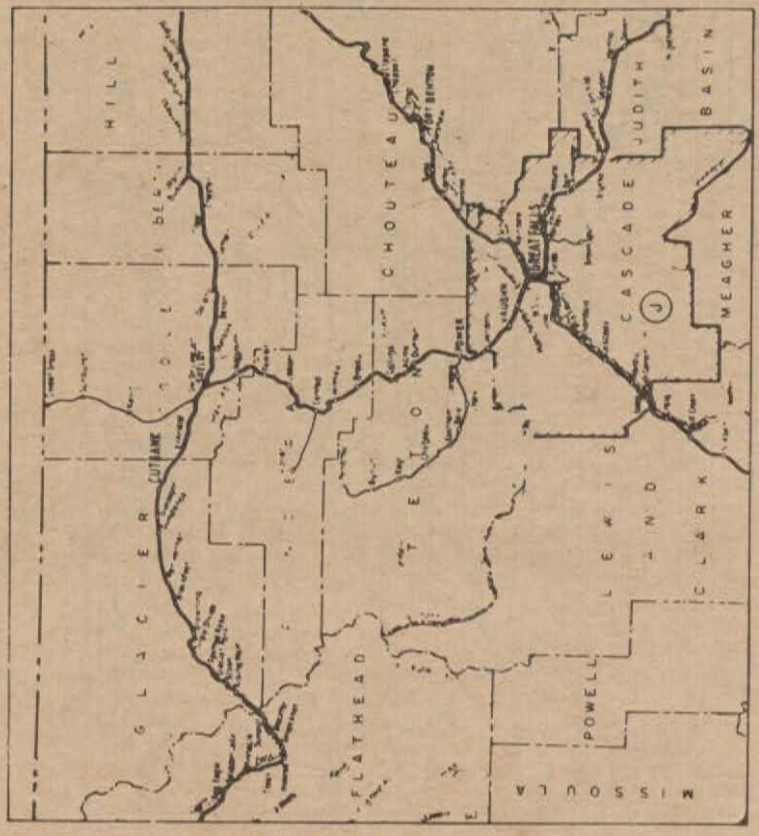
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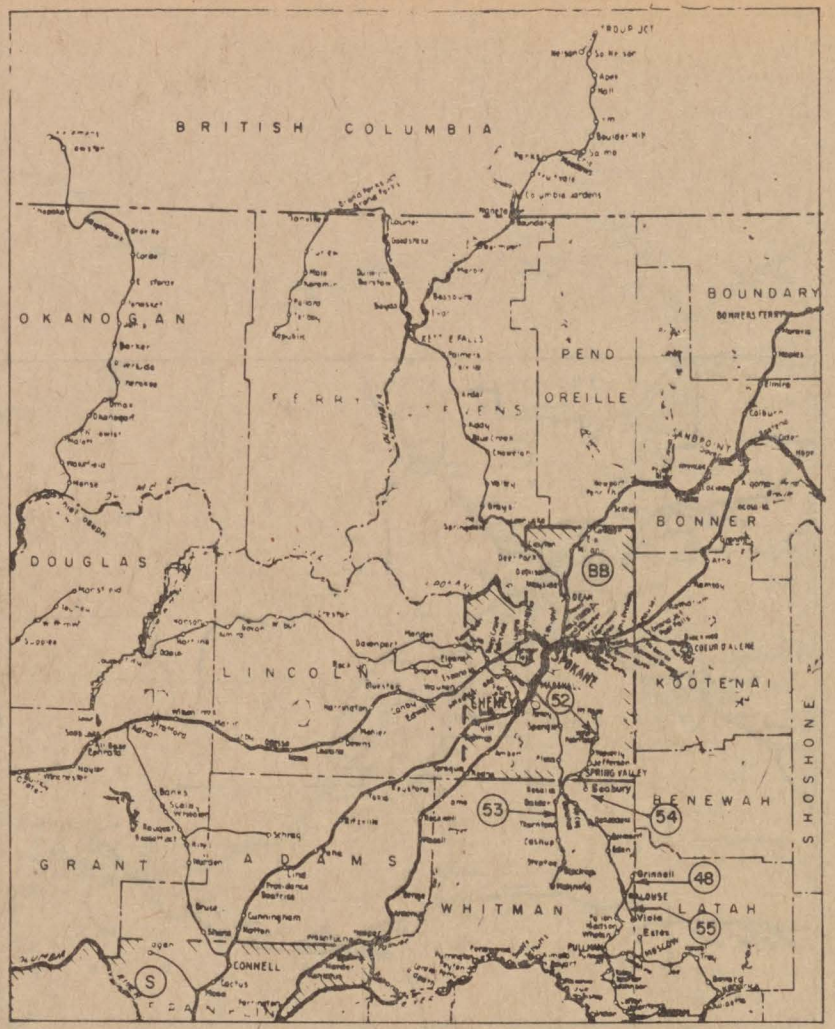
B.N. MAP No. (8)



B.N. MAP No. (7)



B N. MAP No. (9)



B. N. MAP No. (10)



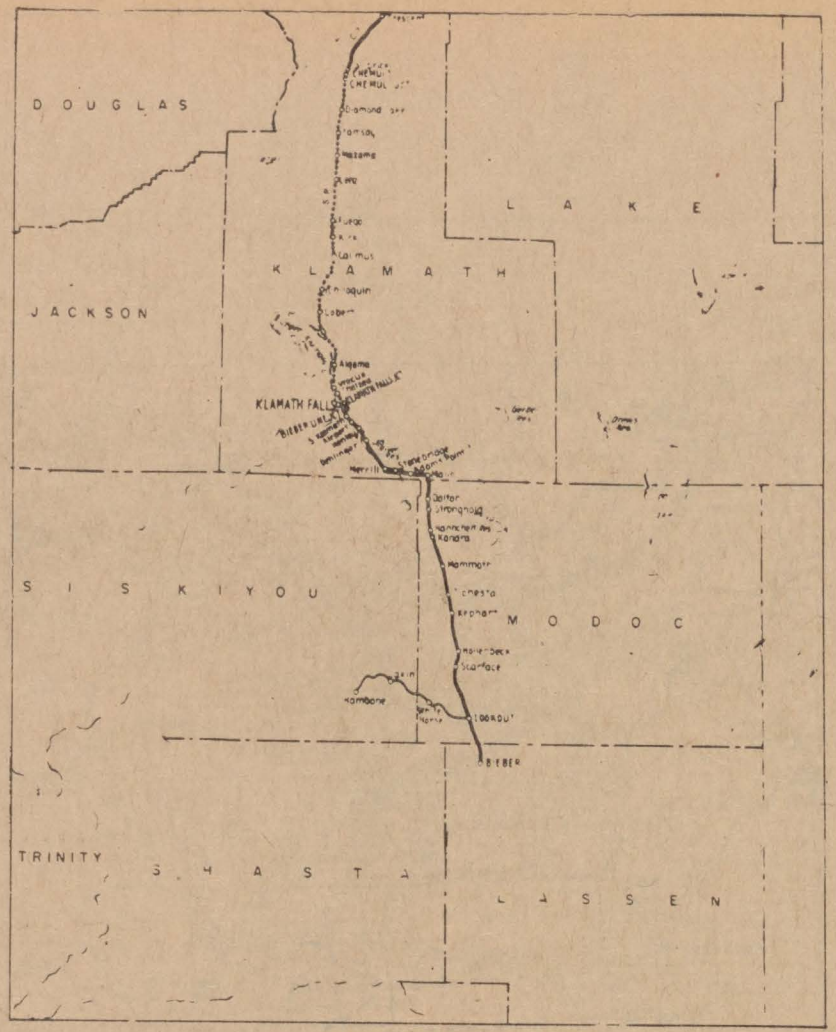
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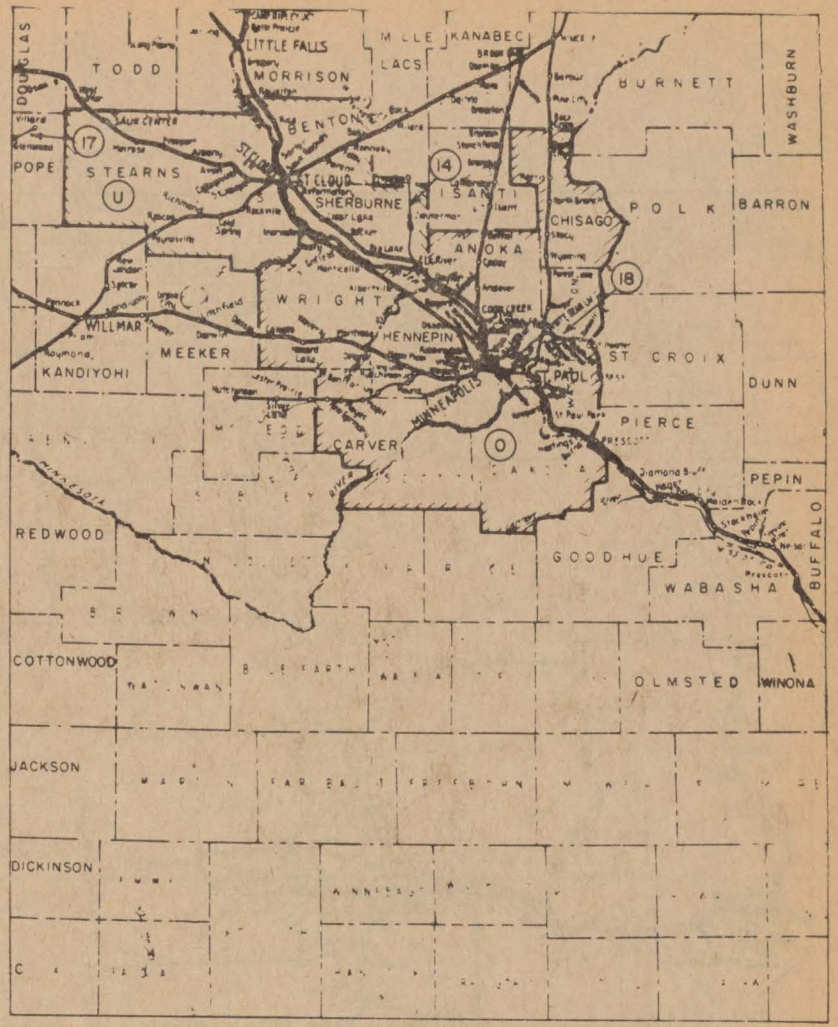
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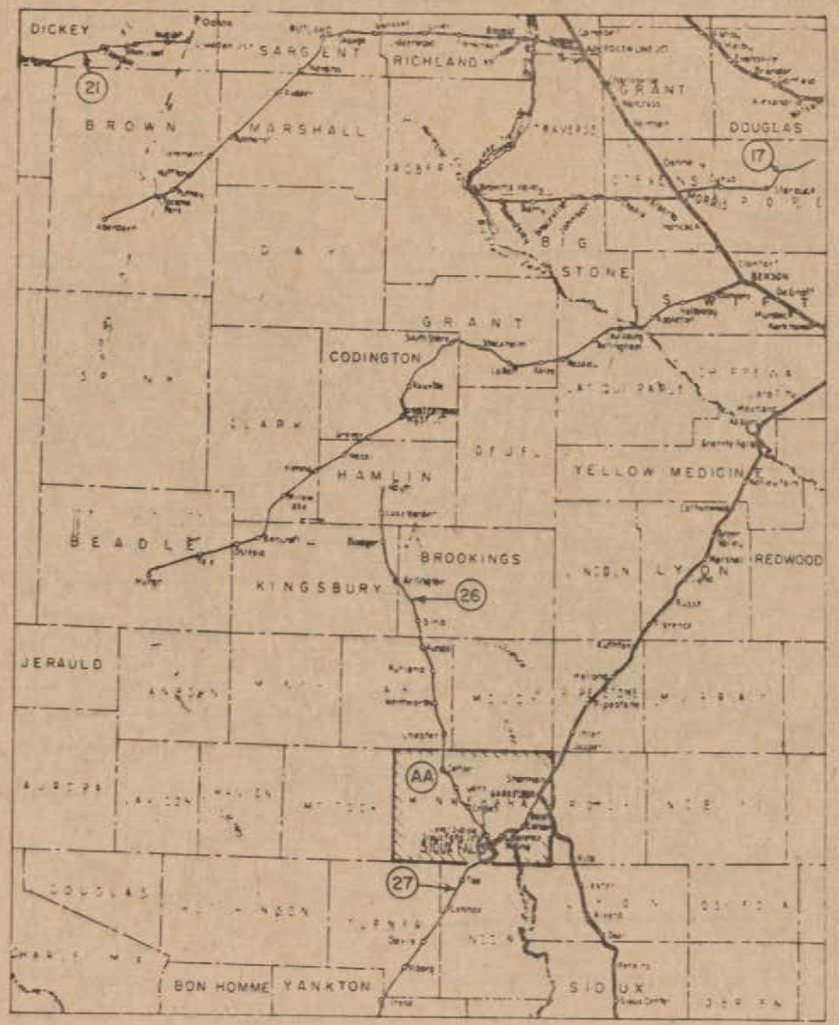
B.N. MAP No (13)



B.N. MAP No (14)



B.N. MAP No. (15)



B.N. MAP No. (16)



B N MAP No (17)



B N. MAP No. (18)



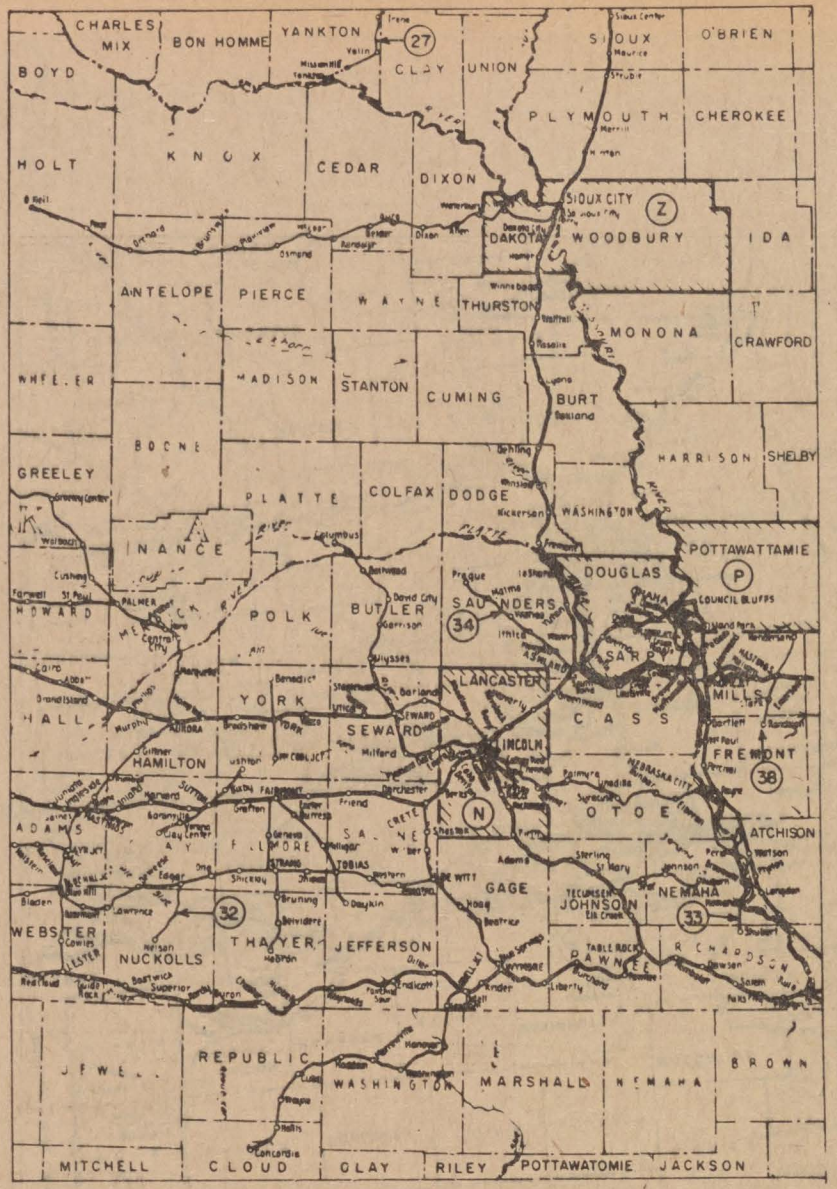
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B N. MAP No. (20)



B.N. MAP No. (21)



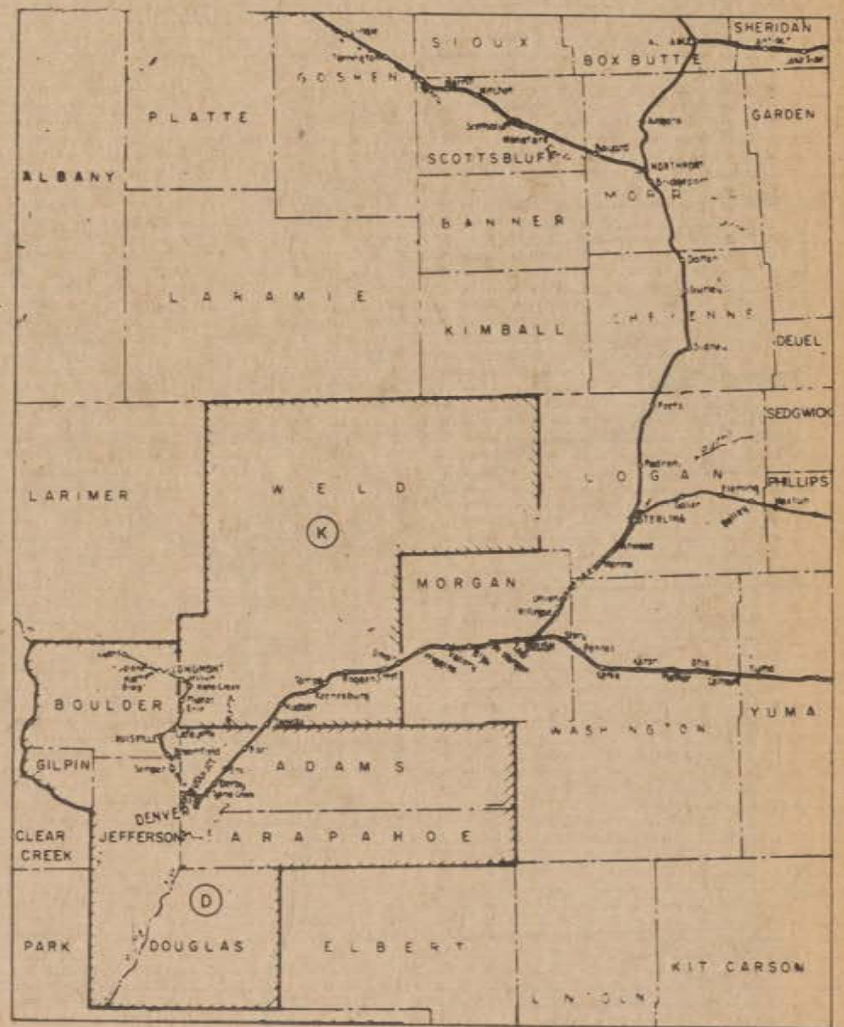
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B.N. MAP No. (23)



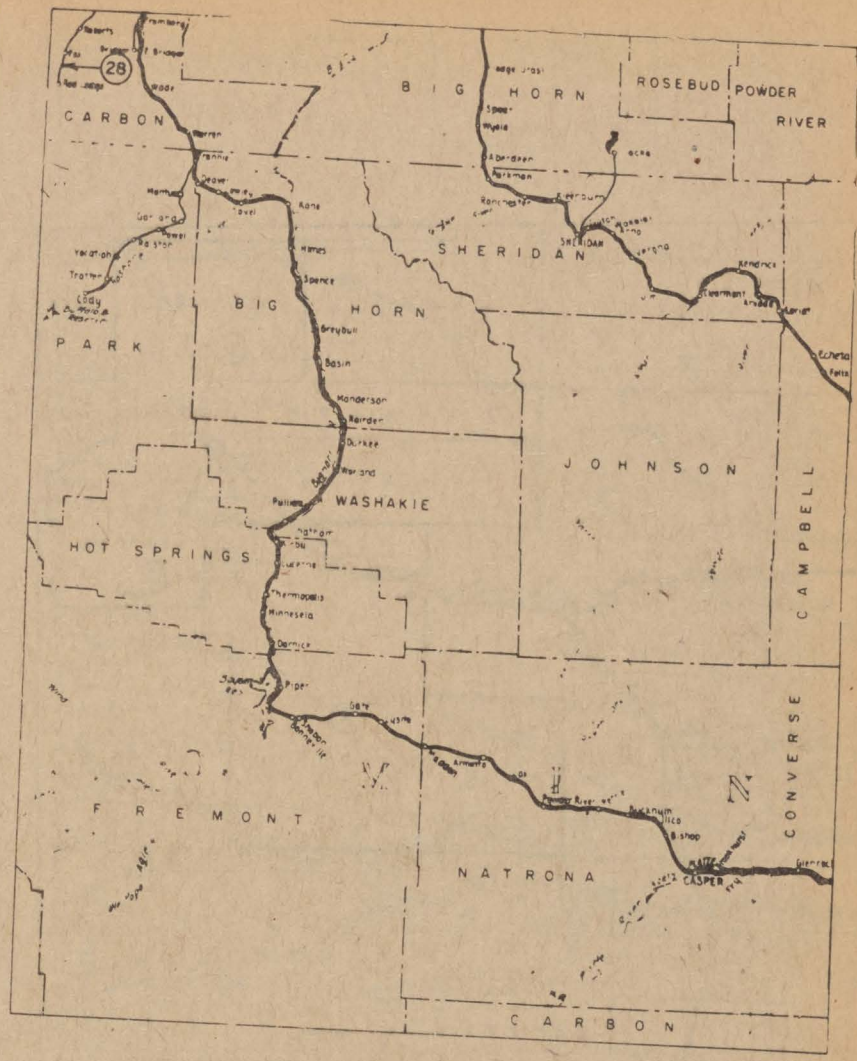
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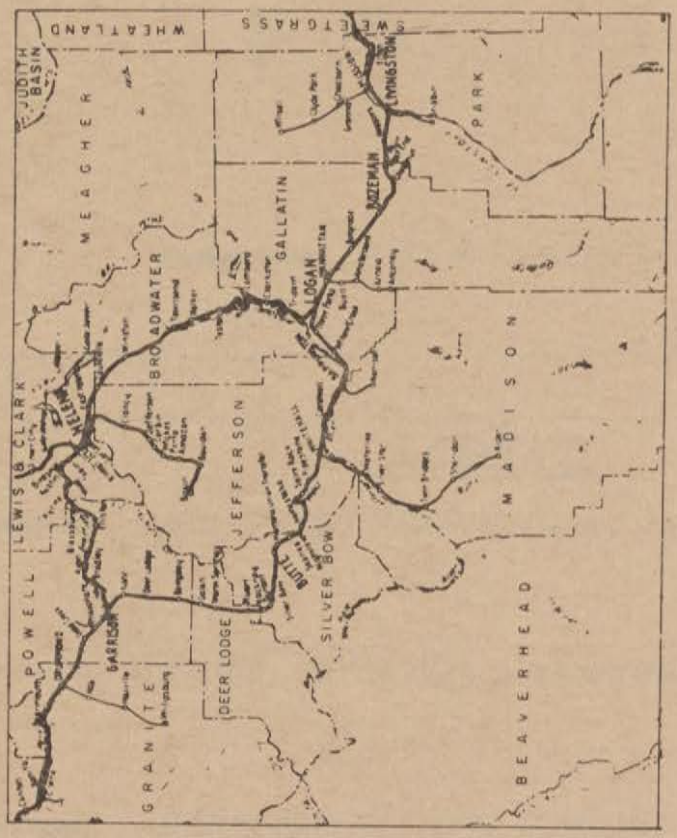
B.N. MAP No. (25)



B.N. MAP No. (26)



B.N. MAP No. (27)


WHEATLAND
SWEETGRASS
JUDITH BASIN
MEAGHER
PARK
LIVINGSTON
BOZEMAN
GALLATIN
LOGAN
BROADWATER
LEWIS & CLARK
POWELL
JEFFERSON
BUTTE
SILVER BOW
MADISON
BEAVERHEAD
DEER LODGE
GRANITE
HELENA
BARKER

[7035-01-M]

[AB 102 (SDM)]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Missouri-Kansas-Texas Railroad Co., has filed with the Commission its amended color-coded system diagram map in docket No. AB 102 (SDM). The maps reproduced here in black and white are reproductions of that system diagram map and the Commission on September 25, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

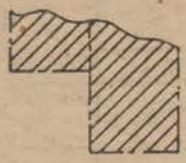
Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 102 (SDM).

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

[FR Doc. 78-29810 Filed 10-20-78; 8:45 am]

[7035-01-C]

LEGEND



STANDARD METROPOLITAN STATISTICAL AREA

CITIES OVER 5,000 POPULATION

TRACKAGE RIGHTS

LEGEND

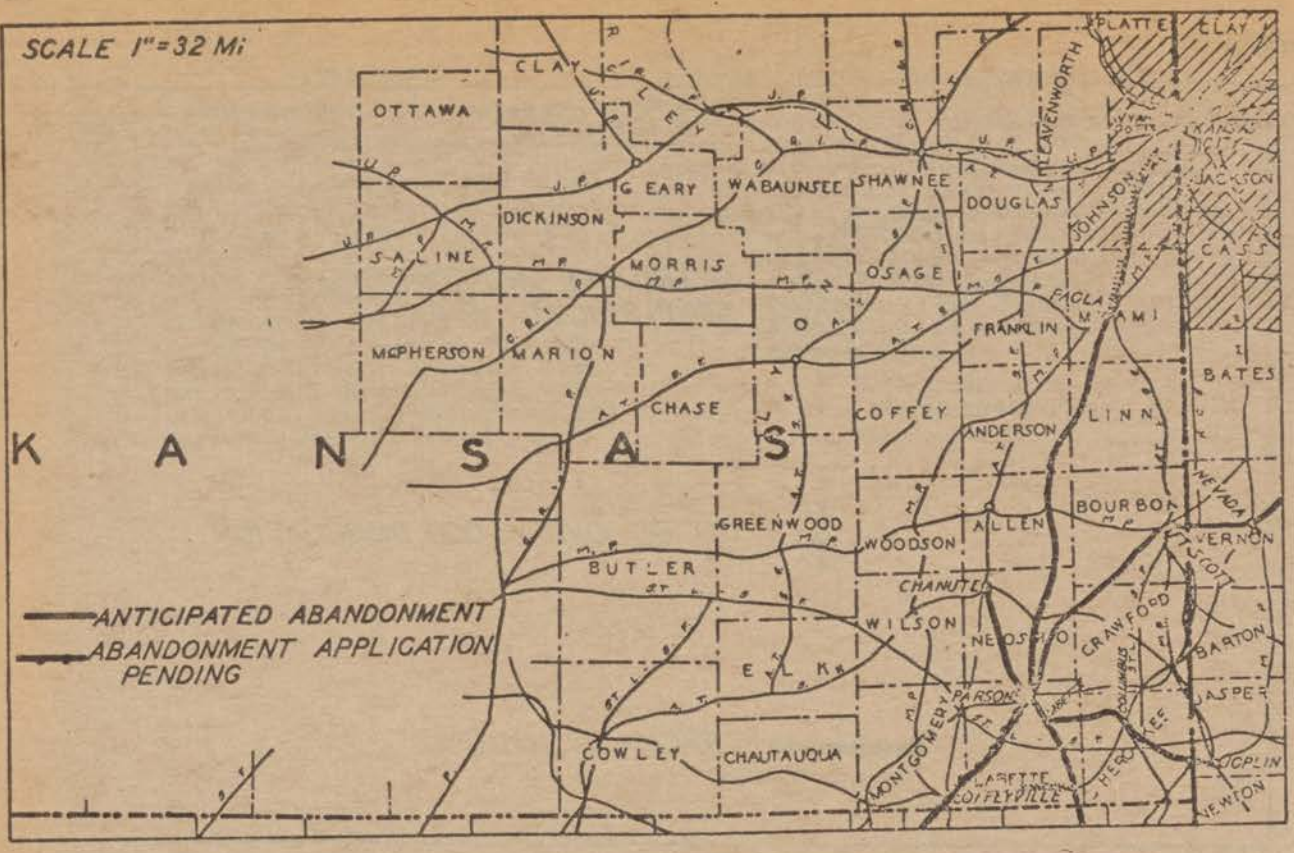
ANTICIPATED ABANDONMENT (NEXT 3 YRS.)

FUTURE POTENTIAL ABANDONMENTS

ABANDONMENT APPLICATION PENDING

LINES BEING OPERATED UNDER REGIONAL RAIL REORGANIZATION ACT OF 1973 (NONE)

ALL OTHER LINES OPERATED (DIRECTLY OR INDIRECTLY)



LINE DESCRIPTION

(a) Portion of Joplin Subdivision.

(b) State of Kansas.

(c) Counties of Labette and Cherokee.

(d) MP S-394.4 at Labette, Kansas, to MP S-419.1 at Columbus, Kansas.

(e) None.

[7035-01-M]

[AB 202 (SDM)]

MONTPELIER & BARRE RAILROAD CO.

System Diagram Map

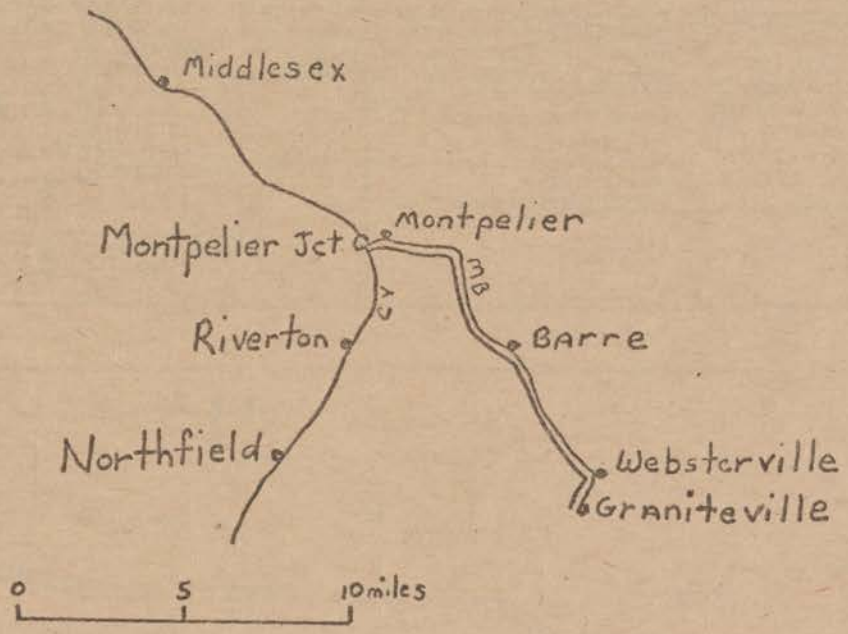
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Montpelier & Barre Railroad Co., has filed with the Commission its color-coded system diagram map in docket No. AB 202 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system diagram map and the Commission on August 21, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 202 (SDM).

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

Montpelier and Barre Railroad Company

System Diagram Map
(All lines shown are in Washington County, Vermont)



Entire system of Montpelier and Barre Railroad Company is in Category 1. Carrier anticipates entire system will be the subject of an abandonment application.

Central Vermont Railway Inc.

MONTPELIER & BARRE RAILROAD CO.

Description of lines to accompany the System Diagram Map.

Each carrier shall list and describe, separately by category and within each category by State, all lines or portions of lines indentified on its system diagram map as falling within categories 1 through 3 (§ 1121.20(b) (1) thru (3)) as follows:

(a) Carrier's designation for each line—Entire line or entire system;

(b) State or States in which each line is located—Vermont;

(c) County or counties in which each line is located—Washington;

(d) Mileposts delineating each line or portion of line—no mile posts; and

(e) Agency or terminal stations located on each line or portion of line with milepost designations—Barre is the only agency station. The terminal stations are Graniteville and Montpelier Junction.

[FR Doc. 78-29811; Filed 10-20-78; 8:45 am]

[7035-01-M]

[AB 84 (SDM)]

ILLINOIS TERMINAL RAILROAD CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Illinois Terminal Railroad Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 84 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on September 1, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 84 (SDM).

H. G. Homme, Jr.,
Acting Secretary.

ILLINOIS TERMINAL RAILROAD CO.

[AB Number 84]

Description of Lines

State of Illinois

Category: All lines or portions of lines which the Carrier anticpates will be the subject of an abandonment or discontinuance application to be filed within the three year period following the date upon which the diagram is filed with the Interstate Commerce Commission.

I. (a) O'Fallon Branch.
(b) State of Illinois.
(c) Madison County, Illinois; St. Clair County, Illinois.
(d) Milepost 20.3 to Milepost 30.6.
(e) Agency Station—Troy Junction, Illinois Milepost 20; Agency Station—O'Fallon, Illinois Milepost 30.

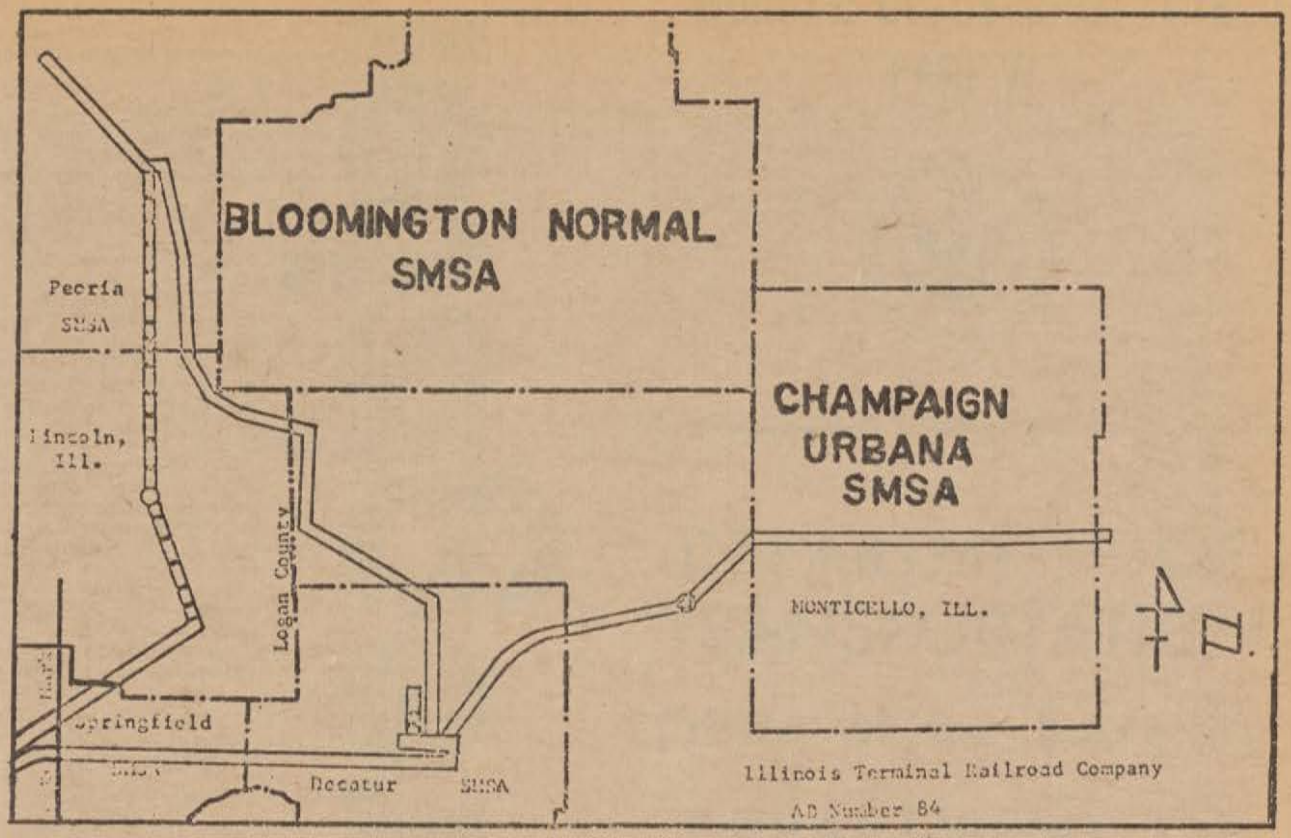
II. (a) Forsyth Branch.
(b) State of Illinois.
(c) Macon County, Illinois.
(d) Milepost 2.5 to Milepost 7.0.
(e) Agency Station—Forsyth, Illinois Milepost 7.

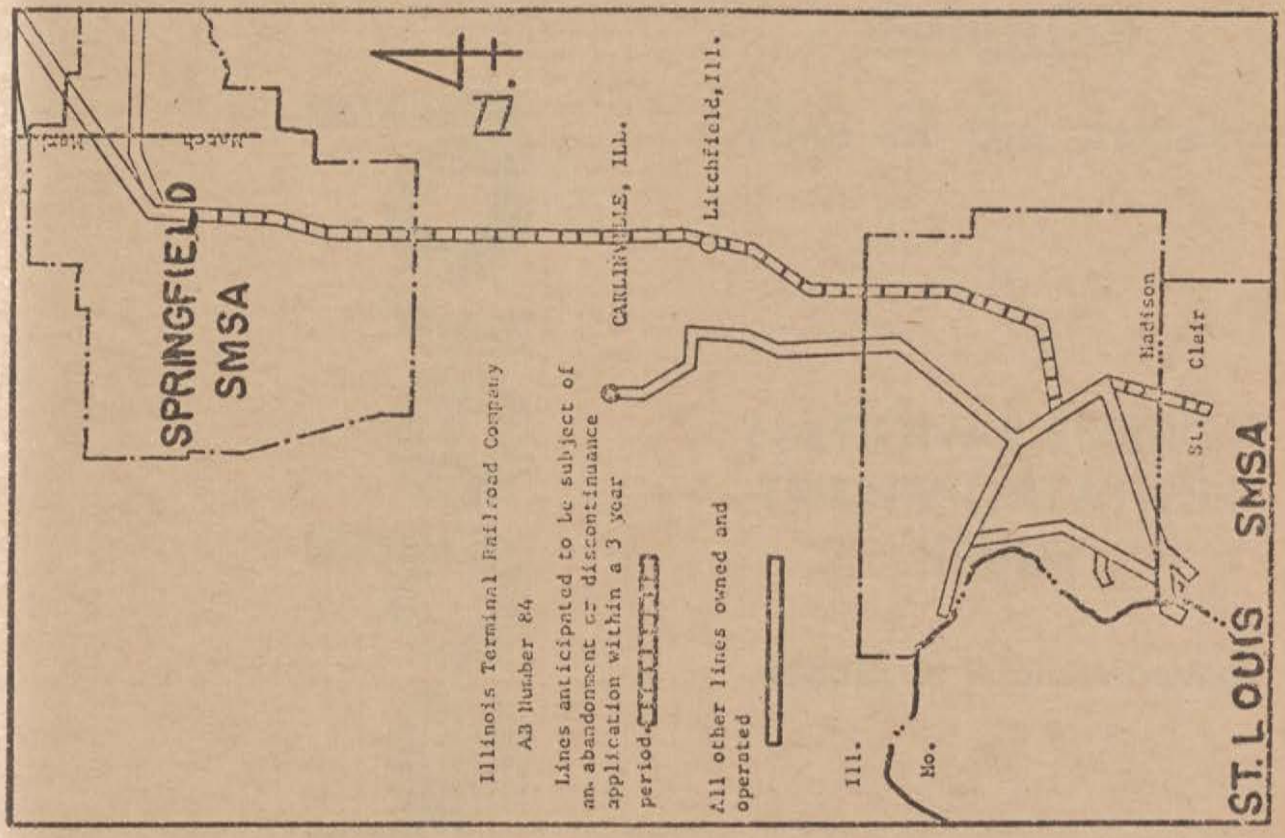
III. (a) Lincoln to East Peoria Line.
(b) State of Illinois.
(c) Logan County, Illinois; Tazewell County, Illinois.
(d) Milepost 128.4 to Milepost 155.9.
(e) Terminal Station—Allentown, Illinois Milepost 156; Agency Station—Lincoln, Illinois Milepost 128; Agency Station—Union, Illinois Milespost 137; Agency Station—Mindale, Illinois Milepost 147.

IV. (a) Mont to Springfield.
(b) State of Illinois.
(c) Madison County, Illinois; Macoupin County, Illinois; Montgomery County, Illinois, Sangamon County, Illinois.
(d) Milepost 194.8 to Milepost 272.9.
(e) Agency Station—Mont, Illinois Milepost 18.2.

V. (a) Mount Pulaski to Lincoln.
(b) State of Illinois.
(c) Logan County, Illinois.
(d) Milepost 44.1 to Milepost 55.4.
(e) Agency Station—Lincoln, Illinois—Milepost 128.

[FR Doc. 78-29812 Filed 10-20-78; 8:45 am]


BLOOMINGTON NORMAL SMSA
Peoria SMSA
Lincoln, Ill.
Logan County
CHAMPAIGN URBANA SMSA
MONTICELLO, ILL.
Springfield
Decatur SMSA
Illinois Terminal Railroad Company
AB Number 84


SPRINGFIELD SMSA
Litchfield, Ill.
Madison
St. Clair
ST. LOUIS SMSA
Illinois Terminal Railroad Company
AB Number 84
Lines anticipated to be subject of an abandonment or discontinuance application within a 3 year period.
All other lines owned and operated
Ill.
Mo.

Federal Register

MONDAY, OCTOBER 23, 1978
PART VI



DEPARTMENT OF TRANSPORTATION

Office of the Secretary

DEPARTMENT OF ENERGY

Office of the Secretary

■

NATIONAL ENERGY TRANSPORTATION STUDY

Additional Public Meeting

[3128-01-M]

[4910-62-M]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST File No. 61; Notice 78-13]

DEPARTMENT OF ENERGY

Office of the Secretary

NATIONAL ENERGY TRANSPORTATION STUDY

Announcement of Additional Public Meeting

AGENCIES: Department of Transportation (DOT) and Department of Energy (DOE).

ACTION: Announcement of public meeting.

SUMMARY: In conjunction with the President's national energy plan, DOT and DOE are conducting a joint study to determine if the Nation's transportation system is adequate to meet the future energy demands of the United States. The scheduling of three public meetings was announced previously in the FEDERAL REGISTER. A fourth meeting has now been scheduled in Boston in order to receive oral presentation of information and comment from interested individuals and groups concerning the issues involved and regional and local impacts of anticipated changes in the energy transportation system.

ADDRESS: Address requests to speak to: National Energy Transportation Study Public Hearings, Office of Intermodal Transportation, P-10, Room 9217, Department of Transportation, Washington, D.C. 20590.

DATES: Meeting date: 10 a.m. e.s.t., Monday, November 13, 1978, State House (Gardner Auditorium), Beacon and Bowdoin Streets, Boston, Mass.

FOR FURTHER INFORMATION CONTACT:

Nancy MacRae, staff member, National Energy Transportation Study (NETS), Office of Intermodal Transportation, DOT 202-426-4203, or Diana Diamond, Office of Policy and Evaluation, DOE, 202-566-9037.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

By 1985 and beyond it appears likely that the Nation will experience numerous changes in the historical patterns of energy supply and demand which in turn will require changes in the way energy is transported. The changing energy patterns include dwindling domestic oil and natural gas production, regional shifts in supply and demand, and shifts in national and regional fuel use, including new energy sources. The Nation's transportation system established during the last 50 years must adjust to accommodate new markets and new energy sources. These adjustments may have broad social, economic, and environmental impacts.

The joint DOT-DOE study team will look at important aspects of the movement of coal, crude oil and petroleum products, natural gas, nuclear fuel, and electrical power to 1985 and beyond. This will be done to determine what adjustments are needed in the present transportation network. While the major emphasis of the study is the transportation needs to 1985, the study team will also look at 1990 and 2000.

The final report is expected to identify constraints on the efficient transportation of energy and to recommend any Federal actions that may be necessary.

II. SCOPE OF STUDY

The study is intended to be an overview of energy transportation needs, based on various scenarios of energy use in 1985 and beyond, and of the adaptation that will be necessary in present energy production and transportation patterns. This will be done by computer-based analysis of transportation network flows by mode of various energy materials. These include crude oil, syncrude, petroleum products, natural gas, electricity transmission, and nuclear materials. The modes included in the network are pipelines, inland and intracoastal waterways, highway, railroads, and tankers; terminals and ports are also included. The study will attempt to identify future shortfalls in transportation capacity, recognizing the limitations of this type of analysis.

In addition, major issues affecting efficient energy distribution will be considered. Examples are: the ability of railroads to invest for required capacity; impact of unit trains on rail/highway crossings; capacity and investment requirements of water transportation; coal slurry pipelines (constraints and competition); highway requirements for coal movement; oil distribution, natural gas distribution (including LNG and LPG); electric power transmission; safety requirements for the movement of nuclear waste; new fuel sources; and major regional shifts. The study team will review alternatives for action and conclude with recommendations for Federal action, if appropriate.

III. TOPICS FOR PUBLIC MEETING

DOT and DOE are interested in receiving information on constraints which would affect the ability and capacity of the transportation system to carry future energy commodities. These potential constraints can be divided into four categories:

- *Financial*, such as investment requirements to handle increased capacity (terminals, locks, highways, port facilities);
- *Technological*, such as future availability of advanced techniques for transporting energy materials;
- *Environmental/social*, such as impacts of increased coal unit train movement, long-range health effects of high-voltage electrical transmission, impacts of coal slurry pipelines, and disposal of scrubber sludge;
- *Institutional*, for example, constraints of economic regulation and the need for safeguards to the movement of potentially hazardous materials such as liquefied natural gas (LNG), liquefied petroleum gas (LPG), or spent nuclear fuel.

Interested persons are invited to make oral presentations on these four or any related topics. DOT and DOE are particularly interested to learn about regional or local constraints or problems which might otherwise be overlooked.

IV. MEETING PROCEDURES

1. *Request procedure.* A public meeting to receive oral presentation of data, views, and arguments from interested persons will be held at the time and place indicated earlier in this notice. Any person who has an interest in the subject matter of this notice, or who is a representative of a group or class or persons which has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Office of Intermodal Transportation, P-10, Room 9217, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Requests must be received before 4:30 p.m. e.s.t. on November 3, 1978. A request should be labeled, both on the document and on the envelope, "National Energy Transportation Study Public Hearings."

The persons making the request should be prepared to describe the interest concerned, to state why he or she is a proper representative of a group or class of persons which has such an interest, and to give a concise summary of the proposed statement and a telephone number where he or she may be reached through November 9, 1978.

Each person selected to be heard will be notified by DOT before 4:30 p.m., November 8, 1978, and must submit 10 copies of his or her statement to the registration desk at the meeting.

2. *Conduct of meeting.* DOT and DOE reserve the right to select the persons to be heard at the meeting, to schedule their respective presentations, and to establish the procedures governing the conduct of the meeting. The time allotted to each presentation may be limited, depending on the number of persons requesting to be

heard. Each person testifying should be prepared to submit his or her statement and attachments for the record and to make a summary oral presentation. DOT and DOE officials will preside at the meeting. This will not be a judicial or evidentiary-type meeting. Questions may be asked only by those conducting the meeting.

If time permits at the end of the meeting, any person who makes an oral statement may ask a question of any other person making a statement, but questions must be submitted in writing to the presiding officer, who determines whether the question is relevant and whether time limits permit it to be presented for answer. Any further procedural rules needed for the proper conduct of this meeting are announced by the presiding officer.

A transcript of the meeting will be made and the entire record of the meeting, including the transcript, will be retained by DOT and DOE and made available for inspection in the DOE Freedom of Information Offices, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday; and the DOT/DOE Open File in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Nassif (DOT Headquarters) Building, Washington, D.C., between 9 a.m. and 5:30 p.m. local time, Monday through Friday except holidays.

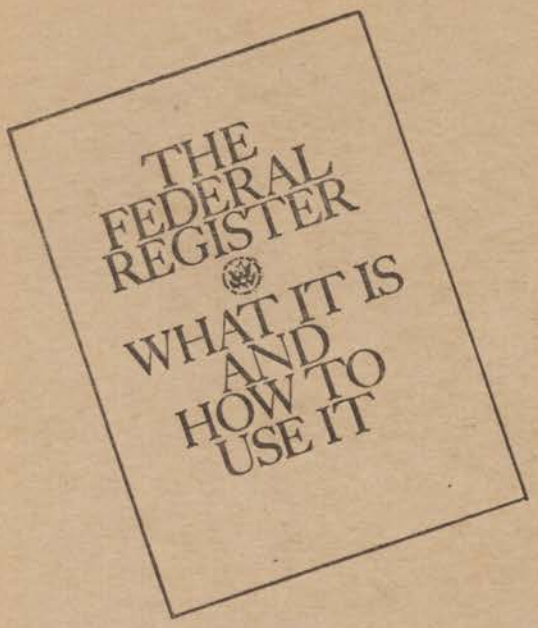
Issued in Washington, D.C., on October 17, 1978.

RAYMOND A. YOUNG III,
Acting Chairman, NETS, Acting Assistant Secretary for Policy and International Affairs, Department of Transportation.

ALVIN L. ALM,
Vice Chairman, NETS, Assistant Secretary for Policy and Evaluation, Department of Energy.

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