

MONDAY, NOVEMBER 20, 1978



highlights

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HEW/SSA proposes fiscal incentive for lowering payment error rates; comments by 1-19-79 54105

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	CSC		CSA	CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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

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NOTE: All public laws from the second session of the 95th Congress have been received and assigned law numbers by the Office of the Federal Register. The last listing appeared in the issue of Nov. 15, 1978.

A complete listing for the full session will be published on or before December 1, 1978.

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rules and regulations

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

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

[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Personnel Monitoring Reports

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Approval of reporting and recordkeeping requirements by Comptroller General.

SUMMARY: On September 29, 1978, the Nuclear Regulatory Commission published in the FEDERAL REGISTER a notice of rulemaking, effective December 13, 1978, amending its regulations "Standards for Protection Against Radiation" to extend to all NRC specific licensees the requirement for submission of an annual statistical summary report on radiation exposure of workers.

The notice included the following note:

NOTE.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for such reviews as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirements of this rule became effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3512(c)(2)).

Notice is hereby given that the reporting requirements set out in the rule have been approved by the U.S. General Accounting Office.

EFFECTIVE DATE: December 13, 1978.

The reporting requirements set out in the notice of rulemaking amending 10 CFR Part 20 which was published in the FEDERAL REGISTER on September 29, 1978 (43 FR 44827) have been approved by the U.S. General Accounting Office under number B-180225 (R0084).

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 301-492-7086.

Dated at Bethesda, Md., this 9th day of November 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director
for Operations.

[FR Doc. 78-32580 Filed 11-17-78; 8:45 am]

[6714-01-M]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Interest Rate Limitations on Savings Accounts From Which Funds May be Automatically Transferred to the Depositor's Checking Account

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is amending its interest rate regulations to conform them to certain provisions of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (FIRA). FIRA requires, among other things, that the rate of interest paid by thrift institutions (including mutual savings banks) on savings deposits subject to preauthorized funds transfer agreements must not exceed the maximum rate of interest payable by commercial banks on passbook savings deposits (currently 5 percent per year). Thus, commercial banks and thrift institutions are limited to paying the same rate of interest on savings accounts from which funds may be automatically transferred to other accounts of the same depositor, including funds transferred to cover checks drawn on the depositor's checking account. It is important to bear in mind that this applies only to those savings deposits from which funds may be automatically transferred. Thrift institutions will still be allowed to pay interest on their regular passbook savings accounts at a yearly rate which is one-quarter of 1 percent

higher than the maximum rate allowed commercial banks.

EFFECTIVE DATE: This amendment is effective on November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Senior Attorney, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: On October 15, 1978, Congress passed FIRA. Section 1602 of that statute amends section 102 of Pub. L. 94-200 to provide in substance that as to savings deposits subject to preauthorized transfer agreements whereby transfers may be made to the depository bank or a checking or other account of the same depositor, the maximum rate of interest payable shall be no more than the maximum rate payable on passbook savings deposits in federally insured banks other than mutual savings banks. This provision of FIRA effectively lowers the maximum rate which thrift institutions may pay on such savings deposits to the maximum commercial bank rate (currently 5 percent per year).

In general, thrift institutions (including mutual savings banks) have been permitted to pay one-quarter of 1 percent more interest each year on any given category of deposit than the maximum allowed commercial banks. The other exceptions to this rate differential apply to NOW (negotiable order of withdrawal) accounts and time deposits consisting of funds held by public units or funds deposited in individual retirement accounts or pursuant to Keogh (H.R. 10) plans.

This amendment also makes minor technical changes in § 329.7 of FDIC's regulations which involve the updating of cross-references to subparagraphs in that regulation.

The provisions of 5 U.S.C. section 553 concerning notice, public participation and deferred effective date were not followed in connection with the adoption of this amendment because it simply implements the requirements of a statute already in existence.

After coordination with the Board of Governors of the Federal Reserve

System and the Federal Home Loan Bank Board and pursuant to its authority under sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. sections 1819 and 1828) and section 1602 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630), FDIC's Board of Directors is amending § 329.7 of FDIC's regulations by adding a new subparagraph (9) to § 329.7(b) and by adding the numbers (6), (7), (8), and (9) following the number (5) in paragraph (b)(1)(i) of § 329.7. The amendment follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits of insured nonmember mutual savings banks.¹⁴

(a) * * *

(b) *Maximum rates payable.*—(1) *General.* (i) Except as provided in paragraphs (b) (2), (3), (4), (5), (6), (7), (8), and (9), and paragraph (e) of this section, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5 percent per annum on any deposit.

(9) No insured nonmember mutual savings bank may pay interest at a rate in excess of 5 percent per annum on any savings deposit which is subject to a preauthorized transfer agreement whereby the bank has been authorized by the depositor in writing to automatically transfer funds from the savings deposit to the bank itself or to a checking or other account of the same depositor in connection with checks, drafts or similar instruments drawn by the depositor upon the bank.

By order of the Board of Directors.

Dated: October 30, 1978.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

(FR Doc. 78-32595 Filed 11-17-78; 8:45 am)

[1505-01-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 14324, 14606, 14625, 14685, and 14779; Amdt. Nos. 23-23; 25-46; 27-16; 29-17; and 121-149]

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PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

**Airworthiness Review Program
Amendment No. 7; Airframe
Amendments; Final Rule**

Correction

On page 52495 in the issue for Monday, November 13, 1978, there appeared a correction to FR Doc. 78-30348 which had appeared in the issue of October 30, 1978. Because of printing limitations, the reproductions of the formulas for § 25.331 (c)(2)(i) and (c)(2)(ii) did not come out perfectly. Therefore, please note that the portion of both formulas which reads "(n-15)" should have appeared with a decimal point as follows: "(n-1.5)".

[4910-13-M]

[Docket No. 17686; Amdt. 39-3351]

PART 39—AIRWORTHINESS DIRECTIVES

Israel Aircraft Industries Model 1121 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires protection and/or relocation of the flexible fuel lines in the near proximity of the Ni-Cad batteries on Israel Aircraft Industries (IAI) model 1121 series airplanes. The AD is needed to minimize the possibility of damaging the flexible fuel lines in the event of a Ni-Cad battery thermal runaway which could result in a fire.

DATES: Effective December 20, 1978. Compliance is required within the next 150 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Commodore Aviation, Inc., 505 Park Avenue, New York, N.Y. 10022; or Commodore Aviation, Inc., 2025 South Nicklas, Suite 115, Oklahoma City, Okla. 73128. A copy of the service bulletin is contained in the rules docket for this amendment in room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe,

Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring protection and/or relocation of the flexible fuel lines located in the near proximity of the Ni-Cad batteries on certain Israel Aircraft Industries (IAI) Model 1121 Series airplane was published in the FEDERAL REGISTER at 43 FR 10410; March 13, 1978.

The proposal was prompted by an FAA determination that the unprotected flexible fuel lines in near proximity of the Ni-Cad batteries presented a potentially hazardous condition.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Three comments were received; two objected to the proposal. Two commentators assured there would be total voluntary compliance with IAI Service Bulletin No. CJ-16; therefore, negating the need for an AD. Voluntary compliance with a manufacturer's SB does not relieve the FAA from taking airworthiness directive action as appropriate.

One commentator, citing the satisfactory service record of the IAI-1121 aircraft, also objected on the ground that there have been no actual accidents or incidents involving fuel lines and Ni-Cad batteries on IAI-1121 aircraft and stated that consideration should be given to the economic impact of the proposal on operators. The FAA has considered the economic impact as well as the safety aspect and the compliance time is intended to allow modification during routine maintenance so as to minimize the burden to operators.

The amendment is adopted as proposed.

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:

ISRAEL AIRCRAFT INDUSTRIES (IAI). Applies to model 1121, 1121A, and 1121B airplanes, serial numbers through 150 except 107 and equipped with Ni-Cad battery overtemperature warning or combination overtemperature warning and indicator systems, which rely on a common single sensor per battery.

Compliance required within the next 150 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of damage to the flexible fuel lines and potential fire in the event of an uncontrolled Ni-Cad battery thermal runaway, modify the flexible fuel line installation and after modification perform inspections and leak tests in accordance with Commodore Jet Service Bulletin No. CJ-16, dated May 31, 1977, or equivalent, approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO NY 09667.

This amendment becomes effective December 20, 1978.

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

Issued in Washington, D.C., on November 9, 1978.

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

[FR Doc. 78-32536 Filed 11-17-78; 8:45 am]

[4110-07-M]

Title 20—Employees' Benefits

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

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart M—Coverage of Employees of State and Local Governments

STATE AND LOCAL GOVERNMENTS—SOCIAL SECURITY DEPOSIT REQUIREMENTS; FREQUENCY WITH WHICH STATES SHALL DEPOSIT CONTRIBUTIONS

AGENCY: Social Security Administration, HEW.

ACTION: Final regulations.

SUMMARY: These regulations increase the frequency with which States and interstate instrumentalities (which are treated as States to the extent practicable) deposit social security contributions on wages and salaries paid to covered employees. This new rule will require States to deposit contributions 15 days after the end of the first month in the calendar quarter, 15 days after the second month, and 45 days after the third month in the quarter. For interstate instrumentalities, however, the contributions for the third month of the quarter will be due by the last day of the first month of the next quarter. The present quarterly deposit requirement for States, which requires deposits 1 month and 15 days after the end of each calendar

quarter, results in substantial losses of interest income to the social security trust funds. It is also inconsistent with requirements for all other employers who must deposit as often as weekly, biweekly, and monthly. The Social Security Act requires that, so far as practicable, the same requirements shall apply to States as apply to other employers.

EFFECTIVE DATE: July 1, 1980. The statute (section 7 of Pub. L. 94-202) requires that a rule affecting frequency or due dates for payments and reports by the States shall not be made effective until 18 months after it is published in the FEDERAL REGISTER. In addition, we believe that making the rule effective at the beginning of a calendar quarter will reduce whatever administrative problems may be involved in making this change.

FOR FURTHER INFORMATION CONTACT:

Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-5551.

SUPPLEMENTARY INFORMATION: Section 218 of the Social Security Act (42 U.S.C. 418) provides for social security coverage of services of employees of State and local governments through voluntary agreements between the individual States and the Secretary of Health, Education, and Welfare. Coverage is provided for groups which consist generally of employees of the State or of a political subdivision of the State. All States (and about 54 interstate instrumentalities, which are treated as States to the extent practicable) have entered into agreements. Nationally, over 70 percent of all State and local government employees have social security coverage.

The Act also specifies in section 218(e) (42 U.S.C. 418(e)) that the States will pay contributions, equivalent to social security taxes, "at such time or times as the Secretary of Health, Education, and Welfare may by regulations prescribe . . .". The Act further provides, in section 218(i) (42 U.S.C. 418(i)), that the Secretary's regulations shall impose, so far as practicable, the same requirements on States, in the administration of the coverage of State and local government employees, as those imposed on other employers under title II of the Social Security Act and chapter 21 and subtitle F of the Internal Revenue Code of 1954.

The present regulations on payment of social security contributions require that States deposit contributions in a Federal Reserve Bank on a quarterly basis, 1 month and 15 days after the end of each calendar quarter. This depository requirement results in substantial losses of interest income to

the social security trust funds. It is also significantly more liberal than the requirements imposed by the Internal Revenue Code on private employers, nonprofit organizations (many of which provide coverage for their employees on a voluntary basis) and other employers who must deposit as often as weekly, biweekly, and monthly, depending on the accumulated amount of social security and income taxes that are withheld.

These more liberal State depository requirements were initially given the States in response to their argument that they had serious administrative problems in receiving, accounting for, and transmitting payments. The States have now had sufficient time to gain experience, however, in processing contribution payments. Further, the amounts involved in earlier years did not result in significant losses of interest earnings to the social security trust funds. These amounts have now grown substantially and many States use the withheld contributions for investment purposes or as current cash flow.

PUBLICATION OF NOTICE OF PROPOSED RULEMAKING

On March 30, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 13395) which proposed that States and interstate instrumentalities deposit social security contributions monthly, by the 15th day of the month after the wages were paid. Six options for implementation were presented, ranging from putting those changes into effect as soon as legally permissible to phasing in over a 5-year period. We invited the public to submit new options as well as variations on those we had presented, both on timing of deposits and phasing. The NPRM also proposed that States deposit social security contributions by wire transmission through the Treasury Financial Communications System. The changes were proposed to reduce the substantial losses of interest income to the social security trust funds and to make the deposit requirements for States more like those set by the Internal Revenue Service for employers in the private sector. (These employers may be required to deposit as often as weekly.) We provided a 75-day comment period to give interested parties time to submit written comments, suggestions, or objections.

REACTION TO THE PROPOSAL

We received about 3,300 comments, primarily from State officials, local political subdivisions, governmental organizations and about 200 Members of Congress. The commenters were overwhelmingly opposed to any changes in the States' deposit procedures. The

main objections were that—(1) the States would lose interest income; (2) depositing contributions in the year of implementation, that under current rules would have been deposited the following year, would be inflationary; (3) more frequent deposit would cause administrative problems and increase administrative costs (The State and local governments said they could not file timely and accurate reports if monthly deposits were required, reporting officials would need additional training, and more staff would be needed because of the increased workload.); (4) States should be relieved of liability for contributions due because they could no longer guarantee the accuracy of the reports from political subdivisions under the shortened time frame; (5) the proposal did not contain minimum deposit requirements as do the IRS regulations for private employers; and (6) the proposed change was a violation of the spirit, if not letter, of the original agreements entered into between the States and the Federal Government. Some commenters suggested that the States would not have entered into the original agreements if more frequent deposits had been required and that the change may stimulate termination of coverage.

Social Security Administration officials met March 30, May 16 and 17, and August 24 and 25 of this year with members of the National Conference of State Social Security Administrators to discuss the proposal for monthly deposits. The State administrators said that they completely opposed any plan for more frequent deposits under which the States would remain liable for the contributions due. The Administrators said that either the States should be relieved of liability and the political subdivisions report directly to IRS, or the notice of proposed rulemaking should be withdrawn and no action taken pending possible enactment of universal coverage. They also opposed the requirement for wire transmission of social security contributions. They pointed out that private employers do not have this requirement.

MODIFICATIONS TO PUBLISHED PROPOSALS

We have considered both the oral and written comments on the proposal to require the States to deposit monthly, by the 15th day of the next month, using wire transmission. As a result, we have made significant changes in the final regulations. First, we are retaining the requirement that the States deposit the social security contributions for each of the first 2 months of a calendar quarter by the 15th day after each month. However, the contributions for the third month will not be due until 1 month and 15

days after the end of that month. (There is one exception. Contributions from interstate instrumentalities for the third month of a calendar quarter will be due by the last day of the following month. These entities currently report 30 days after the end of each quarter.) This is more favorable to the States than the 15-15-15 proposal presented in the NPRM. Second, we are not requiring States to use wire transmission; this remains optional. We have also made other clarifying changes. These changes are responsive to comments, and we explain them further after discussion of the comments.

While almost all of the commenters oppose these regulations, we believe they are necessary to make the requirements for States more like those for private employers. Also, the change to more frequent deposit must be made in the interests of the social security trust funds and all social security taxpayers. Without this change, the interest income lost to the trust funds by the early 1980's will be over \$200 million annually. This loss of trust fund revenues will grow each year at the same time that social security taxes on all workers covered by the program are rising to preserve the financial integrity of the trust funds. All social security taxpayers are disadvantaged by the current procedures which permit the States to deposit quarterly. We are, therefore, implementing a 15-15-45-day deposit system for payment of contributions due by the States.

ISSUES RAISED

Following is a discussion of the issues identified from the comments submitted and from the meetings held with members of the National Conference of State Social Security Administrators. The major objections to the proposed regulations are discussed. Some of the comments have been grouped, summarized, or paraphrased. While most of the commenters opposed the concept of more frequent deposits, only a few of them provided detailed information on the financial impact or specific comments on the options presented. We have attempted, however, to report the views expressed and to respond to the issues raised.

LOSS OF INTEREST INCOME TO THE STATES

One of the major concerns was the loss of interest income to the States if a monthly deposit schedule is implemented. Currently, State deposits are not due until 1 month and 15 days after the end of each quarter; as a result, substantial sums may be held by the States and their political subdivisions for an extended period of time

before they are deposited in the social security trust funds.

In response to a questionnaire distributed under the auspices of the Subcommittee on Social Security of the House Ways and Means Committee in early 1976, 41 States supplied information based on wage data for 1974 showing estimated interest losses of about \$42 million for 1974 if a monthly deposit schedule were implemented. The States indicate that the amount of those losses has now increased. For example, in 1976, one State estimated a total loss of interest earnings to the State and its local entities of \$3.8 million; that estimate has now increased to \$5 million.

Although the States will lose interest income if monthly deposits are implemented, they will still earn substantial amounts. (One State has estimated that its interest income for 1980 would still be \$456,000.) It is estimated that if the total State-deposit liability for calendar year 1980 (estimated to be \$14,526 million, based on the intermediate set of assumptions in the 1978 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, House Document No. 95-336) were invested at an annual rate of 5 percent (perhaps a conservative assumption of the rate at which State and local governments could expect to earn interest on their short-term investments) the States could realize interest income of \$10 million if the funds were invested for only 5 days and \$30 million if the funds were invested for a 15-day period.

Although more frequent deposit of contributions will reduce State investment income, the change will add significant income to the social security trust funds. If the States are required to make monthly deposits beginning with July 1, 1980, the trust funds will realize estimated added interest income of \$179 million in calendar year 1981, \$213 million in calendar year 1982, and \$247 million in calendar year 1983. In commenting on the notice of proposed rulemaking, the Government Accounting Office (GAO) said that if the proposed deposit schedule had been in effect in the past, the social security trust funds would have received an additional \$1 billion in interest income. They also pointed out that if the requirements for States were the same as those for other employers, the increase in interest income would be even greater in the future.

Another issue is the appropriate use of social security contributions withheld from employees' paychecks and matched almost universally by their State and local government employers. Should they continue to be used to help defray the costs of State and

local government, as advocated by the States, or should they be used for their intended purpose, to finance the social security program? Concern for the financial status of State and local governments must be weighed both against the needs of the social security trust funds, and the interests of the social security contributors and beneficiaries, and against the requirement in section 218(i) of the Social Security Act that the deposit requirements applicable to the States be, as far as practicable, the same as those imposed on private employers by the Internal Revenue Code. We believe that the 15-15-45 deposit schedule strikes the most reasonable balance between these considerations.

ADDITIONAL COSTS TO THE STATES

When the States responded in 1976 to the previously mentioned questionnaire, they estimated there would be added administrative costs of over \$2.5 million if they had to deposit monthly instead of quarterly. Some States have said their current administrative costs could double (or even triple) because of (1) increased workload, (2) the need for additional personnel, (3) training which will be required, and (4) book-keeping or systems changes.

We agree that administrative costs will increase somewhat. However, many States will still receive interest income under the 15-15-45-day deposit procedure and can use these funds to pay for any increased administrative costs. Further, some States should not have sizable administrative increases since they already have the ability to deposit monthly. There are at least 17 States where some or all State departments and political subdivisions are now required to deposit social security contributions with the State social security agency more than once a quarter.

The States cited another cost which would result from the change to more frequent deposits. Under the present regulations, contributions for the last calendar quarter of a year would not be due until February 15 of the next year. In the year that this change is made, however, the States said they will pay the contributions due for 2 of the 3 months in the last calendar quarter in that year rather than the next year. (One month's contribution instead of two would have been due depending upon the phase-in option selected). Under the 15-15-45-day method, the States are correct in that they would be required to pay 2 months of additional contributions in the year of implementation. Some suggested this would be inflationary. Since this is a transfer of funds from the States to the Federal Government, we do not believe the impact on the national economy is inflationary.

We see the requirement that the States pay the amounts due at an increased pace as a budgeting problem that does not itself increase State costs. The States are being asked to deposit contributions sooner; they are not being asked to pay more. If the States are unable to budget for the changeover and are required to use other methods to obtain the funds due, there could be an increased cost. However, since the change will not be effective until 18 months after publication of this regulation, the States should have time enough to budget for the earlier payment of contributions.

ADMINISTRATIVE PROBLEMS

The States have said it will be administratively impossible to pay contributions 15 days after the month. They indicate that they will not be able to process the reports in that time period or provide accurate wage information. Some have indicated that under State law they cannot make payment of the contributions due without documentation, such as the wage report to be filed.

We realize that States may have administrative problems in making more frequent deposits. We do not believe the problems are so extensive and severe that States will not be able to devise processes which will enable them to comply with more frequent deposits. The amount of contributions due can be determined by the total covered payroll or by matching amounts of social security contributions withheld from employees. (Those States which cannot currently legally make payments based on estimates would have time to secure any necessary legislative changes since, by law, these rules cannot become effective until 18 months after they are published in the *FEDERAL REGISTER*.) The States will still have 45 days at the end of each quarter to reconcile the payments made to their total liability for the quarter (subject to interest charges for late payments). With quarterly reporting under the new rule the end of the 45-day deposit schedule will coincide with the schedule for filing the quarterly wage reports. We are considering an annual reporting system. We published a notice of proposed rulemaking on August 9, 1978, proposing that States report annually instead of quarterly (43 FR 35344). If we do adopt an annual wage reporting system, the 45-day deposit schedule for the third month of the quarter will still accommodate States which will continue to reconcile their payment liability quarterly. Under either reporting system, since only the deposit will be due monthly, the amount of paperwork will not be excessive. As we have said, data supplied by 41 States for 1974

showed 17 States where some or all State departments and political subdivisions are required to deposit social security contributions with the State social security agency more than once a quarter, and some as often as bi-weekly.

UNILATERAL CHANGE IN FEDERAL-STATE AGREEMENT

Some commenters have said that the proposed regulation is a unilateral change to a mutual agreement. They argue: (1) That the change is contrary to the intent of their agreements with the Secretary, and (2) that no change should be made in the deposit requirements before universal coverage is enacted. The agreements between the States and the Secretary of Health, Education, and Welfare do not provide for quarterly deposits of social security contributions. Instead, they provide that the States must comply with the Secretary's regulations relating to the time of payment of contributions.

Further, we do not agree that any change in the deposit requirements should be delayed until after possible enactment of universal coverage since whether or when it may be enacted cannot be predicted. There will be at least a 2-year delay associated with mandatory coverage. The Social Security Amendments of 1977 provide for an HEW study, in consultation with the Office of Management and Budget, the Department of the Treasury, and the Civil Service Commission, of mandatory coverage for State and local employees. Reports and recommendations to the President and Congress are not required until December 20, 1979.

RELIEVE STATES OF FINANCIAL LIABILITY

It has been suggested that the Federal Government should relieve the States of liability for the contributions due and have the political subdivisions report directly to the Internal Revenue Service. The States indicate that they should not be responsible for the contributions due if monthly deposits are required because they will not be able to guarantee the accuracy of the amounts due without accompanying wage reports. This change, which some commenters have suggested as the only viable alternative, is not possible under present law. Under the law and the terms of the agreements the State alone is liable for contribution payments.

OPTIONS FOR MONTHLY DEPOSITS NOT FEASIBLE

The NPRM indicated five possible options in addition to immediate implementation for changing the States' deposit requirements from quarterly to monthly. We requested comments

on those options and suggestions for other options.

Overall, the commenters did not discuss the substance of the Social Security Administration's options but disagreed with the concept of more frequent deposits underlying the proposals. They suggested the withdrawal of the NPRM. As indicated, some writers felt that the only other viable alternative was to relieve the States of liability. Others disagreed with the complexity of the options offered. We agree that those options, which have frequent changes in due dates, are not practical administratively, and we have not selected any of them.

One commenter indicated that it would be "... just as practical to require deposits to be made 15 days after the end of the pay period as it is to be made 15 days after the end of the month as currently proposed." This proposal does not take into account the States' need to accumulate the necessary information and funds from the political subdivision.

Implementing monthly deposits under the 15-15-45-day method effective July 1, 1980, produces significant added income for the social security trust funds and provides the States with one effective date so that the administrative problems of a phased-in implementation are eliminated. Further, the 45 days for deposit at the end of the quarter will make it possible for the States to make their deposit and reconciliation report at the same time, thus removing one of the reporting dates proposed in the NPRM.

REGULATION LACKS MINIMUM DEPOSIT REQUIREMENTS

The NPRM proposed that the States deposit the entire month's contributions for employees in all political subdivisions when due. This has been vigorously protested by the States as being more stringent than comparable IRS requirements, for political subdivisions with few employees. Under the IRS schedule for depositing withheld income and social security taxes, the amount of taxes due determines the frequency of deposits. For example, if the total undeposited taxes are less than \$200, the deposit may be paid quarterly. At the other extreme, if at the end of any quarter-monthly period, the cumulative undeposited taxes for the quarter are \$2,000 or more, the deposit is due within 3 banking days after the quarter-monthly period ends.

It has been suggested that political subdivisions be permitted to continue quarterly payment if withheld social security contributions do not amount to more than \$2,000 in a quarter. The requirements for political subdivisions are set by the State and are not subject to Federal regulations. Whether a

State wishes to permit a political subdivision to deposit quarterly and not monthly is at the discretion of the State. There are, however, no minimum deposit exemptions in this regulation.

WIRE TRANSMISSION OF SOCIAL SECURITY CONTRIBUTIONS

The States objected to the proposal in the NPRM to mandate wire transmission of social security contributions; they pointed out that IRS does not require private employers to do this. It was also indicated that the delay which occurs between the time of State deposit and the time the trust funds are credited with the deposit is a Federal problem which should be addressed by the Federal Government. Several commenters also saw a problem with the lack of immediate proof of payment of the contributions.

Wire transmission is now optional. Currently, about six States use the facilities to deposit their social security contributions. We have removed mandatory wire transmission from the final regulation. However, wire transmission remains optional, and we encourage its use.

TERMINATION OF COVERAGE STIMULATED

Some commenters suggested that changing to monthly deposits will cause States to terminate social security coverage.

Termination of coverage clearly would not be in the best interests of the individuals involved. Those employees who may not have worked under social security long enough to become permanently insured would lose social security protection when coverage is terminated. Even those who would be insured for retirement protection would lose disability protection after 5 years. In addition, once coverage is terminated, the employment may not be covered again under social security. Further, it would be difficult, if not impossible, for the States and political subdivisions to obtain comparable replacement protection at the low cost of social security protection.

OPERATION COMMONSENSE

While deleting the requirement for wire transmission from § 404.1223, we also revised the remaining material to make it clearer. In addition, we have modified §§ 404.1255 and 404.1255a to make them easier to read. Basically, we deleted the detailed procedural steps to highlight the substantive rules, and revised the format to make the information in those rules readily accessible.

15-15-45-DAY METHOD

The 15-15-45-day method requires the States to deposit social security contributions due for each of the first 2 months of a calendar quarter by the 15th day of the following month. The contributions for the third month in the quarter are due 1 month and 15 days after the end of that third month (1 month for interstate instrumentalities). With quarterly reporting under the new rule, this alignment of the third month's payment with the regular quarterly wage report permits the final deposit and the total payments made for the quarter to be reconciled with the detailed wage report (subject to interest charges for late payments).

We believe there are many advantages to this method which were not present in the methods previously published or suggested in response to those proposals:

(1) The States will have more use of the social security contributions than under the 15-15-15-day requirement and will be able to use these moneys to defray any administrative expenses.

(2) The States will also have more control of their liability under the agreement since they will have time each quarter to reconcile their total liability for the quarter.

(3) This method causes less change in existing State procedures and facilitates the accommodation of State processes.

(4) The social security trust funds will receive more money than they currently do under quarterly payments and the flow will be more predictable and steady than at present; and

(5) The Secretary will be fulfilling his statutory responsibility to make requirements for States and private employers as like as practicable.

Accordingly, these rules are adopted as set forth below.

(Secs. 205, 218, 1102 of the Social Security Act, and sec. 7, Pub. L. 94-202; 53 Stat. 1368, as amended, 64 Stat. 514, as amended, and 49 Stat. 647, as amended, and 89 Stat. 1137; 42 U.S.C. 405, 405a, 418, and 1302.)

(Catalog of Federal Domestic Assistance Program No. 13.802-13.805, Social Security Program.)

Dated: October 30, 1978.

STANFORD G. ROSS,
Commissioner of
Social Security.

Approved: November 8, 1978.

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

1. Section 404.1223 is amended to read as follows:

§ 404.1223 Manner of payment of contributions by States.

The State shall deposit in the appropriate Federal Reserve Bank any contributions it is required to pay to the Secretary of the Treasury by an agreement made under the Act. The State shall pay the contributions in money to the Federal Reserve Bank, or any of its branches, serving the district in which the State is located, without notice, within the prescribed time periods, see §§ 404.1255 and 404.1255a.

2. Section 404.1255 is amended to read as follows:

§ 404.1255 Place and time for filing contribution returns, and wage reports and making deposits of contributions—for calendar quarters prior to July 1, 1980.

(a) *Deposits.* Contribution payments for wages paid in a calendar quarter shall be made in the manner prescribed in § 404.1223. Except as provided in paragraph (c)(2) of this section, contribution payments for a calendar quarter are due and payable on or before the 15th day of the second month of the next calendar quarter. However, for an instrumentality of two or more States, the contribution payments for a calendar quarter are due and payable on or before the last day of the first month of the next calendar quarter. The Secretary may, for good cause shown, and upon application by a State, or an instrumentality of two or more States, allow further time for the payment of contributions without interest.

(b) *Failure to make deposits when due.* For the interest assessable for failure to make contributions within the prescribed time see § 404.1225.

(c) *Contribution returns and wage reports.*

(1) *Where to be filed.* All contribution returns, wage reports, and adjustment reports shall be filed with SSA.

(2) *When to be filed.* The State shall file the contribution return and the wage report for any calendar quarter on or before the 15th day of the second month of the next calendar quarter. An instrumentality of two or more States shall file the contribution return and the wage report for any calendar quarter on or before the last day of the first month of the next calendar quarter. In addition there are the following exceptions both for States and instrumentalities of two or more States.

(i) *For periods before the date of execution of agreement or modification.* If an agreement or modification pro-

vides for the coverage of employees for periods before the date of execution of the agreement or modification, any contributions for those periods shall be paid and contribution returns or wage reports for those periods shall be filed within 90 days after the date of execution of the agreement or modification;

(ii) *For initial periods after date of execution of agreement.* If an agreement or modification provides for the coverage of employees for the calendar quarter in which the Secretary signs the agreement, or any of the following four calendar quarters, the State shall pay any contributions due and file the contribution return and wage report for each of those calendar quarters on or before the last day of the second month of the next calendar quarter. However, if paragraph (c)(2)(i) permits additional time, that paragraph applies.

(3) *Good cause.* If good cause is shown, the Secretary may allow a State, or an instrumentality of two or more States, additional time to file a contribution return and wage report. (Interest will be assessed for failure to pay contributions within the prescribed time period. See § 404.1225.)

(4) *Consolidated report incomplete.* If the responsible State official has not received a wage report for the State or any of its political subdivisions in time to file a consolidated wage report by the due date, the State official shall indicate on the recapitulation report each political subdivision, coverage group or payroll unit which has not submitted a wage report. Upon receipt of the delinquent wage report, the State official shall send it to the SSA and shall deposit in the Federal Reserve Bank, or one of its branches, any contributions payable on the additional wages reported. Interest will be assessed on those delinquencies (see § 404.1226).

(5) *Due date is a Federal nonworkday.* If the last day for paying contributions or filing any wage reports or contribution returns falls on a Federal nonworkday, the contributions may be paid and the contribution return or wage report filed on the next business day.

(6) *Mailed reports and deposits.* If mailed, the contribution return or wage report shall be posted in time to reach the SSA under ordinary handling of the mails by the due date. If the deposit is mailed, it shall be posted in time to reach the appropriate Federal Reserve Bank under ordinary handling of the mails by the due date.

3. New § 404.1255a is added to read as follows:

§ 404.1255a Place and time for filing contribution returns, and wage reports, and making deposits of contributions—for months on or after July 1, 1980.

(a) *Deposits.* Contribution payments for wages paid in a month shall be made in the manner prescribed in § 404.1223. Except as provided in paragraph (c)(2) of this section, contribution payments are due and payable as follows:

(1) For each of the first 2 months in a calendar quarter the payments are due on or before the 15th day of the following month, and

(2) For the third month in the calendar quarter, the payments are due on or before the 15th day of the second month of the next quarter, except that for an instrumentality of two or more States, contribution payments for the third month in the calendar quarter are due on or before the last day of the following month.

However, the Secretary may for good cause shown, and upon application by a State or an instrumentality of two or more States, allow further time for the payment of contributions.

(b) *Failure to make deposits when due.* For the interest assessable for failure to make contributions within the prescribed time see § 404.1225.

(c) *Contribution returns and wage reports.*

(1) *Where to be filed.* All contribution returns, wage reports, and adjustment reports shall be filed with the SSA.

(2) *When to be filed.* The State shall file the contribution return and the wage report for any calendar quarter on or before the 15th day of the second month of the next calendar quarter. An instrumentality of two or more States shall file the contribution return and the wage report for any calendar quarter on or before the last day of the first month of the next calendar quarter. In addition, there are the following exceptions both for States and instrumentalities of two or more States.

(i) *For periods before the date of execution of agreement or modification.* If an agreement or modification provides for the coverage of employees for periods before the date of execution of the agreement or modification, any contributions for those periods shall be paid and contribution returns or wage reports for those periods shall be filed within 90 days after the date of execution of the agreement or modification;

(ii) *For initial periods after date of execution of agreement.* If an agreement or modification provides for the coverage of employees for the calendar quarter in which the Secretary signs the agreement, or any of the following four calendar quarters, the State shall pay any contributions due

and file the contribution return and wage report for each of those calendar quarters on or before the last day of the second month of the next calendar quarter. However, if paragraph (c)(2)(i) permits additional time, that paragraph applies.

(3) *Good cause.* If good cause is shown, the Secretary may allow a State, or an instrumentality of two or more States, additional time to file a contribution return and wage report. (Interest will be assessed for failure to pay contributions within the prescribed time period. See § 404.1225.)

(4) *Consolidated report incomplete.* If the responsible State official has not received a wage report for the State or any of its political subdivisions in time to file a consolidated wage report by the due date, the State official shall indicate on the recapitulation report each political subdivision, coverage group or payroll unit which has not submitted a wage report. Upon receipt of the delinquent wage report, the State official shall send it to the SSA and shall deposit in the Federal Reserve Bank, or one of its branches, any contributions payable on the additional wages reported. Interest will be assessed on those delinquencies (see § 404.1226).

(5) *Due date is a Federal nonworkday.* If the last day for paying contributions or filing any wage reports or contribution returns falls on a Federal nonworkday, the contributions may be paid and the contribution return or wage report filed on the next business day.

(6) *Mailed reports and deposits.* If mailed, the contribution return or wage report shall be posted in time to reach the SSA under ordinary handling of the mails by the due date. If the deposit is mailed, it shall be posted in time to reach the appropriate Federal Reserve Bank under ordinary handling of the mails by the due date.

[FR Doc. 78-32052 Filed 11-17-78; 8:45 am]

[6560-01-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

[FAP 7H5165/T40; FRL 1007-7]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Tricyclazole

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

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation related to the experimental use of the fungicide tricyclazole in or on rice hulls, bran, and polishings. The regulation was requested by Elanco Products Co. This rule will permit the marketing of rice hulls, bran, and polishings while further data is collected on the subject pesticide.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard F. Mountfort, Acting Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-426-2456.

SUPPLEMENTARY INFORMATION: On July 7, 1977, the EPA announced (42 FR 19449) that Elanco Products Co., a division of Eli Lilly & Co., P.O. Box 1750, Indianapolis, Ind. 46206, had filed a food additive petition (FAP 7H5165). This petition proposed that 21 CFR 561 be amended by the establishment of a regulation permitting residues of the fungicide tricyclazole (5-methyl-1,2,4-triazolo[3,4-b]benzothiazole and its metabolite 1,2,4-triazolo [3,4-b]benzothiazole-5-methanol in or on rice hulls, bran, polishings, and straw resulting from application of the fungicide to growing rice in a proposed experimental program with tolerance limitations of 7 parts per million (ppm). Subsequently, the petitioner amended the notice of filing (43 FR 19449) by deleting rice straw from the list of items and by increasing the proposed tolerances from 7 ppm to 15 ppm.

The tolerances in or on rice hulls, bran, and polishings at 15 ppm were proposed in accordance with an experimental use permit that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). No comments were received by the Agency in response to the above notices of filing.

The scientific data reported, and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which has been issued under FIFRA. It has further been determined that since residues of the pesticide may result in rice bran, hulls, and polishings from the agricultural use provided for in the experimental use permit, the feed additive regulation should be established and should include a tolerance limitation.

The toxicological data considered in support of the proposed tolerances included a 90-day rat feeding study with a no-observable-effect level (NOEL) of 275 ppm, a 90-day mouse feeding study (NOEL not established at 400 ppm, lowest level fed), a 90-day dog feeding study with a (NOEL of 7.5 milligrams (mg)/kilogram (kg) of body weight (bw)/day, and a rat metabolism study showing 90 percent of the labeled tricyclazole excreted in 48 hours (98.2 percent in 4 days).

Based on the 90-day dog feeding study and using a safety factor of 2,000, the provisional acceptable daily intake (PADI) for man is 0.00375 mg/kg bw/day. The concurrently proposed temporary tolerances on human food items would theoretically represent 26.5 percent of the PADI. The metabolism of tricyclazole is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. A related document establishing temporary tolerances for residues of tricyclazole in or on rice at 3 ppm; the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and in milk and eggs at 0.03 ppm appears elsewhere in today's FEDERAL REGISTER. The temporary tolerances established by this related document (PP 5G1590) will be adequate to cover residues that might result in eggs; milk; and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep from the proposed feed additive use in this document as delineated in 40 CFR 180.6(a)(2).

The pesticide is considered useful for the purpose for which tolerances are sought. Therefore, the regulation establishing tolerances for residues of tricyclazole in or on rice bran, hulls, and polishings at 15 ppm by amending 21 CFR Part 561 is being promulgated as proposed. Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before December 20, 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 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 November 20, 1978, 21 CFR Part 561 is amended as set forth below.

STATUTORY AUTHORITY: Section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c)(1)].

Dated: November 9, 1978.

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

21 CFR 561 is amended by adding section 561.395 to read as follows:

§ 561.395 Tricyclazole.

(a) Tolerances are established for combined residues of the fungicide tricyclazole (5-methyl-1,2,4-triazolo[3,4-b]benzothiazole) and its metabolite 1, 2, 4-triazolo[3, 4-b]benzothiazole-5-methanol in or on rice bran, rice hulls, and rice polishings at 15 parts per million resulting from application of the fungicide in accordance with the provisions of an experimental use permit that expires August 21, 1979.

(b) Residues in rice bran, rice hulls, and rice polishings not in excess of 15 parts per million resulting from the use described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and feed additive tolerances.

(c) Elanco Products Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 78-32479 Filed 11-17-78; 8:45 am]

[4830-01-M]

**Title 26—Internal Revenue
CHAPTER 1—INTERNAL REVENUE
SERVICE, DEPARTMENT OF THE
TREASURY**

SUBCHAPTER A—INCOME TAX

[T.D. 7572]

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

Liability of Income Tax Return Preparers for Failure To Compute and Report Estimated Tax Additions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulation.

SUMMARY: This document provides a final regulation relating to the liability of income tax return preparers for failure to compute and report additions to the tax imposed on the taxpayer for underpayment of estimated tax. This regulation amends an existing regulation provision as a result of a reexamination of the basis for this provision. This regulation affects persons who prepare income tax returns for compensation and provides guidance needed to comply with the law.

DATE: The regulation applies retroactively to documents prepared after December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Mark L. Yecies of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention CC:LR:T (202-566-3464, not a toll-free call).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains an amendment to the Income Tax Regulations (26 CFR Part 1) under section 6694 of the Internal Revenue Code of 1954, relating to certain penalties applicable to income tax return preparers. On November 23, 1977, the FEDERAL REGISTER published final regulations relating to income tax return preparers (42 FR 59961). Section 1.6694-1(d) of those regulations indicates that a preparer may be subject to the penalties provided under section 6694 for the failure to compute and report the additions to the tax imposed on the taxpayer under section 6654 or 6655 for underpayment of estimated tax. This regulation section has been reexamined and it has been concluded that this is not appropriate. Accordingly, this document amends § 1.6694-1(d) to provide that a preparer is not subject to penalty under section 6694 for failure to compute and report these estimated tax additions.

DRAFTING INFORMATION

The principal author of this regulation is Mark L. Yecies of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendment to the regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Section 1.6694-1(d) is amended by revising the second sentence to read as set forth below and by deleting the third sentence.

§ 1.6694-1 Understatement of taxpayer's liability by income tax return preparer.

* * *

(d) Understatement of liability defined. * * * Tax under subtitle A of the Internal Revenue Code of 1954 does not include the additions to the tax provided by section 6654 and section 6655 (relating to underpayment of estimated tax). * * *

There is need for immediate guidance with respect to the provision contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).)

JEROME KURTZ,
Commissioner
of Internal Revenue.

Approved: November 8, 1978.

EMIL M. SUNLEY,
Acting Assistant Secretary
of the Treasury.

[FR Doc. 78-32515 Filed 11-15-78; 8:45 am]

[1505-01-M]

[T.D. 7670]

PART 6—TEMPORARY INCOME TAX REGULATIONS UNDER THE BANK HOLDING COMPANY TAX ACT OF 1976

Elections Under the Bank Holding Company Tax Act of 1976

Correction

In FR Doc. 78-31473, appearing at page 52027 in the issue of Wednesday, November 8, 1978, make the following changes in the third column under the heading "Explanation of Provisions."

1. In the first paragraph, the third line from the bottom of the paragraph delete the word "Tax".

2. In the second paragraph, second line, insert the word "Tax" after the word "Company" and in the same paragraph, the fourth line from the bottom of the page, change the word "of" to read "or".

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP 6E1796/R110; FRL 1008-1]

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 amendment to the regulations was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of carbaryl in maple sap.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesti-

cide Programs, EPA, 401 M Street SW., Washington, D.C. 202-755-2516.

SUPPLEMENTARY INFORMATION: On July 6, 1976, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 27741) in response to a pesticide petition (PP 6E1796) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Vermont. This petition proposed that 40 CFR 180.169 be amended by the establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as 1-naphthyl N-methylcarbamate, in the raw agricultural commodity maple sap at 0.5 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The toxicological data considered in support of this tolerance included a 2-year rat feeding/oncogenicity study with a no-observable-effect level (NOEL) of 200 ppm; a 1-year dog subchronic feeding study with an NOEL of 400 ppm; a rhesus monkey teratology study with an NOEL of greater than 20 milligrams (mg)/kilogram (kg) of body weight (bw) (highest level fed); an 18-month mouse oncogenicity study, negative at 400 ppm; a three-generation rat reproduction study with an NOEL of 200 mg/kg bw/day; a dog teratology study with an NOEL of 3 mg/kg bw. The acceptable daily intake (ADI) in man is 0.1 mg/kg bw/day.

Carbaryl is a candidate for a rebuttable presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11(a)(3)(ii)(B) for some uses. However, the amount of carbaryl added to the diet from the use, calculated to be 0.0023 mg/kg bw/day for a 1.5-kg daily diet, is too small to produce an increase in toxicological or pharmacological effects in man. Thus, the tolerance established by this rule is considered to pose a negligible increment in risk.

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 December 20, 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 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 November 20, 1978, part 180, subpart C, section 180.169 is amended by adding a tolerance for residues of carbaryl in maple sap at 0.5 ppm as set forth below.

STATUTORY AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

Dated: November 9, 1978.

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

Part 180, subpart C, section 180.169 is amended by alphabetically inserting in the table a tolerance for residues of the insecticide carbaryl in maple sap at 0.5 ppm to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

Commodity:	Parts per million
• • • • •	
Maple sap.....	0.5
• • • • •	

[FR Doc. 78-32478 Filed 11-17-78; 8:45 am]

[3510-15-M]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

PART 308—WAR RISK INSURANCE

Eligibility Requirements and Conforming Amendments

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Maritime Administration amends its regulations to clarify the eligibility of U.S.-flag vessels and to establish eligibility criteria for war risk insurance for foreign-flag vessels which conform to the revised legislative authority of the Secretary of Commerce under an amendment to the Merchant Marine Act, 1936. This amendment also makes certain changes in titles, addresses, binder

fees, application and binder forms, definitions, supporting documents, warranties, and in the voluntary contract of commitment forms.

EFFECTIVE DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

K. H. Green, Director, Office of Marine Insurance, Room 3622, Maritime Administration, Department of Commerce, Washington, D.C. 20230, telephone 202-377-4820 or 4091.

SUPPLEMENTARY INFORMATION: On June 2, 1978, the Maritime Administration published in the *FEDERAL REGISTER* (43 FR 24075) (FR Doc. 78-15237) a proposed regulation to amend 46 CFR Part 308, War Risk Insurance, in accordance with the revised enabling authority contained in Pub. L. 94-523 (90 Stat. 2474) which became law on October 17, 1976. Interested parties were invited to submit comments on the proposed regulation. Comments were received from two trade associations of shipowners, five shipping subsidiaries of oil companies and two trade union associations.

DISCUSSION OF COMMENTS

Before addressing the various comments, it is important to examine briefly some of the background of the enabling legislation. During the hearings before the House Committee on Merchant Marine and Fisheries on Pub. L. 94-523, an amendment was offered which would have completely eliminated the foreign-flag participation in the war risk insurance program. The Maritime Administration offered a proposal whereby it would withdraw the blanket finding that all Effective United States Controlled (EUSC) vessels of Panamanian, Honduran, or Liberian registry would be eligible automatically for war risk insurance interim binders. Participation would be limited to approximately 25 percent of the EUSC fleet tonnage previously enrolled in the program which expired on September 7, 1975, on a case-by-case basis. Suggested eligibility criteria for foreign-flag vessels offered by the Maritime Administration included the characteristics, the employment and the general management of the vessel.

In extending the program for 3 years to expire September 30, 1979, the Congress added the following language to section 1203(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1283(a)): "In determining whether to grant such insurance or reinsurance to foreign-flag vessels, the Secretary shall further consider the characteristics, the employment, and the general management of the vessel by the owner or charterer."

Some of the commentators recommended broadening the scope of eligibility of foreign-flag vessels so as to enroll as many as possible; the elimination of preference for vessels which trade at least 30 percent on a cargo tonnage basis with the United States; the elimination of "proposed arbitrary and unreasonable treatment of tankers;" and retention of eligibility only for Panamanian, Honduran, or Liberian registered vessels of the EUSC fleet.

One commentator stated that it felt that "Special Rules for Foreign Flag vessels set forth in section 308.2-2 are unnecessarily restrictive and if adopted would be detrimental to the national interest and the best interests of participating U.S.-flag owners/operators." Further, while appreciating that "a review of the legislative history of Pub. L. 94-523 makes clear the Congress no longer intends the program to be open to all vessels in the 'Effective United States Controlled Fleet,'" the commentator urged that in determining eligibility, the base of participation be made as large as possible within the parameters of Congressional intent, and also offered the following language to be substituted for proposed language in § 308.2, "Vessels substantially engaged in the foreign commerce of the United States or which would be required in the event of a war or national emergency." The same commentator recommended the elimination of granting preference if 30 percent of a vessel's trade is conducted between foreign ports and ports in the United States.

Another commentator recommended that the Maritime Administration "should continue to let the program's coverage of foreign-flag vessels lapse as it has for the past several years," or in the alternative "strictly enforce guidelines recently set by Congress in determining vessel eligibility." Other recommendations it offered were that 75 percent of the crews of foreign-flag vessels be English speaking; that standards be established for communications and navigational gear; that the 5-year safety records of foreign-flag vessels be examined closely; that foreign-flag vessel age be restricted to no more than 20 years; and that the foreign-flag fleet "be no more than one-fourth of its previous size."

Other comments received included the recommendations that the regulation "reflect the Congressional intent to limit the extent of the war risk insurance coverage to the 25 percent figure" and inclusion of consideration of the nationality and quality of the crew as a criterion in addition to the criteria contained in Pub. L. 94-523.

The Maritime Administration recognizes that the EUSC fleet is composed of vessels registered in Panama, Hon-

duras, and Liberia. Therefore, only vessels of those registries which meet the revised criteria of the regulation will be considered for enrollment in the war risk insurance interim binder program on a case-by-case basis.

The regulation has also been amended to provide that only those foreign-flag vessels not over 20 years of age will be considered for enrollment in the war risk insurance interim binder program.

The amended language suggested for § 308.2 has been adopted.

The proviso dealing with preference being given to vessels which trade 30 percent on a cargo tonnage basis with the United States will be relocated to modify the new language of § 308.2(b)(1), rather than after § 308.2-2(b)(2)(vi), as in the proposed regulation.

In § 308.2(b)(2), the deadweight tonnage of product tankers for which preference will be given is raised from 60,000 deadweight tons to 90,000 deadweight tons.

The Assistant Secretary of Commerce for Maritime Affairs has approved the determination that these amendments will not result in any major economic consequences that would require the preparation of a regulatory analysis pursuant to EO 12044 (43 CFR 12661, Mar. 24, 1978); Department of Commerce Administration Order 218-7 and existing Maritime Administration procedures.

(Catalog of Federal Domestic Assistance Program No. 11.503, Maritime War Risk Insurance.)

Accordingly, Subchapter G—Emergency Operations, 46 CFR part 308 is amended as follows:

1. Delete the term "Maritime Administrator" wherever it appears in part 308 and substitute therefor the term "Assistant Secretary."
2. Delete the term "American War Risk Agency, 99 John Street, New York, N.Y. 10038" wherever it appears in part 308 and substitute therefor the term "American War Risk Agency, 14 Wall Street, New York, N.Y. 10005."
3. Delete the term "Division of Insurance, Maritime Administration, Washington, D.C. 20235" wherever it appears in Part 308 and substitute therefor the term "Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230."
4. Section 308.1 is revised to read as follows:

§ 308.1 Eligibility of a vessel and its owner for insurance.

Any vessel within one of the following categories shall be eligible for insurance, but shall remain eligible only while meeting the qualifications criteria in one of said categories. An eligible vessel is not insured unless and

until an application is submitted as required in subpart B, C, or D of this part 308 and the Assistant Secretary for Maritime Affairs (Assistant Secretary) approves said application.

(a) A vessel registered, enrolled, or licensed under the laws of the United States of America (United States); any undocumented vessel owned or chartered by or made available to the United States or any department or agency thereof; any tug or barge or other watercraft (documented under the laws of the United States, or undocumented) owned by a citizen of the United States and used in essential water transportation; and United States citizen-owned watercraft used in the fishing trade or industry, except when used exclusively in or for sport fishing.

(b) Any vessel, other than a vessel described in paragraph (a) of this section determined by the Assistant Secretary to be engaged in the national defense or the national economy of the United States and subject to an unqualified Contract of Commitment with the United States in a form required by the Assistant Secretary, and which is:

(1) Owned by a United States corporation, or a foreign corporation in which a majority of the stock is owned and controlled by a citizen or citizens of the United States, whether direct or through intervening corporations, foreign or domestic. Where such intervening corporations are foreign, the ultimate majority ownership and control of the stock of such corporations must be vested in a citizen or citizens of the United States as defined in section 1201(d), Merchant Marine Act, 1936, as amended (46 U.S.C. 1281(d)); or

(2) Owned by a foreign corporation which is not directly or beneficially owned by a citizen or citizens of the United States, but which vessel is under a long-term charter or other long-term contract covering the use of the vessel on terms deemed by the Assistant Secretary to subject the vessel to United States control in the event of an emergency. The charterer of such vessel must be either a citizen or citizens of the United States or a foreign corporation in which a majority of the stock is owned and controlled by a citizen or citizens of the United States, whether direct or indirect through intervening corporations, foreign or domestic. Where such intervening corporations are foreign, ultimate majority ownership and control of the stock of such corporations must be vested in a citizen or citizens of the United States, as defined in section 1201(d), Merchant Marine Act, 1936, as amended (46 U.S.C. 1281(d)).

(c) Any other vessel, at the sole discretion of the Assistant Secretary, but

only while engaged in a service which has been determined by the Assistant Secretary to be in the interest of the national defense or the national economy of the United States. Vessels in this category are not eligible for war risk insurance interim binders.

5. § 308.2 is revised to read as follows:

§ 308.2 Requirements for eligible vessels.

(a) *Restrictions—foreign-flag vessels.* Interim insurance is available on any vessel described in § 308.1 (a) and (b) above, provided application for interim insurance is submitted as required in subparts B, C, or D of this part 308, and the Assistant Secretary approves said application: *Provided*, That only vessels of Panamanian, Honduran, or Liberian registry not more than 20 years old will be considered eligible under § 308.1 (b) above for interim insurance, subject at all times to the determination specified in paragraph (b) of this section.

(b) *Special rules—foreign-flag vessels.* For the purpose of providing interim insurance on vessels described in § 308.1(b), the Assistant Secretary shall consider the characteristics, employment, and general management of the vessel. The Assistant Secretary formally determines that the following vessels are engaged in a service in the interest of the national defense or the national economy of the United States and qualify for interim insurance:

(1) Vessels substantially engaged in the foreign commerce of the United States or which would be required in the event of a war or national emergency: *Provided*, That a vessel will be considered to be substantially engaged in the foreign commerce of the United States if, on a semiannual basis, in excess of thirty percent (30%) of the net tons of cargo carried by the vessel is carried between a foreign port or ports and a port or ports in the United States (including Alaska, Hawaii, Puerto Rico, and any territory or insular possession of the United States), but only if such cargo is transported to such port or ports for consumption therein or for transshipment (in its raw state or subsequent to refining) for consumption elsewhere in the United States;

(2) Product tankers up to 90,000 deadweight tons and with particular emphasis on so-called handy-sized tankers having relatively high speed and refueling at sea capability;

(3) Dry bulk cargo vessels;

(4) Heavy lift vessels;

(5) Refrigerated vessels and other classes of ships in short supply in the United States-flag fleet; and

(6) Other vessels with special capabilities.

(c) *Vessel location reports.* All vessels for which war risk insurance interim

binders have been issued must file reports under the United States Merchant Vessel Locator Filing System (USMER). The purpose of USMER is to keep national agencies informed concerning arrivals, departures and at-sea locations of insured merchant vessels throughout the world. Failure to make regular reports as required will result in a one-time notice of default after which, if the failure to report continues, all war risk insurance interim binders and any insurance attaching thereunder will be canceled. Instruction pamphlets and message format forms for the filing of USMER messages will be furnished by the Maritime Administration with the binders when issued.

(d) *Change in status of vessel described in § 308.1 (a) and (b) after binder issued; Notice.* It is the intention of the parties that any breach of the warranty prescribed hereunder as to vessels in all categories with respect to Department of Commerce Transportation Orders T-1 and T-2 (32A CFR Parts 701 and 502), as well as the additional warranties as to vessels in categories (b)(1) and (b)(2), with respect to maintenance of eligibility for insurance and availability of the insured vessels to the U.S. Government in time of emergency, shall terminate the binders and any insurance attaching thereunder. In the event of the sale, demise charter, requisition, confiscation, change of flag, total loss, or any other change in status which, by the terms of the binder causes the binder to terminate, prompt notice shall be given in writing to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005.

(e) *Change in status of other vessels; Notice.* It is the intention of the parties that any breach of the warranty as to operation in the approved service of vessels described in § 308.1(c) shall terminate the insurance. In the event of the sale, demise charter, requisition, confiscation, change of flag, total loss, any other change in status or change in operation of the vessel in the approved service prompt notice shall be given to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005.

6. Section 308.3 is revised to read as follows:

§ 308.3 Applications for insurance; warranties; supporting documents; payment of binder fees.

(a) *In general.* Separate applications shall be filed for war risk hull insurance, war risk protection and indemnity insurance, and Second Seamen's war risk insurance for each vessel to be covered by such insurance, except for LASH or similar type barges, in which case one set of applications may be filed for a group of such barges if

accompanied by a schedule of the individual vessels to be insured containing the required information for each vessel. Disbursements insurance, limited to consumable and subsistence stores, slop chests, bar stock, and bunker fuel, is available as added coverage upon application for war risk hull insurance. All applications for war risk hull insurance shall be accompanied by information relating to the vessel in required form, in triplicate, for use by the Assistant Secretary in determining the value thereof, pursuant to part 309 of this subchapter G, as amended from time to time and published in the FEDERAL REGISTER. An applicant submitting more than one application at the same time is required to submit only a single citizenship certificate or single set of citizenship certificates, as the case may be.

(b) *Warranties.*—(1) *In general.* Applications for war risk hull and protection and indemnity insurance in any eligible category of this part 308 shall include a warranty that, at all times during the effective period of the binder and any insurance attaching thereunder, the insured vessel, regardless of its nation of registry, will comply with Department of Commerce Transportation Orders T-1 and T-2 (32A CFR parts 701 and 502), or any modifications thereof so long as they remain in force and that the vessel will not be chartered, except with the prior approval of the Maritime Administration, unless in accordance with the provisions of § 221.7 of this chapter. The requirement for "prior approval" of the Maritime Administration of charters to noncitizens is applicable to any charter in existence at the time the applicant applies for insurance. Existing charters which are subject to this requirement include charters or contracts of affreightment to noncitizens which will extend for a period of more than six (6) months subsequent to the date of application for insurance or under which the vessel is committed to make a voyage or voyages of which the total period of time will extend for more than six (6) months subsequent to the date of application for insurance.

(2) *Vessels described in § 308.1(a).* Applications for war risk insurance on a vessel described in § 308.1(a) shall contain the warranty that at and from the date of issuance of the interim binder and for and during the term of any insurance attaching thereunder, such vessel will remain eligible within its category.

(3) *Vessels described in § 308.1(b).* Applications for war risk insurance on a vessel described in § 308.1(b) shall contain the warranties that at all times the vessel will remain eligible within its applicable category; that the vessel will be made available for use by

the United States pursuant to the signed Contract of Commitment submitted with the insurance applications, as required by the Maritime Administration; that the vessel will remain in the approved service; and that no controlling interest in the vessel shall be transferred by a subsequent sale or long-term charter, except on the condition that the successor in interest agrees to be bound by the terms of the applicant's Contract of Commitment. All instruments transferring any controlling interest in the vessel, including long-term charter or merger agreements, shall be submitted to the Maritime Administration for prior approval.

(4) *Vessels described in § 308.1(c).* Applications for war risk insurance on a vessel described in § 308.1(c) shall contain warranties that the vessel will remain in the approved service and that any change in flag or service will be reported in advance to the Maritime Administration for a new determination as to whether the vessel's service is in the interest of the national defense or the national economy of the United States. Vessels in this category are not eligible for war risk insurance interim binders.

(5) *Vessel locator filing requirements for vessels in all categories.* Applications for insurance on vessels in all categories, except tugs and barges and vessels used exclusively in the fishing trade or industry, described in § 308.1(a), shall contain a warranty that at all times the vessel will file reports as required under the U.S. Merchant Vessel Locator Filing System (USMER) as prescribed in § 308.2(c) above.

(c) *Filing applications for insurance.* An application for insurance on a vessel described in § 308.1(a) shall be made in triplicate to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005, underwriting agent for the Maritime Administration, as prescribed in §§ 308.101, 308.201, and 308.301. All other insurance applications shall be made in triplicate to the Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230.

(d) *Materials in support of application on vessel described in § 308.1(b).*—

(1) *In general.* An application for insurance on a vessel described in § 308.1(b) shall be accompanied by: (i) A contract of commitment, executed in triplicate originals, in the form prescribed in § 308.5 of this part 308; (ii) An executed agreement contained in the application for insurance that any charter or other contract covering the use of the vessel during the period of the binder or any insurance attaching thereunder shall be subject to termination or suspension without notice in the event the United States requires

the use of the vessel under the voluntary contract of commitment submitted by the applicant; (iii) A copy of amendment 36 to 46 CFR part 308, signed by an official of the applicant and signifying knowledge of all new requirements, criteria of eligibility, terms, conditions, and warranties. A copy of this amendment 36 will be attached to all binders issued. In the event the vessel is determined to be ineligible under the terms of this part 308, the applicant will be so advised and the executed contract of commitment and any official foreign government action or approval will be returned to the applicant by the Maritime Administration.

(2) *Certificate of citizenship.* An application for insurance on such a vessel shall be supported by citizenship certificate(s), executed in triplicate originals, in form prescribed in § 308.4 of this part 308, establishing the U.S. citizenship of the majority ownership and control of the vessel-owning corporation, whether direct or through intervening corporations.

(3) *Existing long-term charters.* An application for a vessel in this category which is at the time of application under long-term charter or other long-term contract, either to the applicant or from the applicant to a third party, shall be jointly submitted by the owner and the charterer, and in addition to the other materials required under this paragraph, shall be accompanied by a copy of the long-term contract covering the use of the vessel and all addenda thereto, certified to be full and complete copies (except as to rate of hire or freight) and citizenship certificate(s) in triplicate in the form prescribed in § 308.4 of this part 308 establishing the U.S. citizenship of the majority of the shareholders and control of the charterer. The charterer shall also furnish to the Maritime Administration a certified copy of any amendment to such charter which may be issued subsequent to the issuance of any binder of insurance under this part 308.

(4) *Foreign government action or approval.* An application for a vessel in this category also shall be accompanied by a certified copy of the evidence of any official action or approval required by the government of the country of registry as a prerequisite to the execution of a contract of commitment with the United States.

(5) *Additional materials.* With respect to a vessel in this category, the applicant shall submit the following additional materials:

(i) A statement describing the service in which the vessel is engaged, including a listing of the vessel's voyages and ports of call during the immediately preceding six (6) month period, indicating the tonnage and type of

cargo carried on such voyages and the reasons why such service should be deemed to be in the interest of the national defense or the national economy of the United States;

(ii) Material demonstrating the management and financial capabilities of the applicant, and

(iii) In the case of a new vessel or a vessel which has not for the six (6) months immediately prior to the date of the application been engaged in the foreign commerce of the United States, a statement, signed by a responsible company official, certifying the extent to which the vessel will be engaged in the foreign commerce of the United States for the six (6) months immediately following the issuance of any interim binder of insurance under this part 308.

(e) *Requests for changes in binders.* All requests for changes in binders and inquiries relative to the insurance after the interim binders have been issued shall be directed to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005.

(f) *Fees.* A check payable in U.S. funds to the "Maritime Adm.—Commerce" for the total amount of all binder fees payable by such applicant shall accompany each application. Binder fees are not returnable.

(g) *Copies of applications.* Copies of insurance applications, vessel data forms, certificates of citizenship, and the contract of commitment may be obtained from the American War Risk Agency at the address listed above or from the Maritime Administration. Attention: Director, Office of Marine Insurance, Washington, D.C. 20230.

7. § 308.4 is revised to read:

§ 308.4 Form of citizenship and control.

Certificates of citizenship in the following form shall be submitted in triplicate with the application filed for vessels described in § 308.1(b) of this part 308. Form MA-183A (4-78).

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION, CERTIFICATE OF OWNERSHIP AND CONTROL BY UNITED STATES CITIZENS

APPLICANT FOR WAR RISK INSURANCE

I, _____ (Name), _____ (Title) _____ of _____ (Name of Corporation), am duly authorized to execute this certificate of citizenship to comply with the requirements for obtaining War Risk Insurance to cover the _____ (Country) flag _____ (Type of Vessel), _____ (Name of Vessel), _____ (Gross Tonnage), _____ (Year Built).

That _____ (Name of Corporation) is a _____ (Country) corporation owned and controlled by _____ (Give sequence of majority ownership and control of all owning or controlling corporations or other owners, if any, and furnish the full information as to

each; if above space is not adequate, continue on back of this form.), a corporation organized and existing under the laws of _____ (Country), the majority (51 percent or more) of the stock of which corporation is owned and controlled by citizens of _____ (Country).

That of the stock interests shown above to be owned and controlled by _____ (Country) citizens, none is held beneficially for a citizen of another country.

Company Seal.

Dated: _____.

(Signature.)

(Typed or printed name of signer.)

NOTE.—The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U.S.C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U.S.C. 287). (Certificate of Citizenship to be submitted in triplicate with insurance application.)

8. The introductory paragraph of § 308.5 and the first four paragraphs of the owner's contract of commitment are amended to read as follows:

§ 308.5 Form of voluntary contract of commitment.

Applications for insurance on vessels described in § 308.1(b) of this part 308 shall be accompanied by a contract of commitment, in triplicate originals, executed by the owner (or by the owner and the charterer where required by § 308.3 of this part 308). Contracts of commitment shall be submitted on standard contract form which may be obtained from the American War Risk Agency or the Maritime Administration at the addresses given above. (NOTE: The effective date of the contract of commitment will be the effective date of the binder and will be inserted in the contract of commitment by the Maritime Administration.)

Contract MA—

OWNER'S CONTRACT OF COMMITMENT

This agreement, made as of _____, 19____, by and between the United States of America, acting by and through the Department of Commerce, Maritime Administration or its successor (herein called the "United States"), and _____, a corporation organized and existing under the laws of _____ (herein called the "Owner"), and having its principal place of business at _____;

WITNESSETH

Whereas, on _____, 19____, the Assistant Secretary of Commerce for Maritime Affairs (herein called the "Assistant Secretary") found and determined that the _____ (herein described as the "vessel"), Official No. _____, documented under the laws of _____, of _____ Gross Tons, which was built

_____, 19____, is eligible for interim war risk insurance under Title XII, Merchant Marine Act, 1936, as amended, and General Order 75, as revised, 46 CFR Part 308, § 308.1(b): *Provided*, That the Vessel shall at all time be in compliance with requirements of 46 CFR Part 308 and that the Vessel shall be made available to the United States upon request in event of a national emergency, as described in Article (1) hereinbelow, pursuant to this Contract of Commitment: *And, provided further*, That the Owner or the Master of the Vessel shall periodically notify the United States of the Vessel's position in accordance with § 308.2(c) of this Part 308 and

Whereas, the parties hereto desire to enter into such a voluntary Contract of Commitment covering the Vessel:

Now, therefore, in consideration of the premises and other good and valuable considerations hereinafter set forth, the parties hereto mutually agree as follows: * * *

9. Section 308.6 is amended by changing the paragraph "(d)" designation to "(e)" and inserting the following new paragraph "(d)":

§ 308.6 Period of interim binders and renewal procedure.

(d) New applications for interim binders on foreign-flag vessels, with necessary attachments as specified in § 308.3 of this part 308 and check for binder fees prescribed, should be filed with the Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230. All interim binders for foreign-flag vessels will become effective on the date the owner's contract of commitment is executed by the Maritime Administration.

§ 308.101 [Amended]

10. Section 308.101 is amended as follows:

(a) By inserting, after the paragraph on warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period or any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2(c) of this Part 308.

(b) By eliminating the paragraph beginning with "Binding fee" and substituting therefor the following:

BINDER FEE (NOT RETURNABLE): UNITED STATES-FLAG VESSELS

\$25 per vessel, under 500 gross tons;
\$100 per vessel, 500 gross tons and over;
\$5 each LASH or similar type barge.

FOREIGN-FLAG VESSELS

\$50 per vessel, under 500 gross tons;
\$200 per vessel, 500 gross tons and over;
\$10 each LASH or similar type barge in
United States funds.

(c) By deleting the paragraph beginning with the words "Check payable" and substituting the following new paragraph:

Check payable in United States funds to the order of "Maritime Adm.—Commerce" is enclosed herewith.

Section 308.102 is amended by: (a) Changing the section heading and (b) deleting the last sentence and substituting three sentences therefor to read as follows:

§ 308.102 Issuance of interim binder; its terms and conditions; fees.

*** The binder fee (not returnable) for U.S.-flag vessels shall be \$25 per vessel under 500 gross tons; \$100 per vessel of 500 gross tons or over; and \$5 per LASH or similar type barge. The binder fee (not returnable) for foreign-flag vessels shall be \$50 per vessel under 500 gross tons; \$200 per vessel 500 gross tons or over; and \$10 per LASH or similar type barge. All fees are payable in U.S. funds by check to order of the "Maritime Adm.—Commerce."

12. Section 308.103(a) is amended by changing the last sentence to read as follows:

§ 308.103 Sums which will be insured under interim binder.

(a) *** The "stated valuation" of the vessel insured refers to the vessel as described in § 309.5 of this chapter (Maritime Administration General Order 82, 30th Revision, as amended).

13. Section 308.106 is amended by inserting, after the paragraph on warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

§ 308.106 Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement.

(a) *** Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period or any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2(c) of this Part 308.

§ 308.201 [Amended]

14. Section 308.201 is amended as follows:

(a) By inserting after the warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period and any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2(c) of this Part 308.

(b) By deleting the two paragraphs beginning with the words "Binding fee" and "Check payable," respectively, and substituting therefor two new paragraphs as follows:

Binder fee (not returnable), \$5 for each United States-flag LASH or similar type barge; \$25 for all other United States-flag vessels; \$10 for each foreign-flag LASH or similar type barge; and \$50 for all other foreign-flag vessels.

Check payable in United States funds to order of "Maritime Adm.—Commerce" is enclosed herewith.

15. Section 308.202 is amended by deleting the last sentence and substituting the following two sentences:

§ 308.202 Insurance of interim binder; its terms and conditions.

The binder fee (not returnable) shall be \$5 for a United States-flag LASH or similar type barge; \$25 for all other United States-flag vessels; \$10 for a foreign-flag LASH or similar type barge; and \$50 for all other foreign-flag vessels. All fees are payable in United States funds by check to the order of "Maritime Adm.—Commerce."

16. Section 308.206 is amended by inserting, after the paragraph on warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

§ 308.206 Standard form of war risk protection and indemnity insurance interim binder.

*** Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period or any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2(c) of this Part 308. ***

17. In § 308.301 the paragraphs beginning with the words "Binding fee" and "Check Payable," respectively, are amended to read as follows:

§ 308.301 Form of application.

Binder fee (not returnable) \$75 for a

United States-flag vessel and \$150 for a foreign-flag vessel.

Check payable in United States funds to the order of "Maritime Adm.—Commerce" is enclosed herewith.

18. Section 308.302 is amended by deleting the last sentence and substituting therefor the following two sentences:

§ 308.302 Issuance of interim binder; its terms and conditions.

*** the binder fee (not returnable) shall be \$75 for a United States-flag vessel and \$150 for a foreign-flag vessel. All fees are payable in United States funds by check to the order of "Maritime Adm.—Commerce."

19. Section 308.501 is amended by adding a new penultimate paragraph as follows:

§ 308.501 Cargoes on which coverage is available.

*** For the purposes of this Subpart F—War Risk Cargo Insurance, the terms "cargo" and "cargoes" as used herein shall include loaded or empty containers located aboard U.S.-flag and foreign-flag vessels insured under Title XII, Merchant Marine Act, 1936, as amended. ***

20. The index to part 308 is amended in part as follows:

308.2 Requirements for eligible vessels.
308.3 Applications for insurance; warranties; supporting documents; payment of binder fees.
308.4 Forms of citizenship and control.
308.102 Issuance of interim binder; its terms and conditions; fees.

(Secs. 204(b), 1201.1214, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b) and 1281-1294); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (36 FR 19077, July 23, 1973).)

Dated: November 14, 1978.

By order of the Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, JR.
Secretary,
Maritime Administration.

[FR Doc. 78-32493 Filed 11-17-78; 8:45 am]

[6712-01-M]

**Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION**

**PART O—COMMISSION
ORGANIZATION**

**Delegation of Forfeiture Authority to
the Staff; Correction**

AGENCY: Federal Communications Commission.

ACTION: Erratum—rule amendment.

SUMMARY: By order, the Commission delegated forfeiture authority to the staffs of the various bureaus and offices, pursuant to Pub. L. 95-234. In a separate order, the Commission completely revised the delegated authority of the Cable Television Bureau, including forfeiture authority. This erratum deletes from the first order the forfeiture delegation pertaining to the Cable Television Bureau because it is adequately set forth in the second order.

EFFECTIVE DATE: November 9, 1978.

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

**FOR FURTHER INFORMATION
CONTACT:**

Jerold L. Jacobs, Cable Television Bureau, 202-632-6483.

In the matter of delegation of forfeiture authority to the staff pursuant to Pub. L. 95-234.

Released: November 13, 1978.

In the above-captioned matter, Order, FCC 78-767, released November 2, 1978, and published at 43 FR 52244, November 9, 1978 the appendix is revised to delete paragraph 4, which was intended to amend § 0.288 of the Commission's rules. The intended amendment of § 0.288 was accomplished in Order, FCC 78-764, released November 2, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-32551 Filed 11-17-78; 8:45 am]

[6712-01-M]

PART I—PRACTICE AND PROCEDURE

**Editorial Amendments Concerning
Reregulation of Radio and TV
Broadcasting**

AGENCY: Federal Communications Commission.

ACTION: Editorial amendment.

SUMMARY: By order, the FCC amends §§ 1.533, 1.536 and 1.539 of its rules to bring various form titles into conformance with other rule sections and to more clearly state their purpose.

EFFECTIVE DATE: November 15, 1978.

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

**FOR FURTHER INFORMATION
CONTACT:**

John W. Reiser, Phil Cross, Steve Crane, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION: In the matter of reregulation of radio and TV broadcasting—editorial amendments; Order.

Adopted: November 7, 1978.

Released: November 9, 1978.

By the Chief, Broadcast Bureau: 1. Sections 1.533, 1.536 and 1.539 of the Commission's rules contain listings by form number and title of the various application forms used to apply for construction permits, station licenses, and renewal of station licenses in the broadcast services. The identifying titles of several of these forms do not clearly reflect the purposes of the application, do not conform to the titles of the classes of stations as used elsewhere in the Rules, or do not agree with the titles printed on the forms. Therefore, by this order, the titles of application forms are being revised as shown in the attached appendix.

2. We conclude that adoption of the editorial amendments shown in the attached appendix will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

3. Therefore, *It is ordered*, That pursuant to sections 4(i), 303(r) and 5(a)(1) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, part 1 of the Commission's rules and regulations is amended as set forth below, effective November 15, 1978.

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

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. In § 1.533, paragraphs (a)(1), (a)(5), (a)(6) and (a)(7) are amended to read as follows:

§ 1.533 Application forms for authority to construct a new station or make changes in an existing stations.

* * *

(a)(1) FCC form 301, "Application for Authority to Construct or Make Changes in an Existing Commercial Broadcast Station."

* * *

(5) FCC form 330-P, "Application for Authority to Construct or Make Changes in Instructional TV Fixed and/or Response Station(s) and Low Power Relay Station(s)."

(6) FCC form 340, "Application for Authority to Construct or Make Changes in a Noncommercial Educational Broadcast Station."

(7) FCC form 346, "Application for Authority to Construct or Make Changes in a TV or FM Broadcast Translator Station."

* * *

2. In § 1.536, paragraphs (b)(1), (b)(6) and (b)(7) are amended to read as follows:

§ 1.536 Application for license to cover construction permit.

* * *

(b)(1) FCC form 302, "Application for a New Commercial Broadcast Station License."

* * *

(6) FCC form 341, "Application for a New Noncommercial Educational Broadcast Station License."

(7) FCC form 347, "Application for a TV or FM Broadcast Translator Station License."

* * *

3. In § 1.539, paragraphs (d)(1), (d)(5), (d)(6), (d)(7), and (d)(8) are amended to read as follows:

§ 1.539 Application for renewal of license.

* * *

(d)(1) FCC form 303, "Application for Renewal of License for Commercial TV Broadcast Station."

* * *

(5) FCC form 313-R, "Application for Renewal of Auxiliary Broadcast License (Short Form)." To be used for applications for renewal of license of auxiliary broadcast stations where there has been no change in the information contained in the initial application for license, except as provided in paragraph (9) below.

(6) FCC form 330-R, "Application for Renewal of Instructional TV Fixed Station and/or Response Station(s) and Low Power Relay Station(s) License."

(7) FCC form 342, "Application for Renewal of a Noncommercial Educational Broadcast Station License."

(8) FCC form 348, "Application for Renewal of TV or FM Broadcast Translator Station License."

[FR Doc. 78-32521 Filed 11-17-78; 8:45 am]

[6712-01-M]

[Docket No. 21010; RM-2577; FCC 78-791]

PART 15—RADIO FREQUENCY DEVICES

UHF Television Receiver Noise Figures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At 43 FR 36096, August 15, 1978, the Federal Communications Commission adopted revised technical specifications for the UHF noise figure of a TV receiver. The regulation calls for a followup report each year after certification giving the actual noise figure performance of the production units of the model as measured during that year. Because certain existing language is subject to misinterpretation the FCC revises § 15.66(c) to make it clear that followup proof of performance measurements of UHF noise figure are required only for TV receivers certificated on or after October 1, 1979.

EFFECTIVE DATE: November 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Herman Garlan, International and Operations Division, Office of Chief Engineer, Federal Communications Commission, Washington, D.C. 20554, 202-632-7095.

In the matter of UHF television receiver noise figures; order.

Adopted: November 6, 1978.

Released: November 16, 1978.

By the Commission.

1. In our report and order in docket No. 21010 adopted August 1, 1978,¹ we adopted a revised technical specification for the UHF noise figure of a TV receiver.² Paragraph (c) of this regula-

tion calls for the submission of a followup report each year after certification giving the actual noise figure performance of the production units of the model as measured during that year.

2. As stated in paragraph 45 of the report and order in docket 21010, it was our intention that the followup reports be submitted for TV receivers certificated after October 1, 1979. However the language of § 15.66(c) would appear to require followup reports for TV receiver certifications granted between September 15, 1978, and October 1, 1979, as well as those granted after October 1, 1979.

3. We are accordingly revising the text of § 15.66(c) to make it clear that the followup report is required only for TV receiver certifications granted after October 1, 1979. The revised text for § 15.66(c) is given below.

4. Authority for this rule amendment is contained in sections (i), 303(r), 303(s) and 330 of the Communications Act of 1934. Since the amendment is editorial in nature, the public notice procedures and the effective date provisions of 5 U.S.C. 553 do not apply.

5. In view of the above: *It is ordered* that, effective November 24, 1978, the heading and text of § 15.66(c) is revised to read as set out below.

(Secs. 303, 48 Stat. as amended, 1082, 330, Sec. 2, 76 Stat., 151, 47 U.S.C. 303, 330.)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

In § 15.66 of part 15, the heading of paragraph (c) is revised by adding the words "required for a TV receiver certificated on or after October 1, 1979". As revised the heading and text of § 15.66(c) read as follows:

§ 15.66 All-channel television broadcast reception: Noise figure.

(c) Followup proof of performance required for a TV receiver certificated on or after October 1, 1979.

Each year after certification has been granted for a specific model, the grantee shall file a report giving the actual UHF noise figure performance of the units of that model as actually measured during that year.

[FR Doc. 78-32527 Filed 11-17-78; 8:45 am]

[6712-01-M]

[BC Docket No. 78-141; RM 3062]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast stations in Martin and Neon, Ky.: Changes Made in Table of Assignments

PREAMBLE

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken as a result of a petition for rulemaking filed by Guaranty Broadcasting Co. herein assigns FM channel 261A to Martin, Ky., and deletes it from Neon, Ky. The assigned channel could be used to provide a first local aural broadcast service to Martin.

EFFECTIVE DATE: December 21, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations. (Martin and Neon, Ky.); Report and Order.

Adopted: November 7, 1978.

Released: November 15, 1978.

By the Chief, Broadcast Bureau:

1. On April 21, 1978, the Commission issued a Notice of Proposed Rulemaking, 43 FR 19691, in the above-entitled matter proposing the deletion of Channel 261A from Neon, Ky., and its assignment to Martin, Ky. The proceeding was instituted on the basis of a petition filed by Guaranty Broadcasting Co. ("petitioner"). There were no oppositions to the proposal. Supporting comments were filed by petitioner and Tazewell Broadcasting, Inc. ("Tazewell"), licensee of Station WTZE-FM, Tazewell, Va.

2. Martin is a community of 786 persons in Floyd County (pop. 35,880).¹ It is located approximately 64 kilometers (40 miles) west of the intersection of Virginia and West Virginia State lines and 13 Kilometers (8 miles) south of Prestonburg, Ky. Martin has no local aural broadcast service.

3. Petitioner states that Martin, primarily a mining community, has increased its population to an estimated 1,200 in 1977. It asserts that, with the country relying more heavily on coal

¹Population figures are taken from the 1970 U.S. Census.

¹UHF TV Receiver Noise Figure, FCC 78-582, 43 FR 36096 (Aug. 15, 1978).

²47 CFR 15.66.

as an energy source, the county population can be expected to increase, and the opportunities for new businesses and existing concerns will continue to grow. Petitioner, in its supporting comments, has reaffirmed its intention to apply for a construction permit for a broadcast station on the proposed channel, if assigned.

4. In supporting comments, Tazewell states that if Channel 261A were assigned to Martin it would permit the service of its station (WTZE-FM) in Tazewell, Va., to be improved. It notes that WTZE-FM is prevented from relocating its antenna to a more desirable site at the present time due to separation required to the vacant Neon assignment. If Channel 261A were reassigned to Martin, WTZE-FM could relocate its antenna and increase its coverage area.

5. Once Channel 261A is deleted from Neon, it can be assigned to Martin in compliance with the minimum distance separation requirements.

6. We believe that it would be in the public interest to assign Channel 261A to Martin, Ky. There is a demand for its use to provide the community with an opportunity to institute a first local aural broadcast service. Channel 261A at Neon has remained vacant and unapplied for, and no interest has been shown for its use there in response to the Notice herein.

7. Authority for the adoption of the amendments contained herein appears in sections 4(l), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules and Regulations.

8. In view of the foregoing, *it is ordered*, That effective December 21, 1978, the FM Table of Assignments, § 73.202(b), is amended to read as follows:

City	Channel No.
Martin, Ky.....	261A
Neon, Ky.....	

9. *It is further ordered*, That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-32522 Filed 11-17-78; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

Subchapter A—General Rules and Regulations

PART 1033—CAR SERVICE

[S.O. 1338; Amdt. 2]

Madison Railroad, Division of City of Madison Port Authority Authorized To Operate Over Tracks Formerly Operated by Madison Railway Co., Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order, Amendment No. 2 to Service Order No. 1338.

SUMMARY: The Madison Railway Co., Inc., has operated a line of railroad between Madison, Ind., and North Vernon, Ind., under an operating agreement with the State of Indiana. This operating agreement has been cancelled, and the State has entered into an operating agreement with the Madison Railroad, Division of city of Madison Port Authority to operate this line of railroad. Service Order No. 1338 authorizes the Madison Railroad, Division of city of Madison Port Authority to operate this line, pending disposition of its application to operate as the designated operator in order to provide uninterrupted rail service to shippers on this line. Service Order No. 1338 is published in full in volume 43 of the FEDERAL REGISTER at page 42257. Amendment No. 2 extends this order until February 15, 1979.

DATES: Effective 11:59 p.m., November 15, 1978. Expires 11:59 p.m., February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Decided November 14, 1978.

Upon further consideration of Service Order No. 1338 (43 FR 42257 and 47976), and good cause appearing therefor:

It is ordered, That:

§ 1033.1338 Service Order No. 1338, Madison Railroad, division of city of Madison Port Authority authorized to operate over tracks formerly operated by Madison Railway Co., Inc.: be, and it is hereby, amended by substituting

the following paragraph (g) for paragraph (g) thereof:

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

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

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

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

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

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32584 Filed 11-17-78; 8:45 am]

[4310-55-M]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Opening of Seney National Wildlife Refuge, Michigan to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: January 1, 1979 through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Frye, Refuge Manager,
Seney National Wildlife Refuge,
Seney, Mich. 49883, 906-586-9851.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Seney National Wildlife Refuge, Mich. only on the areas designated by signs as being open to fishing. These areas comprising three pools and two rivers are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Stream and ditches, open only during the regular State trout fishing season, are:
 - a. Driggs River from Highway M-28 south to the diversion ditch.
 - b. Walsh Creek and ditch from Highway M-28 south to C-3 Pool.
 - c. Creighton River—entire length through refuge.
2. Manistique River, entire length through refuge, open from January 1, 1979, through December 31, 1979.
3. Pools are open to fishing, daylight hours only, as follows:

a. All Pools—January 1, 1979, through February 28, 1979.

b. Show Pools (located west of Highway M-77 one-half mile north of the headquarters entrance road) from Memorial Day (May 28, 1979), through Labor Day (September 3, 1979).

c. C-3 Pool—July 1, 1979, through Labor Day (September 3, 1979).

4. Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

5. Snowmobiles, All-Terrain Vehicles or motorized bikes are not allowed on the refuge.

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

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

NOVEMBER 14, 1978.

JOHN R. FRYE,
Refuge Manager.

[FR Doc. 78-32553 Filed 11-17-78; 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.

[7535-01-M]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Credit Union Service Corporation; Correction

In FR Doc. 78-31135 appearing at page 51407 in the issue for Friday, November 3, 1978, make the following changes:

1. On page 51408, first column, under "SUPPLEMENTAL INFORMATION" second paragraph, eleventh line, "The purposed regulation" is corrected to read "The proposed regulation".
2. On page 51408, second column, under "Contracting With A Credit Union Service Corporation," ninth line, "unions and credit service corporations" is corrected to read "unions and credit union service corporations".
3. On page 51408, third column, under "Application Procedures for Credit Union Service Corporations" in the second paragraph, tenth line, "modification" is corrected to read "modifications".

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-SO-69]

CURTIS WRIGHT C-46 SERIES AIRCRAFT

Proposed Airworthiness Directive

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require removal of the wheel well area ram air scoop on C-46 series aircraft. The proposed AD is required based on service experience to prevent an engine fire from having reentry path behind the firewall, which could result in catastrophic failure of the wing, and to maintain fire fighting capability.

DATE: Comments must be received on or before December 20, 1978.

ADDRESS: Send comments on this proposal in duplicate to Chief, Engineering and Manufacturing Branch, Southern Region, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

W. J. Lawrence, Engineering and Manufacturing Branch, Southern Region, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the rules docket.

The FAA has determined that an in-flight engine fire reentered the wheel well area and severely damaged the wing structure on a C-46 aircraft certificated under Civil Air Regulation (CAR) Part 3. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require removal of the wheel well area ram air scoop.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

CURTIS WRIGHT, C-46 series aircraft certificated in all categories.

Compliance is required within the next 100 hours of operation after the effective date of this AD unless already accomplished.

To prevent an engine fire from reentry aft of the firewall, accomplish the following:

Remove the wheel well ram air scoop(s) located on each engine nacelle just aft of the firewall and seal the hole(s) with the same type material and fasteners as used in the affected nacelle area. Acceptable repair methods may be found in AC 43.13-1A, Chapter 2, or in USAF T.O. AN 01-25LA-3 Section VI.

Alternate methods of compliance may be acceptable if approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document 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 East Point, Ga., on November 6, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-32539 Filed 11-17-78; 8:45 am]

[4910-13-M]

[14 CFR Part 39]

[Docket No. 78-SO-14]

TELEDYNE CONTINENTAL MOTORS, MODELS TSIO-520-J AND TSIO-520-N ENGINES

Proposed Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to Teledyne Continental Motors Series TSIO-520-J and TSIO-520-N engines installed in certain Cessna model aircraft by requiring the installation of an improved No. 2 (#2) intake manifold tube. The amendment is needed to improve the induction system flexible elbow retention on the intake manifold and thereby eliminating the repetitive inspection imposed by amendment 39-3153.

DATE: Comments must be received on or before December 20, 1978.

ADDRESSES: Send comments on the proposed amendment in duplicate to Chief, Engineering and Manufacturing Branch, ASO-210, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320.

The applicable Customer Service Bulletin may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Ala. 36601. A copy of the Service Bulletin is contained in Room 275, Engineering and Manufacturing Branch, ASO-210, Southern Region, Federal Aviation Administration, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

H. D. Roe, Aerospace Engineer, Engineering and Manufacturing Branch, ASO-210, Southern Region, Federal Aviation Administration, 3400 Whipple Street, East Point, Ga. 30344, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: This proposed amendment would further amend amendment 39-3153, FR 10340, AD 78-06-01, as amended by amendment 39-3193, which currently requires repetitive inspections on Teledyne Continental TSIO-520-J and TSIO-520-N engines installed in certain Cessna and Riley converted Cessna aircraft. After issuing amendment 39-3193, the FAA has determined that with a longer nipple engagement the critical flexible elbow to intake manifold joint at the engine to airframe interface is improved and repetitive inspections would no longer be required on aircraft which have replaced elbow tube TCM P/N 629138 with improved elbow tube TCM P/N 642590. In addition, it has been determined that the R. H. flexible elbow installation and condition inspection may no longer be necessary and it is proposed to delete those provisions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, Flight Standards Division, FAA Southern Region, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD will be filed in room 275.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) as amended by further amending amendment 39-3153, FR 10340, AD 78-06-01 as amended by amendment 39-3139 to read as follows:

TELEDYNE CONTINENTAL MOTORS. Amendment 39-3153 as amended by amendment 39-3193 is further amended by amending AD 78-06-01. Applies to model TSIO-520-J and TSIO-520-N engines not previously fitted with improved elbow tube TCM P/N 642590, installed in, but not limited to, Cessna models 340A and 414. Also applies to Cessna model 340 as modified by STC's SA1881SW or SA186NW.

Compliance is required as indicated except that the initial 25-hour inspection specified in paragraph A-2 is not required for Cessna aircraft manufactured after April 1, 1978.

To prevent a separation of flexible elbow TCM P/N 635930 from the left hand (L.H.) No. 2 cylinder intake tube and possible engine malfunctions or stoppage, accomplish the following:

A. 1. Within the next 12 months after the effective date of this amendment, replace induction system intake tube TCM P/N 629138 with new intake tube TCM P/N 642590. After the intake tube has been replaced with the new tube TCM P/N 642590, inspections required by paragraph A.2 do not apply.

2. Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at each 100 hours time in service, accomplish the following:

(i) Inspect the L.H. elbow installation for full engagement over intake manifold tube and intercooler nipple beads with the hose clamps properly located behind nipple beads.

(ii) Check torque of 30 to 35 inch pounds on left flexible intake manifold clamps (Cessna P/N U-84-270-SH) and intercooler clamps (Cessna P/N U-94-260-SH or B35A-21P). On aircraft which use TCM clamps (P/N 631972) at these joints, check for torque of 25 to 30 inch pounds. On Riley conversions which use Riley P/N 631972 clamps on these joints, check for 30 to 35 inch pounds.

(iii) Upon request of the operator, an FAA maintenance inspector may adjust the repetitive inspection interval up to a maximum time between inspections of 125 hours to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

3. The inspections required by paragraph A-2 may be discontinued once the intake tube has been replaced with new tube TCM P/N 642590.

B. Alternate methods of compliance may be acceptable if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, Atlanta, Georgia.

C. Appropriate maintenance record must be made in accordance with FAR 43.9

(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 Trans-

portation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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 East Point, Ga., on November 6, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-32538 Filed 11-17-78; 8:45 am]

[4910-13-M]

[14 CFR Parts 47 and 91]

[Docket No. 17331; Reference Notice No. 77-27]

**AIRCRAFT REGISTRATION—GENERAL
OPERATING AND FLIGHT RULES**

Special Identification Numbers for Civil Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws notice No. 77-27 (42 FR 57968; November 7, 1977) by which the Federal Aviation Administration proposed to remove all references to special identification numbers for civil aircraft from the Federal Aviation Regulations and discontinue issuance of these numbers. The intended effect is to terminate the rulemaking action initiated by notice No. 77-27. This action is necessary because the FAA has decided, after reviewing the comments on the notice and its policy in this matter, that the practice of issuing special identification numbers should continue. However, in order to reduce the cost to the Government of this service, certain of the existing procedures for issuing these numbers are being modified.

DATE: November 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Elizabeth Bowman, Technical Section, (AAC-251), Aircraft Registration Branch, Airmen and Aircraft Registry, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, Okla. 73125, telephone 405-686-2284.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 47.15(d) of the Federal Aviation Regulations provides that any unassigned U.S. identification number may be assigned as a special identification number, and an applicant desiring such a number may apply for it to the

FAA Aircraft Registry. Special identification numbers are distributed by the registry upon proper application and payment by the applicant of the \$10 fee required by § 47.17(a)(4).

The Federal Aviation Act of 1958 does not require the issuance of special identification numbers to the owners of U.S. civil aircraft. Nonetheless, the FAA has provided the public with this service for more than two decades.

In notice No. 77-27 the FAA proposed to discontinue the issuance of special identification numbers, by revoking § 47.15(d) and removing all references to these numbers in parts 47 and 91. The FAA suggested that this might be an appropriate action because of the increasing burden this service has imposed on the FAA Aircraft Registry in recent years.

PUBLIC COMMENT

The FAA received 464 public comments in response to notice No. 77-27, only seven of which were in favor of the proposal.

Two supporting commenters pointed to specific practical benefits that would result from discontinuing the issuance of special identification numbers. One commenter contended that limiting each aircraft to one identification number throughout its life would eliminate the need for maintaining a cross-reference file for aircraft identification numbers and serial numbers. The commenter believes that this file is needed only because of the large number of aircraft that have serial numbers identical to those of other aircraft. However, even if notice No. 77-27 had been adopted, the registry would have continued to maintain its cross-reference file to facilitate finding aircraft information when only a serial number is available.

A second commenter asserted that allowing the identification numbers of aircraft to be changed can be hazardous and expensive to a lending institution because changes prevent precise and easy identification of aircraft used for collateral, and causes added expense when the security conveyances are changed to reflect a change of registration.

The commenters opposing the proposal suggested raising the fees charged for special numbers to recover costs. This, it was argued, would allow the FAA to hire more people, and would reduce the volume of requests. Other commenters suggested raising the fees for general aviation only, while some suggested shifting the burden of the costs to large aircraft operators or air carriers.

A large number of commenters said pride of ownership and a desire to retain some freedom of choice in aircraft identification prompted their op-

posing the proposal. A few commenters stated that, if owners were not able to retain their special identification numbers, they might retain their aircraft longer and thus contribute to a reduction in aircraft sales.

A large number of comments suggested that there was a subjective safety factor in recognition by air traffic and ground control personnel of distinctive aircraft registration numbers. This recognition, they maintain, leads to better and less radio communication and greater ease of handling by airport and air traffic personnel. The commenters also felt that the use of distinctive numbers contributes to: A greater sense of professionalism on the part of pilots flying easily recognizable aircraft, easier recognition by passengers and customers at airports, and easier bookkeeping for corporate aircraft. Commenters also contended that specially marked aircraft are a good advertisement for the companies flying them.

WITHDRAWAL OF NOTICE

After consideration of the comments received in response to notice No. 77-27 and review of the agency's policy and procedures with respect to special identification numbers, the FAA has decided that the issuance of these numbers should not be discontinued. The comments received have indicated that special identification numbers are important to the aviation community. The FAA believes that the availability of these numbers is a small, but important, contribution to the promotion of civil aviation. Therefore, in spite of the heavy workload imposed by this service, procedure changes will be made to continue to provide special numbers, without interfering with the essential tasks of the FAA Aircraft Registry.

In an effort to deal with the ever-increasing volume of requests for special identification numbers, the Registry is presently depending more on computer checks to determine the availability of requested numbers. The registry's computer capacity has recently been enlarged, and new procedures have been instituted. Because of these procedures, telephone requests to determine the availability of specific numbers can no longer be accepted. Computer checks for the availability of these numbers will be made on a regular basis, and time-consuming manual checks by Registry personnel will be discontinued. Should these measures not be adequate to hold down costs, the FAA will consider revising the charge for this service.

The withdrawal of notice No. 77-27 does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

Accordingly, notice No. 77-27, published in the FEDERAL REGISTER on November 7, 1977 (42 FR 57968), is hereby withdrawn.

(Sec. 313(a) and 501, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Oklahoma City, Okla., on October 27, 1978.

THOMAS J. CRESWELL,
Director,
Aeronautical Center.

[FR Doc. 78-32537 Filed 11-17-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 302, 399]

[EDR-336; PDR-58; PSDR-52; Docket No. 33836; Dated: October 26, 1978]

U.S. MAINLAND-PUERTO RICO/VIRGIN ISLANDS RATEMAKING ENTITY

Change in Tariff Justification; Revision of Complaint Procedures; Statement of General Policy; Correction

AGENCY: Civil Aeronautics Board.

ACTION: Errata.

SUMMARY: These errata correct errors in the notice of proposed rule-making for the passenger-fare rule-making concerning the U.S. Mainland-Puerto Rico/Virgin Islands rate-making entity (43 FR 51641, Nov. 6, 1978). References to the Board's policy statements were incorrectly cited.¹

FOR FURTHER INFORMATION CONTACT:

Steven McKinney, Trial Attorney, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5273.

On page 51646, the reference to "Part 339.31" under § 221.165(d)(4) should be changed to "Part 399.31."

On page 51647, the references to "Part 339.31" and "Part 339.34" under §§ 302.505(b)(2) and 302.505(f) should be changed to "Part 399.31" and "Part 399.34," respectively.

Dated: November 13, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32587 Filed 11-17-78; 8:45 am]

¹Corrections made to pp. 19 and 20 of the original document.

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 440]

HEARING AID INDUSTRY

Publication of Staff Report on Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Publication of staff report.

SUMMARY: The Federal Commission's Bureau of Consumer Protection has released to the public a staff report that summarizes and analyzes the evidence in its rulemaking proceeding on the hearing aid industry. The staff also recommended the final action which the Commission should take. The staff report and recommended rule have been placed on public record No. 215.44. This report has not been adopted or reviewed by the Commission. The Commission's final determination in this rulemaking proceeding (40 FR 26646, June 24, 1975) will be based upon the record taken as a whole including this report, the presiding officer's report released in August 1977, and comments upon both these reports received during the 60-day comment period. This comment period will commence with the publication of this notice.

DATE: Comments on the staff report, the staff's recommended rule and the presiding officer's report must be filed no later than January 19, 1979.

ADDRESSES: Requests for copies of the report should be sent to the Distribution Branch, Room 126, Federal Trade Commission/SIR, Sixth Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

Comments should be sent to: Secretary, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

James Skiles, 202-724-1511, Deputy Assistant Director for Food and Drug Advertising, Federal Trade Commission/PF, Washington, D.C. 20580; or Robert L. Patterson, 202-724-1497, Attorney, Division of Food and Drug Advertising, Federal Trade Commission/PF, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Pursuant to § 1.13(g) of the Commission's rules of practice, the staff has made its report, containing its summary and analysis of the record and its recommendations as to the form of the final rule, to the Commission. The report is now available for public comment under rule 1.13(h). Copies may be obtained from the Distribution Branch, Room 126, Federal Trade

Commission/SIR, Sixth Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

The following documents can be requested: The Presiding Officer's Report; The Staff's Recommended Rule, together with a very brief summary of the Staff Report; The Staff Report, with appendices A through B thereto. This contains both the Recommended Rule and the summary mentioned above and Appendices C through F of the Staff Report.

Comments will be accepted on both the staff report, and the presiding officer's report of August 1977, for a period of 60 days from publication of this notice in the **FEDERAL REGISTER**. Comments should be identified as "Comment on Staff and Presiding Officer Reports Hearing Aid Industry TRR," and addressed to the Secretary, Federal Trade Commissions, Sixth Street and Pennsylvania Avenue NW, Washington, D.C. 20580. When feasible, five copies should be submitted.

The Commission cautions all concerned that the staff report has not been reviewed or adopted by the Commission, and that its publication should not be interpreted as reflecting the present views of the Commission or any individual member thereof.

Issued: November 20, 1978.

ALBERT H. KRAMER,
Director,

Bureau of Consumer Protection.

[FR Doc. 78-32597 Filed 11-17-78; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 55]

[LR-218-76]

INCOME TAX

Real Estate Investment Trusts; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the taxation of real estate investment trusts.

DATES: The public hearing will be held on December 20, 1978, beginning at 1:30 p.m. Outlines of oral comments must be delivered or mailed by December 7, 1978.

ADDRESS: The public hearing will be held in the Chief Counsel's Conference Room, Room 4132, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the

Commissioner of Internal Revenue, Attn: CC:LR:T (LR-218-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under §§ 856, 857, 858, 859, 860 and related provisions of the Internal Revenue Code of 1954. The proposed regulations appeared in the **FEDERAL REGISTER** for July 7, 1978, at page 29317 (43 FR 29317). A correction notice appeared in the **FEDERAL REGISTER** for July 25, 1978, at page 32150 (43 FR 32150).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 7, 1978. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restriction, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 1:15 p.m.

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

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

By direction of the Commission of Internal Revenue.

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

[FR Doc. 78-32514 Filed 11-17-78; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

[38 CFR Parts 2 and 21]

VETERANS' EDUCATION

Determinations Concerning School Closing

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: In the proposed regulations the Administrator of Veterans Affairs is delegating to the Directors of VA field stations the authority to determine whether or not a school closing is based upon an Executive order of the President or due to an emergency situation. He is delegating the authority to review these decisions to the Director, Education and Rehabilitation Service. Minor changes are being made in the wording of some regulations to make them conform to the wording of the law. The proposed regulations allow for more prompt decisions by delegating the authority to make them.

DATE: Comments must be received on or before December 20, 1978. It is proposed to make this amendment effective the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until January 2, 1979.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Educational and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: Section 1780(a), Title 38, United States Code gives the Administrator the authority to pay educational assistance to veterans and eligible persons or subsistence allowance to veterans during such closing as well as the authority to avoid counting absences during the closings. The continuing energy shortage has resulted in hundreds of school closings over the past several years. It is no longer practical for the Administrator to determine personally whether each closing is based on an Executive order of the President or is due to an emergency situation. Sections 21.130(a), 21.4203(b), and 21.4205(c) are all amended to allow a Director of a VA field station to determine whether or not a school closing is based on an Executive order

of the President or is due to an emergency situation. The Director, Education and Rehabilitation Service is given the authority to review all such decisions.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until January 2, 1979. Any person visiting central office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132.

Such visitors to any VA field station will be informed that the records are available for inspection only in central office and furnished the address and the above room number.

Approved: November 13, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In part 2, a new § 2.98 is added to read as follows:

§ 2.98 Delegation of authority to Directors of VA field stations to determine whether or not a school closing is based on Executive order of the President or due to an emergency situation and to the Director, Education and Rehabilitation Service to review these decisions.

This delegation of authority is identical to §§ 21.130, 21.4203, and 21.4205 of this chapter.

2. In part 21, § 21.130(a)(1)(i) is revised to read as follows:

§ 21.130 Subsistence allowance.

(a) *Payments.* Each veteran under chapter 31 will be paid a subsistence allowance to the rates specified in § 21.133. Final payment may be withheld until proof of continued enrollment is received and the account adjusted. Allowance will be paid while the veteran is in training status, including any period during which he or she is on authorized leave.

(1) A veteran is in training status during:

(i) Periods when he or she is in attendance; this includes weekends and legal holidays (or customary vacation periods connected therewith) and, as determined by the Director of the VA field station of jurisdiction, periods when the schools are closed temporarily under an established policy based

upon an Executive order of the President or due to an emergency situation.

(a) If the emergency school closing is due to a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Education and Rehabilitation Service will decide if veterans enrolled in the school may still be considered to be in training status. His or her decision will be based on a full assessment of the strike situation. A veteran will not be considered to be in training status if in his or her judgment the school closing will not be temporary. (38 U.S.C. 1780(a).)

(b) A school, which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of a VA field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a VA field station. (38 U.S.C. 1780(a).)

3. In § 21.4203, paragraph (b)(1) is revised to read as follows:

§ 21.4203 Reports by schools; requirements.

(b) *Entrance or reentrance.* * * *

(1) Schools organized on a term, quarter, or semester basis shall generally report enrollment for the term, quarter, semester, ordinary school year or ordinary school year plus summer term. If a certification covers two or more terms, the school will report the dates for the break between terms if a term ends and the following term does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter, or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. Where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman or servicewoman, a separate enrollment certification will be required for each term, quarter, or semester.

(i) The Director of the VA field station of jurisdiction may authorize payment to be made for breaks, including intervals between terms, within a certified period of enrollment during

which the school is closed under an established policy based upon an order of the President or due to an emergency situation.

(a) If the Director has authorized payment due to an emergency school closing, resulting from a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Education and Rehabilitation Service, will decide if payments may be continued. His or her decision will be based on a full assessment of the strike situation. Further payments will not be authorized if in his or her judgment the school closing will not be temporary. (38 U.S.C. 1780(a).)

(b) A school, which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of a VA field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a VA field station. (38 U.S.C. 1780(a).)

(ii) Where a veteran or an eligible person, who is pursuing a course leading to a standard college degree, transfers between consecutive school terms from one approved institution to another approved institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of educational assistance allowance be considered to be enrolled at the first institution during the interval, if the interval does not exceed 30 days, following the termination date of the school term of the first institution. (38 U.S.C. 1780.)

4. In § 21.4205, paragraph (c) (1) and (5) is revised to read as follows:

§ 21.4205 Absences.

(c) *Reporting.* (1) Veterans and eligible persons must report each full day of absence from scheduled attendance as well as days when the school was closed for local and school holidays and, if reported enrollment was on an ordinary school year basis, intervals between terms, quarters, or semesters. When the school is closed for the weekend those days will not be reported nor will legal holidays established by Federal or State law or customary

vacation periods connected with them be reported if the school is closed. These customary vacation periods will be reasonable periods identified as a holiday vacation on the school approval literature. Generally a reasonable period will be interpreted to mean not more than 1 calendar week at Christmas and New Years and shorter periods of time in connection with other legal holidays. However, if classes are normally scheduled for Saturday and Sunday, absences must be reported. At the discretion of the Director of the VA field station of jurisdiction, days of absence will not be reported for days of nonattendance within a certified period of enrollment during which the school is closed under an established policy based upon an Executive order of the President or due to an emergency situation. (38 U.S.C. 1780(a).)

(i) If the Director has authorized the nonreporting of days of absence as the result of an emergency school closing resulting from a strike by the faculty or staff of the school, and the closing lasts more than 30 days, the Director, Education and Rehabilitation Service will decide if absences will continue not to be reported. His or her decision will be based on a full assessment of the strike situation. Payment of educational assistance will be terminated if in his or her judgment the school closing will not be temporary. (38 U.S.C. 1780(a).)

(ii) A school, which disagrees with a decision made under this paragraph by a Director of a VA field station, has 1 year from the date of the letter notifying the school of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the VA field station where the decision was made. The Director, Education and Rehabilitation Service shall review the evidence of record and any other pertinent evidence the school may wish to submit. The Director, Education and Rehabilitation Service has the authority either to affirm or reverse a decision of the Director of a VA field station. (38 U.S.C. 1780(a).)

(5) Where a veteran or eligible person, who is pursuing a course not leading to a standard college degree, transfers between consecutive school terms within a school year from one approved institution to another institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of the educational assistance allowance, be considered to be enrolled at the first institution during the interval if the interval does not exceed 30 days following the termination date of the school

term of the first institution, but such periods shall be counted as absences for the purposes of this section. (38 U.S.C. 1780(a).)

[FR Doc. 78-32547 Filed 11-17-78; 8:45 am]

[4110-07-M]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social Security Administration

[45 CFR Part 205]

GENERAL ADMINISTRATION—PUBLIC
ASSISTANCE PROGRAMS

Quality Control System—Incentive Adjustments
in Federal Financial Participation in the Aid
to Families with Dependent Children Program

AGENCY: Social Security Administration, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed amendment provide States administering the Aid to Families with Dependent Children Program (AFDC) with a fiscal incentive for lowering their AFDC payment error rates. The incentive payments are based on States achieving a payment error rate of less than 4 percent calculated by including payments to ineligible families, overpayments to eligible families, underpayments to eligible families, and nonpayments to eligible families due to erroneous terminations or denials. For each one-half percent payment error reduction below 4 percent a State will receive an additional 10 percent of the Federal share of money saved, up to a maximum of 50 percent for States achieving error rates below 2 percent.

DATES: Your comments will be considered if we receive them no later than January 19, 1979.

ADDRESS: Send your written comments to: Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments we receive can be seen at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION
CONTACT:

John X. Bowes, Division of Quality Control Management, 202-245-0788. Mr. Bowes will respond to questions, but all comments must be submitted in writing.

SUPPLEMENTARY INFORMATION:

Section 403(j) of the Social Security Act provides that incentive payments to States will be based on the dollar error rate for ineligibility, overpayments, underpayments, and incorrect denials and terminations of assistance. The current quality control system for incorrect denials and terminations of assistance does not generate a payment error rate. The review is limited to whether the reason given by the State for the action is correct. The proposed regulation provides that the error rate for incorrect denials and terminations of assistance will be converted into a payment error rate by using the average amount of payment to all cases receiving AFDC during the quality control 6-month sample period. This payment error rate will be combined with the payment error rate for cases in payment status, i.e., ineligible, overpaid, and underpaid cases, for use in determining a State's eligibility for incentive payments. To modify the current quality control system to measure directly the dollar errors resulting from incorrect denials and terminations of assistance would entail a major redesign at considerable cost and delay. The Department believes that the proposed regulation provides a reasonable method for deriving a dollar error rate for these cases without revision of the current quality control system. The proposed regulation is also consistent with the statutory requirement that incentive payments be available beginning with the January-June 1978 sample period.

(The proposed amendments are to be issued under the authority of Sections 403, 407 and 1102 of the Social Security Act, as amended; 49 Stat. 628, as amended; 75 Stat. 75, as amended; 49 Stat. 647, as amended; 42 U.S.C. 603, 607 and 1302.)

(Catalog of Federal Domestic Assistance Programs No. 13.761—Public Assistance—Maintenance Assistance (State Aid).)

Dated: August 11, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: November 4, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health,
Education, and Welfare.

45 CFR Part 205 is amended by adding a new § 205.42 to read as follows:

§ 205.42 Incentive adjustments in Federal financial participation in the AFDC Program.

(a) Effective with the January-June 1978 quality control sampling period and for periods thereafter, a State shall receive increased Federal financial participation for reducing below 4 percent the dollar error rate of AFDC

assistance provided under the State plan.

(b) The amount of increased Federal financial participation in expenditures made by the State under its plan shall be determined by the amount by which such expenditures are less than they would have been if the State's erroneous payments had been at a rate of 4 percent, and disbursement shall be as follows:

(1) 10 percent of the Federal share of such amount where the State dollar error rate is at least 3.5 percent but less than 4 percent;

(2) 20 percent of the Federal share of such amount where the State dollar error rate is at least 3 percent but less than 3.5 percent;

(3) 30 percent of the Federal share of such amount where the State dollar error rate is at least 2.5 percent but less than 3.0 percent;

(4) 40 percent of the Federal share of such amount where the State dollar error rate is at least 2 percent but less than 2.5 percent; and

(5) 50 percent of the Federal share of such amount where the State dollar error rate is less than 2 percent.

(c) For purposes of this section, the term "dollar error rate" means the total of the dollar error rates of aid to ineligible families, overpayments to eligible families, underpayments to eligible families, and nonpayments to eligible families due to erroneous terminations or denials. The dollar error rate for erroneous terminations or denials shall be derived by using the average amount of payment to all cases receiving AFDC during the quality control 6-month sample period. The term "erroneous payments" means the total of erroneous payments to ineligible families receiving assistance and overpayments to eligible families receiving assistance.

[FR Doc. 78-31939 Filed 11-17-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Parts 0, 5, 21, 23, 25, 73, 74, 78, 81,
87, 89, 91, 93, 94, 95, 97 and 99]

[Gen. Docket No. 78-365; FCC 78-790]

PROTECTION OF FCC MONITORING STATIONS,
FROM RADIO INTERFERENCE

PREAMBLE

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule-making.

SUMMARY: FCC proposes rules to provide strong radio signal protection for FCC Monitoring Station equipment and operations. The proposed rules are similar to, and follow, those already existing for the Department of Commerce Table Mountain Radio

Receiving Site and for the National Observatory Radio Telescope operations.

DATE: Comments must be filed on or before January 22, 1979, and reply comments on or before February 21, 1979.

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

FOR FURTHER INFORMATION
CONTACT:

William A. Luther, Field Operations Bureau, 202-632-7593.

SUPPLEMENTARY INFORMATION:

In the matter of amendments to Parts 0, 5, 21, 23, 25, 73, 74, 78, 81, 87, 89, 91, 93, 94, 95, 97, and 99 of the Commission's rules relative to the protection of FCC monitoring stations, from radio interference; Notice of Proposed Rule Making.

Adopted: November 6, 1978.

Released: November 16, 1978.

By the Commission:

1. The Federal Communications Commission and its predecessor agency have constructed, developed, operated, and maintained for more than 45 years, the only civilian radio monitoring system in the United States. The Commission has recently reorganized this system, reducing the total number of fixed monitoring sites to 13 as the minimum number required for satisfactory performance of its missions. Monitoring station assignments include enforcement of national laws, and international regulations and treaties relating to electromagnetic transmissions; solution of radio interference cases on a worldwide basis; participation in search and rescue efforts (safety of life and property) in conjunction with other agencies, organizations, and governments; conducting surveys or data gathering projects which will give results upon which to base administrative decisions; and participation in the international monitoring network in accordance with the International Telecommunication Union, Geneva Radio Regulations as well as in International Radio Consultative Committee recommendations. These missions are accomplished by means of monitoring, on demand and on a routine basis, of the radio spectrum to the extent local circumstances and propagation vagaries allow, and by means of corollary direction finding. Fixed monitoring of FCC licensed communications satellites is also being initiated as the current state-of-the-art requires.

2. Topographical and siting conditions affecting each of the 13 monitoring stations vary somewhat, as expected throughout the 12 widespread

States and the U.S. Commonwealth of Puerto Rico where the monitoring stations are located. These conditions have been fully considered in accordance with existing, approved international criteria. The U.S. national monitoring station siting criteria correspond to the international standards. Of particular concern, however, is the continuing and relentless deterioration of the ambient electromagnetic environment at the 13 critical locations. The number, along with the average power output, of radio stations (transmitters) of all kinds is steadily increasing, resulting in a general trend of deterioration of receiving ability. This trend is one of the greatest threats to operational capability and performance at the monitoring stations.

3. Unwanted electromagnetic fields can create a problem for radio receiving and monitoring activities in several ways; namely:

(a) Strong fundamental signals may directly cover or obliterate co-channel, adjacent-channel, or near-channel desired signals with modulation components.

(b) Harmonic, sub-harmonic, or spurious transmitter emissions, or spurious emissions produced externally to transmitters may occur in literally every portion of the radio spectrum to interfere with reception. Every transmitter manufactured has harmonic or spurious radiation to some—hopefully minimum—degree. This radiation may easily exceed interference thresholds when transmitters are placed close to the monitoring stations, when transmitters are relatively powerful, or when antennas are highly directional in radiation pattern.

(c) Transmitters radiate broadband noise which can reduce effective sensitivity of receiving equipment.

(d) Strong, transmitted fundamental frequency signals may produce a phenomenon known as receiver desensitization. Tunable receivers, such as those required for monitoring purposes, are particularly susceptible to this situation which can easily occur without the monitoring observer's knowledge.

(e) Intermodulation products, yielded by solution of well known mathematical formulas, are commonly encountered when two or more transmitted signals mix under any nonlinear circumstance to create second, third, fourth, fifth, and higher order signals, any single one of which can cause disabling interference. Intermodulation products are undesired signals found at frequencies that are sums and differences of all the original contributing signal frequencies with low order integer multiples of each being likely possibilities. The number of possible products is infinite. Often occurring is interference of 2nd, 3rd, or 5th order,

although higher order interference products are sometimes found. It is also not uncommon for more than two AM or FM broadcast stations in a city to be involved in such interference. As an example, 23 AM broadcast stations exist in and near Honolulu, Hawaii. Together they produce more than 8,500 second and third order frequency possibilities, not to mention higher orders. Many of those produced happen to fall on international distress and calling frequencies, as well as on safety service communicating channels. The FCC monitoring station in Hawaii is subject to a substantial number of these possibilities.

4. Notwithstanding present positive actions taken at monitoring stations to reduce susceptibility, it is a fact that some interference from radio transmitters occurs. To achieve a measure of control over this interference, the practice of examining applications for radio stations, as well as measuring actual signal strength, near FCC monitoring stations has existed for more than 25-five years. In each case where new facilities or power increases were proposed for stations which would result in actual adverse interference levels, appropriate corrective measures were required. In those cases where radio facilities were proposed which would result in potential interference, the licensee has been required to accept certain preconditions. Appropriate stipulations were placed on licenses in either event. More than eighty (80) application reviews, or case studies, have occurred to date. License or authorization conditions designed to protect FCC monitoring stations were subsequently required in approximately three-quarters of the instances. These are predominately with respect to AM broadcast stations (540 to 1600 kHz) but also include FM broadcast stations (88 to 108 MHz) as well as land mobile radio base stations operating in the land mobile frequency bands.

5. To afford the needed protection, the Commission has relied upon the procedure of the licensing Bureau sending pertinent engineering data to the Field Operations Bureau for study to determine if radiation limitations, or preconditions, are required. If so, the restrictive clause or recommended limitation language was merely incorporated into conditions typed on the station authorization. At times, this procedure was accompanied by informal discussions with the applicant or his representative, if any. As a result of self-examination and concern that applicants might not be receiving due notice, a new course of action was recently instituted for Broadcast Services whereby the applicant is advised in writing of possible or probable interference to one of the FCC monitor-

ing stations and notified of the restrictive or protective clause language. The applicant is given several weeks to indicate objection, if any. This new procedure is still somewhat deficient in furnishing full notice to applicants who may unknowingly enter into expensive study, consultation, and preparation of an application, only to discover later that the proposal may be objectionable because of interference to monitoring station operation. It is believed to be in the public interest to publish our concern herein expressed, and to propose inclusion in the Rules and Regulations, as shown in the Appendix attached, criteria used in the engineering examination of radio applications, so that appropriate consideration may be given by applicants to necessary protection of the monitoring stations. It is also necessary, of course, to publish locations of the monitoring stations involved. This is done by the Appendix. Since these are relatively large Government reservations, special geographical coordinates are specified to be uniformly used for reference in distance determination and subsequent propagation calculation. Also, the U.S. Department of Commerce (NOAA) has recently agreed to include a properly located symbol for FCC Monitoring Stations in future editions of its Sectional Aeronautical Charts (Scale 1:500,000), which should aid in locating FCC facilities.

6. To establish acceptable and unacceptable levels of electromagnetic fields at monitoring stations for Commission purposes, a number of criteria were relied upon. These are:

(a) FCC Rules and Regulations, criteria for the Radio Astronomy and Radio Research Installations, such as found, for example in Section 73.1030.

(b) FCC Rules and Regulations, criteria for the U.S. Department of Commerce Table Mountain Radio Receiving Zone, such as found, for example in Section 73.1030.

(c) NAVLEX 0101,108, Naval Shore Electronics Criteria, Naval Security Group Elements, Department of the Navy.

(d) NAVLEX 010,103, HF Radio Propagation and Facility Site Selection, Naval Shore Electronics Criteria, Naval Electronics System Command, Department of the Navy.

(e) Standards for the Siting of Monitoring Stations, Chapter 2, Handbook for Monitoring Stations, International Radio Consultative Committee (C.C.I.R.).

(f) Existing levels of signals which existed when monitoring stations were established, correlated to observed interference levels.

The threshold level of 10 millivolts per meter indicated in the attached Appendix reflects the Commission's desire not to impose a blanket, un-

yielding prohibition of radio stations near FCC monitoring stations. It is recognized that indigenous circumstances might vary, and allow installation of certain transmitter facilities under some conditions that preclude operations elsewhere under similar conditions. We believe that a *case-by-case analysis will give maximum opportunity to the applicants for radio construction*, and still allow the protection needed at the FCC monitoring stations. The threshold level shown in the proposed Rules, as well as the circumstances under which the applications are examined, are identical to that being used at the present time on a less formal basis.

7. Along with the proposed inclusion in Section 0.121(c) of reference geographical coordinates at FCC monitoring stations, the attached Appendix updates this section by deleting those stations which have been closed as a result of reorganization. The Zip Code is added for Laurel, Md., and Sabana Seca, P.R. is placed into alphabetical order in the list. The Appendix also corrects the index to Part 87 with an editorial inclusion of existing § 87.31.

8. For answers to questions concerning this Notice, you may contact

William A. Luther, Room 738, 1919 M Street NW., Washington, D.C. 20554, telephone 202-632-7593.

9. Authority for the amendments proposed in the Appendix hereto is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before January 22, 1979, and reply comments on or before February 21, 1979. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

11. In accordance with the provisions of § 1.419 of the Rules, an original and 5 copies of all comments, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Federal Communications Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

WILLIAM J. TRICARICO,
Secretary.

1. It is proposed to amend the Commission's Rules by revising § 0.121(c) as follows:

§ 0.121 Location of field installations.

(c) Monitoring stations are located at the following addresses and geographical coordinates:

- *** Allegan, Mich. 49010
42°36'20" N. Latitude
85°57'20" W. Longitude
- *** Anchorage, Alaska 99502
61°09'43" N. Latitude
149°59'55" W. Longitude
- *** Belfast, Maine 04915
44°26'42" N. Latitude
69°04'58" W. Longitude
- *** Canandaigua, N.Y. (delete entire entry)
- *** Chillicothe, Ohio (delete entire entry)
- *** Douglas, Ariz. 85607
31°30'06" N. Latitude
109°39'10" W. Longitude
- *** Ferndale, Wash. 98248
48°57'21" N. Latitude
122°33'13" W. Longitude
- *** Fort Lauderdale, Fla. 33314
26°06'08" N. Latitude
80°16'42" W. Longitude
- *** Grand Island, Nebr. 68801
40°55'24" N. Latitude
98°25'59" W. Longitude
- *** Kingsville, Tex. 78363
27°26'29" N. Latitude
97°53'00" W. Longitude
- *** Laurel, Md. 20810
39°09'54" N. Latitude
76°49'17" W. Longitude
- *** Livermore, Calif. 94550
37°43'30" N. Latitude
121°45'12" W. Longitude
- *** Powder Springs, Ga. 30073
33°51'44" N. Latitude
84°43'26" W. Longitude
- *** Sabana Seca, P.R. 00749
18°27'23" N. Latitude
66°13'37" W. Longitude
- *** Waipahu, Hawaii 96797
21°22'45" N. Latitude
157°59'54" W. Longitude

2. It is further proposed to amend the Commission's Rules by inserting new §§ 5.67(d), 21.113(c), 23.20(e), 25.203(h), 73.1030(c), 74.12(d), 78.19(f), 81.31(d), 87.31(h), 89.15(f), 91.8(n), 93.9(d), 94.25(i), 95.17(f), 97.41(h), and 99.11(i), each of which will read as follows:

Protection for Federal Commissions Commission monitoring stations:

(1) Applicants for a radio station authorization to operate in the vicinity of an FCC monitoring station are advised to give due consideration, prior to filing applications, to the need to protect the FCC stations from harmful interference. Geographical coordinates of the facilities which require protection are found Paragraph 0.121(c) of the Commission's Rules. Applications for stations (except mobile stations) which will produce on any frequency a direct wave fundamental field strength of greater than 10 mV/m in the authorized bandwidth of service (-65.8 dBW/m² power flux density assuming a free space charac-

teristic impedance of 120 ohms) at the referenced coordinates, may be examined to determine extent of possible interference. Depending on the theoretical field strength value and existing root-sum-square or other ambient radio field signal levels at the indicated coordinates, a clause protecting the Monitoring Station may be added to the station authorization.

(2) In the event that calculated value of expected field exceeds 10 mV/m (-65.8 dBW/m²) at the reference coordinates, or if there is any question whether field strength levels might exceed the threshold value, advance consultation to discuss any protection necessary, is recommended. Prospective applicants may communicate with:

Chief, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554, telephone 202-632-6980.

(3) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

(i) All stations within 2.4 kilometers (1.5 statute miles);

(ii) Stations within 4.8 kilometers (3 statute miles) with 50 watts or more average effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Monitoring Station;

(iii) Stations within 16 kilometers (10 statute miles) with 1 kW or more average ERP in primary plane of polarization in the azimuthal direction of the Monitoring Station;

(iv) Stations within 80 kilometers (50 statute miles) with 25 kW or more average ERP in the primary plane of polarization in the azimuthal direction of the Monitoring Station.

(4) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Federal Communications Commission or modification of any authorization which will cause harmful interference.

3. The Contents to Part 87 of the rules is also corrected to include the presently omitted § 87.31, application for ground station authorization.

[FR Doc. 78-32523 Filed 11-17-78; 8:45 am]

[6712-01-M]

[47 CFR Part 73]

[BC Docket No. 78-366; RM-3152]

FM BROADCAST STATION IN DUBACH, LA.

Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to Dubach, La. The proposed channel would provide for a station which could render a first full-time local aural broadcast service to the community. This action is taken pursuant to a petition filed by Joseph P. Robillard.

DATES: Comments must be received on or before January 8, 1979, and reply comments must be received on or before January 29, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Dubach, La.). Notice of proposed rulemaking.

Adopted: November 7, 1978.

Released: November 13, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, proposal, comments:*

(a) A petition for rulemaking¹ was filed June 7, 1978, by Joseph P. Robillard ("petitioner"), requesting the assignment of Channel 249A to Dubach, La., as that community's first FM assignment. No responses to the proposal were received.

(b) The channel could be assigned in compliance with the minimum distance separation requirements, provided the transmitter is located 5 kilometers (3 miles) south of Dubach.

2. *Community data:*

(a) *Location:* Dubach, in Lincoln Parish, is located approximately 19 kilometers (12 miles) north of Ruston, La.

(b) *Population:* Dubach—1,096; Lincoln Parish—33,800.²

¹Public Notice of the petition was given on July 18, 1978, Report No. 1134.

²Population figures are taken from the 1970 U.S. Census.

(c) *Local aural broadcast service:* There is no local aural broadcast service in Dubach.

3. *Economic data:* Petitioner claims that the population of Lincoln Parish has increased to 36,535 in 1976.³ Petitioner states that Dubach's main industry is a gasoline refinery that has an annual payroll exceeding \$500,000. He notes that four other refineries are located around Dubach. Petitioner also has submitted detailed information with respect to population, education, civic organizations, transportation and recreation in an effort to demonstrate the need for an FM assignment.

4. In view of the fact that the proposed FM channel could provide the community with a first local aural broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Dubach, La., as follows:

City	Channel No.	
	Present	Proposed
Dubach, La.	—	249A

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set forth below and are incorporated by reference herein.

NOTE:—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

6. Interested parties may file comments on or before January 8, 1979, and reply comments on or before January 29, 1979.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The Proponent of a proposed assignment is also

³Petitioner asserts that this figure does not include the student population of Louisiana Technical University or Grambling State University but in fact the Census figures do include the resident student population.

expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-32552 Filed 11-17-78; 8:45 am]

[6712-01-M]

[47 CFR Part 73]

[BC Docket No. 78-367; RM-31621]

FM BROADCAST STATION IN CLINTON, LA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: As a result of a petition filed by Feliciana Broadcasting Corp., action taken herein proposes the assignment of FM Channel 224A to Clinton, La.; as that community's first FM assignment. The proposed assignment could provide for a first local aural broadcast service to Clinton.

DATES: Comments must be received on or before January 8, 1979; reply comments must be received on or before January 29, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Clinton, La.); notice of proposed rulemaking.

Adopted: November 7, 1978.

Released: November 16, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, proposal, comments:*

(a) A petition for rulemaking was filed June 7, 1978, by Feliciana Broadcasting Corp. ("petitioner"), requesting the assignment of FM Channel 224A to Clinton, La., as that community's first FM assignment.¹ No responses to the proposal were received.

(b) The channel could be assigned in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 10 kilometers (6 miles) north of Clinton.

(c) Petitioner states that it will promptly file an application for the channel, if assigned.

2. *Community data:*

(a) *Location:* Clinton, seat of East Feliciana Parish, is located approximately 48 kilometers (30 miles) north of Baton Rouge, La.

(b) *Population:* Clinton—1,884; East Feliciana Parish—17,657.²

(c) *Local aural broadcast service:* Clinton has no local aural broadcast service.

¹Public Notice of the petition was given on August 2, 1978, Report No. 1135.

²Population figures are taken from the 1970 U.S. Census.

3. *Economic data:* Petitioner states that the chief industry of the area adjacent to Clinton has been agriculture. However, it adds, this pattern has gradually changed and the parish now has a significant number of people employed in public hospitals and institutions. It notes that residential housing developing and sales of rural homesites have been moving at an unprecedented rate within the past five years and stands as evidence of the continued and expanded population shift to this area. Petitioner also has submitted information with respect to the form of government, education, churches, and civic organizations in order to demonstrate the need for an FM assignment.

4. Petitioner states that not only does Clinton lack a station but there also is no local aural broadcast service in Amite County, Miss., to the north, St. Helen Parish to the east, and West Feliciana Parish to the west. Portions of these surrounding areas would be within the service contour of a station operating on the proposed channel. Petitioner notes that its Parish (East Feliciana) is served only by a weekly newspaper.

5. In light of the above information and the fact that the proposed FM channel would provide for a first local aural broadcast service to Clinton, La., the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, with regard to Clinton, La., as follows:

City	Channel No.	
	Present	Proposed
Clinton, La.....	—	224A

6. Authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

7. Interested parties may file comments on or before January 8, 1979, and reply comments on or before January 29, 1979.

FEDERAL COMMUNICATIONS
COMMISSION.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in section 4(i), 5(d)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commis-

sion's Rules and Regulations, as set forth in the *Notice of Proposal Rulemaking* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comment even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rulemaking* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-32520 Filed 11-17-78; 8:45 am]

[6712-01-M]

[47 CFR Part 73]

[BC Docket No. 78-368; RM-3155]

FM BROADCAST STATION IN ROMA-LOS SAENZ, TEX.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of FM Channel 285A to Roma-Los Saenz, Tex. A station operating on this channel could bring a first local aural broadcast service to the community. This action was initiated by a petition filed by Tele View, Inc.

DATES: Comments must be filed on or before January 9, 1979 and reply comments must be filed on or before January 29, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Roma-Los Saenz, Tex.); Notice of Proposed Rule Making.

Adopted: November 7, 1978.

Released: November 16, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has before it for consideration a petition for rule making¹, filed by Tele View, Inc. ("petitioner"), requesting the deletion of FM Channel 249A from Rio Grande City, Tex., and its assignment to Roma-Los Saenz, Tex. No responses to the proposal have been received.

2. Roma-Los Saenz (pop. 2,154) in Starr County (pop. 17,707)², is located on the Rio Grande River, approximately 129 kilometers (80 miles) south of Laredo, Tex. Roma-Los Saenz presently has no local aural broadcast service. Since channel 285A can be assigned to this community in conformity with the distance separation re-

quirements without the need to delete the assignment at Rio Grande City, we shall pursue that approach rather than the one suggested in the petition.

3. Petitioner claims that the population of Roma-Los Saenz is growing rapidly due to the legal immigration of Mexican nationals into the community. It states that the economic activities in the community are retail sales, public employment, especially in the school system, and agriculture and farm labor. Petitioner notes that the city's sales tax collections for the past 3 years have been approximately \$50,000 per year. It asserts that there are no AM, FM or television stations in Starr County and the closest broadcast station to Roma-Los Saenz (daytime-only AM Station KIRT) is located some 71 kilometers (44 miles) away at Mission, Tex. Petitioner states that it will apply for the channel, if assigned.

4. We believe it appropriate to consider making an assignment to bring a first local service to the community, and to that end are proposing to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Roma-Los Saenz, Tex.		285A

5. Since Roma-Los Saenz is located within 320 kilometers (199 miles) of the United States-Mexican border, the proposed assignment of channel 285A to that community is subject to concurrence by the Mexican Government.

6. The Commission's authority to institute rulemaking proceedings, showings required, cutoff procedures, and filing requirements are set forth below and are incorporated by reference herein. NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

7. Interested parties may file comments on or before January 9, 1979, and reply comments on or before January 29, 1979.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in

the Notice of Proposed Rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-32519 Filed 11-17-78; 8:45 am]

¹Public notice of the petition was given on July 18, 1978, Report No. 1134.

²Population figures are taken from the 1970 U.S. Census.

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together with a summary of testimony, statistical data, and evidence expected to be relied upon to support its objections; answers to objections shall be filed no later than December 26, 1978.

3. If timely and properly supported objections are filed, we will accord full consideration to the matters or issues raised before taking further action;

4. In the event no objections are filed to any part of this order, we will deem all further procedural steps relating to such part or parts to have been waived, and we will take no further action; and

5. We will serve a copy of this order upon all persons named in the service list of Docket 33381.

We will publish this order in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.⁵

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32579 Filed 11-17-78; 8:45 am]

[6320-01-M]

[Docket 32711]

DALLAS/FORT WORTH-FLORIDA SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 19, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, and (4) time required by each party to comply with requests for information and evidence addressed to it. The Bureau of Pricing and Domestic Aviation will circulate its material on or before December 1, 1978, and the other parties on or before December 8, 1978.

Dated at Washington, D.C., November 14, 1978.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc. 78-32577 Filed 11-17-78; 8:45 am]

⁵ All members concurred.

[6320-01-M]

[Order 78-11-46; Dockets 32711 and 32950]

DALLAS/FORT WORTH-FLORIDA SERVICE INVESTIGATION

Order Dismissing Application

Issued under delegated authority, November 14, 1978.

The motion of Piedmont Aviation, Inc., to consolidate its application in Docket 32950 into the investigation in Docket 32711 was granted by Order 78-7-68, dated July 18, 1978. By letter filed in the Docket section on August 22, 1978, Piedmont withdrew its application. The application will therefore be dismissed.

Accordingly, pursuant to authority delegated by the Board to the Chief Administrative Law Judge in its Regulations, 14 CFR 385.10(b),

It is ordered, That:

1. The application of Piedmont Aviation, Inc., in Docket 32950, previously consolidated into Docket 32711, is dismissed.

2. Piedmont Aviation, Inc., is dismissed as a party to Docket 32711.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless before that date a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the **FEDERAL REGISTER**.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32578 Filed 11-17-78; 8:45 am]

[6320-001-M]

[Docket 32126]

TWIN CITIES-KANSAS CITY-OKLAHOMA-TEXAS ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 19, 1978, at 10 a.m. (local time), Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned. (42 FR 52273, Nov. 9, 1978.)

For information concerning the issues involved and other details in this proceeding, interested persons, are referred to the prehearing conference report served on April 18, 1978, and other documents which are in the

docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 13, 1978.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 78-32576 Filed 11-17-78; 8:45 am]

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Rescheduled Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission originally scheduled for November 17, 1978 and November 18, (FR Doc. 78-30104) on page 49826 has been changed.

The meeting now will be November 18, 1978; 12 noon to 5 p.m. and November 19, 1978; 10 a.m. to 1 p.m.

The meeting place will remain the same.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32983 Filed 11-17-78; 8:45 am]

[6335-01-M]

HAWAII ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10 p.m. on December 8, 1978, The Pagoda Hotel, 1525 Rycroft Street, Honolulu, Hawaii 96814.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

The purpose of this meeting is to discuss program planning and determine program priorities for statewide activities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

NOTICES

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32484 Filed 11-17-78; 8:45 am]

[6335-01-M]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 4 p.m. on December 9, 1978, Baltimore-Washington Airport Terminal, State Aviation Administration.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss the study of police misconduct in Baltimore and report of the outcome of the Regional Planning Conference.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32485 Filed 11-17-78; 8:45 am]

[6335-01-M]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 4 p.m. on December 7, 1978, 163 Madison Street, Detroit, Mich. 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to discuss a proposal for Housing Project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32486 Filed 11-17-78; 8:45 am]

[6335-01-M]

MONTANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 1 p.m. on December 2, 1978, Rocky Mountain College, The Fortin Center.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is to develop future SAC projects for period 1979 and 1980.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32487 Filed 11-17-78; 8:45 am]

[6335-01-M]

OREGON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a Planning and Conference meeting of the Oregon Advisory Committee (SAC) of the Commission will convene at 3 p.m. and will end at 8 p.m. on December 8 and 9, 1978, Sheraton Motor Inn, 1000 N.E. Multnomah Street, Portland, Ore. 97232.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to discuss program planning for fiscal year 1979, 1980 and 1981.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32488 Filed 11-17-78; 8:45 am]

[6335-01-M]

REGIONAL ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a Regional SAC Conference of the Arizona, California, Hawaii and Nevada Advisory Committees (SACs) of the Commission will convene at 10 a.m. to 4 p.m. on December 9, 1978 and will reconvene at 10 a.m. to 1 p.m. on December 10, 1978, The Pagoda Hotel, 1525 Rycroft Street, Honolulu, Hawaii 96814.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, Calif. 90012.

This meeting is to discuss program planning and prioritize activities for fiscal year 1981.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32482 Filed 11-17-78; 8:45 am]

[6335-01-M]

SOUTH CAROLINA ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) of the Commission originally scheduled for December 8, 1978 (FR Doc. 78-31366) on page 51825 has been changed to January 4, 1979.

The meeting place and time will remain the same.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32489 Filed 11-17-78; 8:45 am]

[6335-01-M]

VERMONT ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission originally scheduled for November 29, 1978 (FR Doc. 78-31368) on page 51825 has been changed to November 28, 1978.

The meeting place and time will remain the same.

Dated at Washington, D.C., November 13, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-32490 Filed 11-17-78; 8:45 am]

[6315-01-M]

COMMUNITY SERVICES
ADMINISTRATIONEMERGENCY ENERGY ASSISTANCE PROGRAM
(EXTENDED)

Reopening of EEAP and Availability of Funds

Notice is hereby given to the public that the Community Services Administration has been required by Court Order (*Greig v. Olivarez*) to reopen the Emergency Energy Assistance Program (EEAP) and make available the remaining funds to eligible recipients not served in the program. This Notice applies only to the Emergency Energy Assistance Program funded with fiscal year 1978 moneys.

This Notice sets forth the guidelines and requirements to comply with the Court Order and implement EEAP (Extended). This Notice is being issued and made effective upon publication in order to comply with and pursuant to the requirements of the Court Order.

1. DEFINITIONS

(a) Obligation is the grant of CSA to the grantee and occurs with the Regional Director's signature and mailing of the Form 314.

(b) Commitment is approval by the grantee of an individual's application for assistance. The individual's application should be signed and dated; the countersignature of an authorized grantee official indicating approval should also be dated. Approvals dated after March 15, 1979, may not be charged to CSA grant funds under the EEAP (Extended) program.

(c) Expenditure is actual payment by the grantee of commitments made on or before March 15, 1979. "Expended" is the same as "disbursed" and "liquidated."

2. POLICY

This one-time funded Emergency Energy Assistance Program (Extended) is not intended to be an income transfer program; nor does it entitle any person or household to a certain amount and/or form of assistance. Rather, the primary intent of this program is to make available to CSA-funded grantees additional funds which will enable them to respond to the crisis situations which occurred during the period January 1, 1978 through June 30, 1978.

Grantees will assure that potentially eligible beneficiaries receive timely notification of the program and are provided ample opportunity for full participation.

The areas and grantees served will be those declared last winter to have an energy-related emergency between January 1, 1978 and May 1, 1978. Individuals and households having previously received benefits under EEAP are not eligible for additional benefits under this Notice.

3. ORGANIZATIONS ELIGIBLE FOR
FUNDING UNDER THIS PROGRAM

CSA will fund grantees only in those areas in which the Director of CSA declared under the initial EEAP program that an Energy Related Emergency existed in 1978. Subject to a review by the CSA Regional Director of past performance in crisis intervention programming, grants will be made to the same organizations which served that area under EEAP. If an organization cannot carry out this supplemental program, the CSA Regional Director may identify another agency to operate the program.

Grantees again may enter into delegate agency agreements with other agencies to carry out part or all of the work program.

Funds under this program will be assigned Program Account (80). They also will be governed by the provisions of § 1061.30-1 through § 1061.30-14 (CSA Instruction 6143-1a) and any changes thereto, which governed the activities carried out under the regular Crisis Intervention Program Account (22), to the extent that they do not conflict with this Notice.

4. WHO CAN BE SERVED

a. *Income eligibility.* Only individuals and households not previously served by EEAP may be considered for this program;

Individuals of age 60 and above, whose income for any 90-day period between January 1, 1978 and June 30, 1978 was between 125 percent and 150 percent of the CSA poverty guidelines and/or elderly individuals and couples (age 60 and over) who receive Supple-

mentary Security Income (SSI). (See A Appendix A for income chart);

Individuals and households whose income for any 90-day period between January 1, 1978 and June 30, 1978 was no higher than 125 percent of the CSA poverty guidelines. (See Appendix A for income chart).

b. *Program eligibility.* If a person meets income eligibility guidelines, program eligibility must be determined. An emergency energy need must have existed during the 1977-78 winter, the person must have lacked fiscal resources to meet this need, and the lack of these resources must have resulted in serious hardship.

In order to demonstrate program eligibility, applicants must provide copies or evidence of utility/fuel bills, paid or unpaid, which were due during the period January 1, 1978 through June 30, 1978. The applicant must also be asked to provide proof that these bills (or the payment of them) created for the applicant an emergency need which the person or household did not have the resources to meet. When such proof is not available a self-declaration that such an emergency need existed, when accompanied by the copies or evidence of bills (paid or unpaid), will be sufficient demonstration of program eligibility. In those cases where the applicants cannot supply copies or evidence of utility/fuel bills (paid or unpaid) from the period January 1, 1978 through June 30, 1978 local program operators may accept current fuel/utility bills (paid or unpaid) for purposes of identifying an applicant's utility/fuel vendor and as evidence of the vendor-vendee relationship; but in such cases applicants must sign an affidavit that they did in fact incur energy bills during the period January 1, 1978—June 30, 1978 which caused them serious hardship.

c. *Income disregard.* No payment made under this program shall be considered income for the purpose of determining eligibility for or level of benefits under any income transfer program including, but not limited to, public assistance, veterans benefits, food stamps, Supplemental Security Income, or any other CSA program.

5. WHAT THESE FUNDS CAN BE USED
FOR

Grantees shall not exclude any energy-related utility or fuel expense from coverage under this program. Fuel and utility bills eligible for payment shall include, but not be limited to those for operating cooking stoves, lights, water, furnaces, space heaters, wood-burning stoves, and refrigerators. However, telephone bills are not eligible for payment.

Funds also shall be used to cover such items as blankets and warm clothing, temporary space heaters,

emergency furnace repairs, firewood, fuel oil delivery, temporary shelter, nutrition, health and other supportive services, replacement of broken window panes, and temporary/emergency repairs to housing otherwise unfit for habitation.

Funds under this program shall be made available for the payment of credits toward future delivery of fuel and/or utility bills. This means that the assistance provided to eligible applicants may include the payment of current fuel/utility bills and the establishment of escrow accounts with fuel/utility vendors, as well as other types of assistance described above.

Cash assistance will be limited to voucher payments and payments made directly to suppliers of fuel or other assistance.

6. LENGTH OF PROGRAM

Grantees shall not accept applications for assistance after March 15, 1979.

7. MAINTENANCE OF EFFORT

Services provided with funds made available under EEAP (Extended) shall be in addition to and not in substitution for services previously provided without Economic Opportunity Act assistance.

8. DISTRIBUTION OF FUNDS TO GRANTEES

Applications will not be required from previous grantees. Work programs of the previous EEAP program will remain in effect, unless the grantee requests changes.

In the event a previous grantee cannot conduct the program, the Regional Office can identify another grantee to cover the same area. In such cases a work program will be required within 21 days of the effective date of the grant.

Regional Offices will allocate funds to grantees in those areas designated in 1978 as emergency areas.

CSA Form 314 will be prepared immediately in the allocated amount.

Regional Directors are delegated final sign off authority for this program.

Since a waiver of the clearinghouse review procedures required under OMB Circular A-95 was granted for EEAP, the A-95 process does not apply to this extended program. New grantees, however, are requested to submit an information copy of their application to the appropriate clearinghouse(s).

9. POST-FUNDING REQUIREMENTS

PROJECT ACCOMPLISHMENT REPORT

Grantees must submit to the appropriate Regional Office a report stating the amount of funds the grantee has

committed through January 31, 1979, and the number of eligible households involved. This report is due February 7, 1979.

FINANCIAL REPORTING

Grantees must submit a separate SF 269, Financial Status Report covering activities for this program only. Reports are due June 15, 1979. Grantees shall follow normal procedures for submission of the SF 269, i.e., one copy to the appropriate CSA Regional Office and one copy to Grants Accounting Branch, Finance and Grants Management Division, CSA Headquarters, 1200 19th Street NW., Washington, D.C. 20506.

PROJECT PROGRESS REVIEW REPORTS

Grantees are required to submit a separate project Progress Review Report, CSA Form 440, covering all activities under this program to the appropriate CSA Regional Office with a copy forwarded to CSA Headquarters, Attention: Energy Program. The report is due July 15, 1979. The following activities completed during the program period are to be addressed in section 1A of the Form 440.

1. Total number of households which were assisted under all of the eligible activities of this program. This should be nonduplicative count, and of this number;

a. Number of elderly individuals assisted whose income is between 125 percent and 150 percent of CSA poverty guidelines;

b. Number of elderly individuals assisted whose income is 125 percent or less;

c. Total number of households whose utility/fuel bills were paid and/or received future credits for utility/fuel bills and total amount obligated for this purpose;

d. Total number of households which received other forms of emergency energy assistance under this program and total amount obligated for this purpose.

2. Total number of individuals residing in households served as accounted for in 1 above.

3. Number of reviews of denial of assistance requested and the results thereof.

AUDITS

Grantees will not be required to have a separate audit of this program. The program will be audited at the time of the grantee's regularly scheduled audit.

Five copies of the audit shall be submitted by the auditor to the appropriate CSA Regional Auditor concurrent with submission to the grantee.

10. APPEAL FROM DENIAL OF ASSISTANCE

Each EEAP (Extended) local program operator shall establish and make known to all applicants procedures for review of the denial of EEAP assistance under this program to any household or person, which shall include at a minimum:

1. Written application forms.

2. Notification in writing of the reasons for denial of assistance, the opportunity to submit additional written information which the applicant believes would warrant favorable determination of eligibility.

3. Provision for review of a denial of an application for assistance by the program operator's executive officer, or his/her designee and an opportunity for provision of any additional information by the applicant.

4. Notice in writing of the program operator's final decision on review.

A written description of these review procedures shall be maintained on file by the program operator and available for public inspection.

11. ALLOCATION OF FUNDS

CSA Headquarters will distribute available funds among the States where there was a declared energy-related emergency last winter pursuant to a formula based on: (a) the number of elderly whose income is below 150 percent of the poverty guidelines; (b) the number of persons below 125 percent of the poverty guidelines; and (c) on the severity of the 1977-78 winter weather as measured by heating degree days in each State and area in which EEAP assistance was provided prior to May 20, 1978.

12. LIMITATION OF PROJECT EXPENDITURES

LIMITATION PAYMENTS TO ANY ELIGIBLE PERSON OR HOUSEHOLD

The sum of all forms of assistance made to and/or on behalf of any eligible person or household under this program may not exceed \$250.

OBLIGATION TIME-FRAME

(1) Program commitments by grantees may be made only during the grant period as set forth on the statement of CSA grant. Grantee commitments made before or after these dates shall be disallowed. Funds committed by grantees but not disbursed at the end of the grant period shall be liquidated (paid out) by June 15, 1979.

(2) Funds which are not committed by the grantee by March 15, 1979, under this grant shall be returned to CSA for refund to the U.S. Treasury.

OVEREXPENDITURES

If the grantee incurs expenditures in excess of the total amount of the ap-

proved grant, the amount of the over-expenditure must be absorbed by the grantee.

PROHIBITION AGAINST TRANSFER TO ANOTHER GRANT

Funds remaining uncommitted to individuals by the grantee cannot be transferred by the grantee to another grant. The amount of free or uncommitted cash balance remaining with the grantee and its delegate agencies at the end of the program shall be accounted for in the required financial report. If savings occur in the liquidation of commitments outstanding at the end of the program, these become

part of the balance to be returned to CSA.

13. ADMINISTRATIVE COSTS

Combined personnel and administrative costs may not exceed fifteen percent (15 percent) of these EEAP (Extended) grant funds.

14. NON-FEDERAL SHARE REQUIREMENT

The non-Federal share requirement for the Emergency Energy Assistance Program (EEAP) under Program Account (80) is waived.

GRACIELA (GRACE) OLIVAREZ,
Director.

COMMUNITY SERVICES ADMINISTRATION

CSA POVERTY INCOME GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

	Non-farm family		Farm family	
	125 pct	150 pct	125 pct	150 pct
Size of family unit:				
1.....	\$3,925	\$4,710	\$3,363	\$4,035
2.....	5,200	6,240	4,438	5,325
3.....	6,475	7,770	5,513	6,615
4.....	7,750	9,300	6,588	7,905
5.....	9,025	10,830	7,663	9,195
6.....	10,300	12,360	8,738	10,485

125 pct—For family units with more than 6 members, add \$1,275 for each additional member in a non-farm family and \$1,075 for each additional member in a farm family.

150 pct—For family units with more than 6 members, add \$1,530 for each additional member in a non-farm family and \$1,290 for each additional member in a farm family.

CSA POVERTY GUIDELINES FOR ALASKA

	Non-farm family		Farm family	
	125 pct	150 pct	125 pct	150 pct
Size of family unit:				
1.....	\$4,925	\$5,910	\$4,225	\$5,070
2.....	6,513	7,815	5,563	6,675
3.....	8,100	9,720	6,900	8,280
4.....	9,687	11,625	8,238	9,885
5.....	11,275	13,530	9,575	11,490
6.....	12,863	15,435	10,913	13,095

125 pct—For family units with more than 6 members, add \$1,588 for each additional member in a non-farm family and \$1,338 for each additional member in a farm family.

150 pct—For family units with more than 6 members, add \$1,905 for each additional member in a non-farm family and \$1,605 for each additional member in a farm family.

CSA POVERTY GUIDELINES FOR HAWAII

	Non-farm family		Farm family	
	125 pct	150 pct	125 pct	150 pct
Size of family unit:				
1.....	\$4,525	\$5,430	\$3,913	\$4,695
2.....	5,987	7,185	5,138	6,165
3.....	7,450	8,940	6,363	7,635
4.....	8,913	10,695	7,588	9,105
5.....	10,375	12,450	8,813	10,575
6.....	11,838	14,205	10,038	12,045

125 pct—For family units with more than 6 members, add \$1,463 for each additional member in a non-farm family and \$1,225 for each additional member in a farm family.

150 pct—For family units with more than 6 members, add \$1,755 for each additional member in a non-farm family and \$1,470 for each additional member in a farm family.

NOTIFICATION OF DENIAL OF ASSISTANCE FORM (SAMPLE)

DEAR APPLICANT: Your application for the Emergency Energy Assistance Program (EEAP) (Extended) has been denied for the following reason(s):

[] You did not meet the income eligibility requirements between January 1, 1978 and June 30, 1978.

[] You previously received assistance under EEAP and are therefore not eligible for additional benefits.

- [] You have provided insufficient evidence that an emergency energy need resulting in serious hardship during the 1977-78 winter.
- [] The assistance you have requested is not an emergency energy need covered by this program.
- [] _____

If you do not agree with the reason(s) for denial set forth above, you may submit additional information which you believe will warrant a favorable determination of eligibility.

With or without additional information you shall have the opportunity to appeal the denial of assistance to [the program operator's chief executive officer or his/her designee]. You may submit additional information to [the reviewer of your application].

After review of the denial of your application, you will receive a notice in writing of the final decision.

[FR Doc. 78-32534 Filed 11-17-78; 8:45 am]

¹ Insert name.

[6315-01-M]

COMMUNITY SERVICES ADMINISTRATION

NATIONAL CONSUMER COOPERATIVE BANK FEDERAL INTERAGENCY TASK FORCE

Public Meetings

NOTE.—This document originally appeared in the FEDERAL REGISTER for November 17, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

ACTION: Notice of public meetings.

SUMMARY: The National Consumer Cooperative Bank Federal Interagency Task Force announces a series of 13 public meetings to provide general information on the Bank and to obtain specific comments on issues and questions generated by working subcommittees of the Interagency Task Force.

DATE, TIME, LOCATION, LOCAL LEAD AGENCY AND CONTACT PERSON:

Date and time	Location	Local lead agency	Local contact
Dec. 1, 9 a.m. to 5 p.m.	215 Fremont St., room 605, San Francisco, Calif.	Department of Housing and Urban Development.	Sharon Brown, 415-556-8484.
Dec. 2, 9 a.m. to 5 p.m.	College of Santa Fe, Cerrillos Rd. and St. Michaels Dr., the Forum, Santa Fe, N. Mex.	Department of Agriculture.	Don Purcell, 505-766-3956.
Dec. 4, 9 a.m. to 5 p.m.	Denver Marina Hotel, 303 West Colfax Ave., Big Horn Room, Denver, Colo.	ACTION.....	Karen Paget or Wayne Olson, 303-837-2671.
Dec. 4, 9 a.m. to 5 p.m.	Federal Building, 228 Walnut St., third floor, Harrisburg, Pa.	National Credit Union Administration.	Joyce Stydinger, 717-782-4595.
Dec. 4, 9 a.m. to 5 p.m.	Federal Building, 26 Federal Plaza, room 1-102, New York, N.Y.	Department of Commerce	Al Funai, 212-264-5647.
Dec. 5, 9 a.m. to 5 p.m.	Radisson-Cadillac Hotel, 1114 Washington Blvd., Woodward Room, Detroit, Mich.	Department of Housing and Urban Development.	Doris Mersdorf, 313-353-5834.
Dec. 5, 10 a.m. to 7 p.m.	Park Place Plaza, EPA Conference Room, 1200 Sixth Ave., Seattle, Wash.	Department of Health, Education, and Welfare.	Harvey Chester, 206-442-0486.
Dec. 8, 9 a.m. to 5 p.m.	Port Snelling, 266 Federal Bldg., conference room 564, St. Paul, Minn.	Community Services Administration.	Bev Gleeson, 612-296-5740.
Dec. 11, 9 a.m. to 5 p.m.	McCormack Federal Bldg., Devonshire St. and Post Office Sq., room 208, Boston, Mass.	ACTION.....	John Torian, 617-223-4510.
Dec. 11, 9 a.m. to 5 p.m.	Holiday Inn Central, 3321 South 72d St., Empire D Room, Omaha, Nebr.	Department of Energy.....	June Heard, 816-374-2061.
Dec. 13, 9 a.m. to 5 p.m.	Gaillard Municipal Bldg., 77 Calhoun St., Mezzanine Meeting Rooms, Charleston, S.C.	Community Services Administration.	Jim Middleton, 803-723-9285.
Dec. 14, 9 a.m. to 5 p.m.	New Orleans Public Library, Loyola and Tulane Aves., Library Auditorium, New Orleans, La.	do.....	Norman Riemer, 214-767-6177.
Dec. 15, 9 a.m. to 5 p.m.	City of Memphis Board of Education Administration Bldg., 2597 Avery St., Auditorium, Memphis, Tenn.	do.....	Foster Adams, 901-528-2900.

FOR FURTHER INFORMATION CONTACT:

Jerry Storey, Office of Interagency and External Affairs, Community Services Administration, 1200 19th Street NW., room 238, Washington, D.C. 20506, 202-632-8322.

SUPPLEMENTARY INFORMATION:

The National Consumer Cooperative Bank Act was signed into law on August 20, 1978. The Bank is intended to improve the effectiveness of self-help cooperatives by providing them financing and technical assistance. The Bank will be established as a mixed ownership Government corporation administered by a 13-member Board of Directors, 7 from Federal agencies and 6 from the general public. Eventually, the Bank will be wholly owned by its member cooperatives and will operate independently of the Federal Government.

The Administration has established a Federal Interagency Task Force to expedite implementation of the Act. The Interagency Task Force, chaired by the Department of the Treasury, is made up of 11 member agencies. The Interagency Task Force will recommend policies and procedures to the Bank.

The Interagency Task Force has organized six working subcommittees, as follows:

I. *Internal Procedures*, chaired by the Department of Housing and Urban Development. This subcommittee deals with Board procedures, stockholders'; voting power, conflict of interest rules, setting up main and branch Bank offices and reports to Congress.

II. *Priorities and Allocation of Financial Assistance*, chaired by the White House Office of Consumer Affairs. This subcommittee deals with policy guidelines for defining eligible cooperatives, for apportioning loans, guarantees, interest subsidies, and technical assistance among eligible cooperatives.

III. *Finance and Lending Policies*, chaired by the Department of the Treasury. This subcommittee deals with the terms, conditions, and procedures for granting assistance, with the fees and interest rates to be charged, with Bank borrowing and with questions concerning stock that do not involve voting power.

IV. *Self-Help Development Fund*, chaired by ACTION. This subcommittee deals with questions concerning the Self-Help Development Fund.

V. *Technical Assistance*, chaired by the Department of Commerce. This subcommittee deals with questions concerning technical assistance, including standards and procedures for setting fees.

VI. *Public Participation*, chaired by the Community Services Administration and ACTION. This subcommittee is responsible for generating and coordinating public input to the work of the Interagency Task Force.

PUBLIC MEETINGS: The 13 public meetings on the Bank will be coordinated at the local level by a lead Federal agency, identified in the schedule of meetings above. Representatives of the Interagency Task Force subcommittees will attend these meetings to receive public comment on the issues and questions being considered by those subcommittees. Public input resulting from each meeting will be forwarded directly to the pertinent Interagency Task Force subcommittee(s).

A list of questions, which represent some of the major issues being addressed by the Interagency Task Force, follows below. These questions will form a basis of comment and discussion at the public meetings. Participants may comment on general matters about the Bank during the information portion of the public meeting. Participants may comment on specific subcommittee issue areas during that portion of the public meeting set aside for each subcommittee.

The public meetings are open to all interested parties. For scheduling purposes, any person who wishes to comment on a subcommittee issue at a public meeting is requested to contact the local lead Federal agency person identified above. It is the special aim of these public meetings to get as many comments, ideas and suggestions as possible from a broad representation of persons and groups interested or involved in consumer cooperative activity. The Interagency Task Force invites those who are either unable to participate in person at a public meeting or who wish to comment in more detail than public meeting time will permit to send their information and views to Jerry Storey, address above, by December 31, 1978.

A brief summary of major provisions of the Bank follows as an appendix to this notice. The Bank Act appears in

full in the Congressional Record of July 17, 1978.

GRACIELA (GRACE) OLIVAREZ,
Director.

APPENDIX—SUMMARY OF THE NATIONAL CONSUMER COOPERATIVE BANK

Background

On August 20, 1978, the President signed into law the Consumer Cooperative Bank Act (Pub. L. 95-351), to create an independent national bank for cooperatives.

Purpose of the Bank

The purpose of the legislation is to provide financial and technical assistance to not-for-profit cooperatives. To accomplish this, the legislation: (1) Establishes a Bank to make loans at market interest rates to cooperatives in a variety of fields (Title I) and (2) creates a Self-Help Development Fund and Technical Assistance capability to assist low-income cooperatives or co-ops with special needs. (Title II).

Eligibility

To be eligible for assistance, a cooperative must: (1) Be operated on a non-profit cooperative basis and must furnish goods, services, or facilities primarily for the benefit of its members or voting stockholders as consumers and (2) be a legally chartered entity entirely owned and controlled by such cooperatives. (Please see section 105 of the Act.)

Producer cooperatives are also eligible, but loans to producer cooperatives may not exceed 10 percent of the Bank's gross assets.

Beginning October 1, 1983, up to 30 percent of the Bank's gross assets may be loans for residential housing cooperatives. In addition, the Bank must make its best efforts to assure that 35 percent of all loans outstanding at the end of each fiscal year are made to low-income cooperatives or cooperatives primarily serving low-income persons.

The Bank's Budget

The Act authorizes the Government to purchase up to \$300 million of Class A preferred stock over 5 years. In addition, borrowers will be required to own certain amounts of common stock. Any cooperative eligible to borrow may purchase additional common stock. The Bank may raise additional funds by borrowing up to ten times its capital.

TITLE I

The Bank Board

Initially, the Bank will be governed by a 13-member Board of Directors appointed by the President, for 3-year terms. Of the 13 members, 7 will be from agencies and departments of the Federal Government, and 6 will be from the general public. The public members must have extensive experience in the cooperative field.

Eventually, the Bank will be owned and governed by cooperatives which borrow or are eligible to borrow from the Bank. As cooperative ownership of Bank stock increases, Presidentially appointed directors will be replaced by directors elected by cooperative shareholders.

TITLE II

The Act establishes an office of Self-Help Development and Technical Assistance within the Bank whose Director is appointed by the President. Policies and procedures governing the operation of the Office are subject to review by the Board.

The Act creates a separate loan account called the Self-Help Development Fund and authorizes \$75 million to the Fund over 3 years.

The Fund may be used for capital investment loans to eligible cooperatives provided that:

(1) The applicant (a) needs more capital than it can get from a bank loan or from other sources; or (b) the membership of the applicant is, or will be, composed substantially of low-income persons; or (c) the project or activity to be financed will serve low-income persons; and (2) the applicant (a) needs more capital than it can get from a bank loan or from other sources; and (b) shows it can repay the capital investment loan within 30 years.

Eligible cooperatives which cannot pay market rates of interest to the Bank or to another lender because they serve low-income persons may apply for interest supplement payments from the Fund.

The Office will charge interest on both capital investment advances and interest supplement payments. The Board of Directors may authorize rates of interest lower than those charged for loans under Title I.

Technical Assistance

The Office will make available information and services concerning the or-

ganization, financing and management of cooperatives. It may contract with other private or public organizations to achieve its goals.

The Office will investigate new types of services and will provide financial analyses and market surveys for eligible cooperatives.

The Office will develop and implement programs to train members, directors, and staff of eligible cooperatives in the operation and use of cooperatives.

The Office will work with other Government agencies to insure that information concerning relevant programs is available to eligible cooperatives.

Congress has authorized an appropriation of \$2 million for fiscal year 1979 for the administration of the Office of Self-Help Development and Technical Assistance program. It has authorized such sums as may be necessary for fiscal year 1980 and fiscal year 1981.

THE INTERAGENCY TASK FORCE

General

In September the administration established an Interagency Task Force consisting of representatives from 11 agencies or departments to expedite the implementation of the Bank. The Task Force is responsible to prepare recommendations for implementation to the Bank Board. The Board makes final decisions about operational and policy matters.

Structure of the Task Force

The Interagency Task Force is chaired by the Treasury Department. Six working subcommittees have been established, each chaired by an agency, office, or department. They are:

1. Internal Procedures—Department of Housing and Urban Development.
2. Eligibility and Priorities—Esther Peterson, Special Assistant to the President for Consumer Affairs.
3. Finance and Lending Policies—Department of Treasury.
4. Self-Help Development Fund—ACTION.
5. Technical Assistance—Department of Commerce.
6. Public Participation—The Community Services Administration and ACTION.

The Task Force hopes to have its recommendations for the Bank finalized by January 31, 1979.

Nominations

Nominations for public members of the Board of Directors are requested by November 30, 1978. Nominations are being solicited from cooperative organizations and other interested groups. The Administration hopes to

have nominees selected, and ready for Senate hearings some time in January.

MAJOR ISSUES AND QUESTIONS OF THE INTERAGENCY TASK FORCE

SUBCOMMITTEE I—INTERNAL PROCEDURES

1. How can information about the Bank and the Office of Self Help best be provided to interested cooperatives and other groups?

Some examples:

- a. Existing Federal agencies.
- b. Private groups.
- c. Field representative of the Bank and the Office of Self-Help.
- d. A combination of the above.
- e. Other: _____.

2. What should be included in the annual report to Congress and in the annual report to shareholders?

The Act specifies that the annual report to the shareholders shall include a report on the Bank's financial condition. You may want to read section 106 on the annual report to shareholders and section 111 on the annual report to Congress before answering this question.

Some examples:

- a. List of loans and grants made.
- b. Upcoming appropriations and possible new bills.
- c. Number of low income, elderly, rural, and inner city residents served.
- d. Other: _____.

3. What kind of information about the Bank and the Office should be made available in between or in addition to annual reports?

Some examples:

- a. Summary of the Act.
- b. Examples of different types of cooperatives.
- c. Services offered by the Bank and the Office of Self-Help.
- d. Other: _____.

4. Rejected applicants may appeal decisions to the Board of Directors within 30 days. How can this best be handled? Please read section 113 before answering this question. Appeals are limited to decisions contrary to the stated policies of the Bank.

Some examples:

- a. Subcommittee of the Board.
- b. Board's staff.
- c. Other: _____.

5. How much weight should each vote cast by a shareholder be given in elections for the Bank's Board of Directors and at the annual meetings? Please read section 104(g) and section 106 before answering this question.

6. What should the relationship between the Fund and the Board be with respect to: 1) the Board reviewing policies of the Office (see section 201), and 2) operations such as initial evaluation of a loan? This question appears under subcommittee IV also.

SUBCOMMITTEE II—PRIORITIES

1. What steps should a primary cooperative be required to take in order to comply with the statutory requirements of "economic democracy" and maximum participation by members? You may want to look at section 105(a) No. 5.

Some examples:

- a. Elected Board of Directors.
- b. Referenda on policy issues.
- c. Fair elections.
- d. Requiring that a certain percentage of the people a cooperative serves be members.
- e. Opportunity for the members to vote on major business and financial decisions of the cooperative.
- f. All of the above.
- g. Other: _____.

2. How should the term "not-for-profit basis" be defined?

3. What percentage per annum should be permitted to be paid as dividends on voting stock or membership capital? On what basis did you arrive at your conclusion?

Please look at section 105(a)2 on limiting dividends before answering this question.

4. How should we define "low income person"? Should we use different definitions for the Bank and for the Office of Self Help?

Some examples:

CSA guideline defines a family of four with an income of \$6,200 as low income—about 25 million people. Bureau of Labor Statistics defines a family of four with an income of \$10,000 as low income—about 75 million people. Title XX guideline—50 percent of State's median income—about 54 million people—\$8,500 for a family of four.

5. How big a percentage of low income people—both members and patrons—must a cooperative serve to be considered a low income cooperative for the purpose of the Office of Self Help?

6. How can the Bank and the Office of Self Help best encourage the growth of cooperatives serving low income people, the elderly, and inner city, and rural residents?

Some examples:

Targeting resources.
Special technical assistance.
Low interest rates.

7. Section 105(b) of the Act allows primary producers to borrow from the Bank unless the dollar volume of loans made to such producers exceeds 10 percent of the gross assets of the Bank. What types of primary producer co-ops, if any, should be given priority in the lending policies of the Bank? Should primary producer co-ops be eligible to apply for assistance from the Office of Self Help and Technical Assistance? Should the 10-percent limit

also apply to assistance from the Office?

8. What factors should the Bank and the Office of Self Help take into account in establishing lending priorities?

SUBCOMMITTEE III—FINANCE AND LENDING POLICIES

1. For what purposes does your organization anticipate borrowing from the Co-op Bank?

- Emergency working capital.
- Seasonal working capital.
- New capital equipment.
- Used capital equipment.
- Commercial real estate.
- Residential real estate.
- To pay for technical assistance, training, or management consulting help.
- Refinancing.
- Other: _____.

2. What dollar amount of loans and type would you be asking the Bank for?

- In 1979?
In 1980?
Over the 5-year period, 1979-84?
Beyond 1984?

3. The law requires loans to be made at rates of interest generally prevailing in the area. Stock purchases can be included as part of this determination.

In this light, how much stock should a cooperative be required to purchase? Please read section 108(b) before answering this question.

4. To assist in conversion of the Bank to cooperative ownership, Congress has given the Bank the authority to require co-ops to purchase stock amounting to at least 1 percent and as much as 10 percent of the loan amount.

- Should purchase of stock be uniform among all borrowers and types of loans? If not, explain.
- When and at what level should stock purchases be made? Should they be made in advance; as interest is paid; in flat sums; or by some other method?
- Should borrowers be required to continue to hold stock after all or part of their loans have been paid back? If so, how much?
- Should the Bank attempt to maximize stock purchases as a means of building up its capital base? Or as a means of speeding the retirement of Government capital?

5. Should interest rates charged by the Bank be uniform to all borrowers or should they reflect the type of loan, risk involved and collateral offered?

6. How should the Bank determine the impact of the loan on existing small businesses?

7. To what extent would a potential borrower of the Bank be willing or able to pay for or have included in the cost of the loan such items as feasibility studies, financial audits, appraisals

of property for loan security purposes, etc.?

8. Bank interest charges could be made at a fixed rate or one which varies with the cost of money to the Bank. As a cooperative Bank any earnings are refundable to the users of the Bank. Which method of interest rate policy would you prefer?

SUBCOMMITTEE IV—SELF HELP DEVELOPMENT FUND

1. What is an appropriate definition of a cooperative serving low-income members with respect to the Self Help Development Fund? This question is also asked in Subcommittee II on Priorities. How much of the Self Help Development Fund should go to coops serving low-income people?

2. How should we design a system of ongoing public participation for the fund?

Some examples:

- Local advisory committees.
- Staff liaisons with cooperatives.
- Questionnaires.
- Annual report.
- Other: _____.

3. What should the relationship between the Fund and the Board be with respect to: (1) The Board reviewing policies of the Office (see section 201), and (2) operations such as initial evaluation of a loan? This question also appears under Subcommittee I.

4. Please comment on the experience of taking out loan for your cooperative or community group, or making loans to such groups. What lessons could we learn for use in designing the loan delivery system?

5. For what purposes is your cooperative or community group likely to borrow from the Fund (or Bank)? What would be the likely size of your loan?

6. What kinds of technical assistance would be relevant for the specific purpose of repaying loans?

7. The Coop Bank Act requires that the Self Help Office receive a plan for repayment as part of every loan application. How would you project and document your coop's ability to generate the cash needed to make payments at regular intervals for principal, interest, and technical assistance received from the Fund?

SUBCOMMITTEE V—TECHNICAL ASSISTANCE

1. Through which means can technical assistance best be administered?

Some examples:

- Cooperatives and federations of cooperatives.
- Training centers.
- Office of Self Help personnel.
- Universities.
- Other: _____.

2. What type of technical assistance would your cooperative or group find most useful? (you may find Title II sections 204, 205, 206 and 207 useful.)

Some examples:

- Feasibility studies.
- Financial, market and operations analysis.
- Staff training.
- Outreach to low-income people.
- Consumer information.
- Membership recruitment.
- Other: _____.

3. How can the Bank and the Office help cooperatives leverage resources from other groups such as local banks, Federal agencies, local government, private foundations, and volunteers?

4. What type of new cooperative services should the technical assistance program explore and possibly support?

5. What kind of board of director training and membership education programs would your cooperative find useful? Would you still be interested in this kind of assistance if you had to pay for it?

[FR Doc. 78-32375 Filed 11-16-78; 8:45 am]

[3125-01-M]

COUNCIL ON ENVIRONMENTAL QUALITY

IMPROVING GOVERNMENT REGULATIONS

Final Report on Implementation of Executive Order 12044

AGENCY: Council on Environmental Quality.

ACTION: Information.

SUMMARY: This report outlines a description of the process for developing and revising the two regulations for which the Council is responsible, the National Environmental Policy Act (NEPA) regulations and the National Oil and Hazardous Substances Pollution Contingency Plan regulations. The report identifies changes made to comply with the Order.

FOR FURTHER INFORMATION: Questions should be addressed to:

Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006.

A. BACKGROUND

Executive Order 12044 on Improving Government Regulations requires agencies to issue a draft report implementing the policy and provisions of the Order. The Council published its draft report in 43 FR 22593 (May 25, 1978). No public comments were received on the draft report. Related comments on the Council's proposed NEPA regulations together with inter-

nal revisions are the basis for this Final Report implementing Executive Order 12044.

The Council on Environmental Quality is responsible for enacting two kinds of regulations. First, the Council is directed by Executive Order 11991 (May 24, 1977) to prepare and enact regulations implementing the National Environmental Policy Act (NEPA). The Council's NEPA regulations have been under preparation and review since June 1977.

Proposed NEPA regulations were published in the *FEDERAL REGISTER* (48 FR 25230, June 9, 1978) for public review and comment. Second, in Executive Order 11735 (August 3, 1973) the President designated the Council on Environmental Quality to exercise the President's authority under section 311(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to prepare and publish a National Contingency Plan for removal of oil and hazardous substances. The Council has prepared and published a National Oil and Hazardous Substances Pollution Contingency Plan in the form of regulations in 40 CFR 1510 et seq. (as amended March 26, 1976). During 1977 and 1978 the National Contingency Plan regulations have been under review for proposed revisions.

NEPA and the National Contingency Plan are the only subjects which in the presently foreseeable future will involve regulations by the Council on Environmental Quality. The work of preparing regulations in these two areas was largely completed before Executive Order 12044 became effective. Therefore application of Executive Order 12044 to the Council's regulatory activities is generally limited to future revisions or amendments to the Council's NEPA and National Contingency Plan regulations.

B. SEMIANNUAL AGENDA OF REGULATIONS

To give the public adequate notice, the Council will publish semiannually in the *FEDERAL REGISTER* an agenda listing proposed revisions to its NEPA regulations and National Contingency Plan regulations that are currently under development or review. The Council's schedule for its semiannual agenda was published in 43 FR No. 191 page xiii, October 2, 1978. The schedule indicates that the Council's semiannual agenda will appear on January 5, 1979, and July 5, 1979. The agenda will describe the need for and legal basis for the action being taken, and the status of regulations previously listed on the agenda. The agenda will list the name and telephone of a knowledgeable Council staff member. The agenda will also indicate, if possi-

ble, whether a regulatory analysis will be required.

C. POLICY

It is the Council's policy consistent with sections 1 and 2 of Executive Order 12044 that:

- (1) The need for and purposes of proposed regulations and revisions are clearly established;
- (2) The public have an early and meaningful opportunity to review and comment on proposed regulations and revisions;
- (3) Proposed regulations and revisions are coordinated with all Federal agencies affected;
- (4) Meaningful alternatives are considered and analyzed before proposed regulations and revisions are adopted;
- (5) Compliance costs, paperwork, and other burdens on the public are minimized;
- (6) Proposed regulations and revisions be written simply, in plain language;
- (7) Comments are considered and an adequate response is prepared;
- (8) The Council review proposed regulations and revisions to insure adherence to these policies and the policies of Executive Order 12044.

D. PROCESS FOR REVISING THE COUNCIL'S REGULATIONS

The two regulations for which the Council has responsibility for issuing were initiated by Executive Order. The National Contingency Plan regulations were developed in 1971 and have experienced several revisions. The NEPA regulations were largely developed in 1977, before Executive Order 12044 became effective. A detailed description of the process used by the Council in developing its NEPA regulations was published in its draft report implementing Executive Order 12044, 43 FR 22593, May 25, 1978. Since both the Council's regulations have already been developed, and since the Council will issue no other regulations, the final report addresses the Council's process for revising these regulations.

1. Revising National Environmental Policy Act Regulations

Based on the Council's annual review of Federal agency compliance with the National Environmental Policy Act and on an examination of the paperwork and regulatory burden of the regulations, the General Counsel will make an initial determination whether revisions to the NEPA regulations are necessary. Revisions may also be initiated as a result of statutory, Executive Order, or judicial requirements.

If appropriate, public hearings or meetings will be held to verify the

need for revisions and identify reasons for revision. Additional ways for early public and agency participation in the development of proposed revisions (such as questionnaires) will be used where appropriate.

If revisions to the NEPA regulations are determined by the Council to be necessary, draft revisions will be prepared under the supervision of the General Counsel, taking into consideration the results of early public and agency participation. To the extent relevant, the analysis required by section 3 of Executive Order 12044 will be prepared concurrently with the drafting of proposed revisions.

Proposed revisions will be published in the *FEDERAL REGISTER* for public review and comment. Ordinarily the review and comment period will be 60 days. Where appropriate, proposed revisions may be circulated to Federal agencies for review and comment before being published in the *FEDERAL REGISTER* as proposed revisions. In cases where proposed revisions are minor, technical or clerical in nature, or where otherwise required by law, the proposed revisions will be published in the *FEDERAL REGISTER* with a 30-day public review and comment period. Proposed revisions to the NEPA regulations published in the *FEDERAL REGISTER* will indicate how the public may obtain copies of any accompanying analyses that may have been prepared.

Federal agency and public comments on proposed revisions will be considered. Where appropriate, meetings with affected agencies and representatives of the public will be held to discuss specific issues. Before proposed revisions are published in final form in the *FEDERAL REGISTER*, the Council will determine whether the proposed revisions comply with the policy of this report and the provisions in section 2(d) of Executive Order 12044.

2. Revising National Contingency Plan Regulations

The National Contingency Plan regulations provide in 40 CFR 1510.32 that the National Response Team:

"Shall establish and maintain a Committee on Revision of the National Plan. The Committee shall provide suggested revisions to the NRT (National Response Team) for consideration, approval and publication by CEQ. The Primary Agencies (Departments of Transportation, Defense, Commerce, Interior, and the Environmental Protection Agency) shall provide membership on this standing Committee. Advisory agencies (Departments of Justice, State, and HEW, HUD, and the NRC) shall participate whenever revision or proposed amendments would affect those agencies."

The National Response Team, which consists of representatives of the Primary and Advisory agencies, thus is responsible for preparing proposed revisions to the National Contingency Plan regulations. Proposed revisions are then submitted to the Council on Environmental Quality for review and approval. If the revisions are minor, technical, or clerical, they will be published in the FEDERAL REGISTER as proposed regulations with a 30-day public review and comment period. If the revisions are significant, there will ordinarily be a 60-day public review and comment period before the revisions are issued as final regulations. Significant revisions are those that are other than minor, technical, or clerical in nature.

E. CRITERIA FOR DEFINING SIGNIFICANT COUNCIL REGULATIONS

Future action by the Council will be limited to revisions to the NEPA regulations and the National Contingency Plan regulations. Proposed revisions to these two regulations will be deemed "significant" for purposes of Executive Order 12044 unless the revisions are minor, technical, or clerical in nature. This means that ordinarily the public will have 60 days for review and comment on proposed revisions, and that the Council will ordinarily approve each proposed revision before publication in final form in the FEDERAL REGISTER.

F. CRITERIA FOR IDENTIFYING WHICH COUNCIL REGULATIONS REQUIRE REGULATORY ANALYSIS

Future action by the Council will be limited to revisions to the NEPA regulations and the National Contingency Plan regulations. Proposed revisions to these two regulations, to the extent relevant, will be accompanied by regulatory analysis whenever the General Counsel determines that the proposed revisions will result in an annual effect on the economy of \$100 million or more or a major increase in costs or prices for individual industries, levels of government, or geographic regions, or when the Council determines that the policies of Executive Order 12044 require a regulatory analysis.

G. SUPPLEMENTARY INFORMATION

Consultation with State and local government officials will be carried out in accordance with the procedures established by the President's Memorandum to Heads of Agencies (March 23, 1978) accompanying the issuance of Executive Order 12044, and with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 1.

The Council's proposed NEPA regulations will be promulgated as final regulations in 40 CFR 1500 et seq.

The Council's National Oil and Hazardous Substances Contingency Plan regulations are promulgated in 40 CFR 1510 et seq.

NICHOLAS C. YOST,
General Counsel.

[FR Doc. 78-32517 Filed 11-17-78; 8:45 am]

[3710-08-M]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Open Meeting

In accordance with Pub. L. 92-463, dated October 6, 1972, notice is given of a meeting of the Army Advisory Panel on ROTC affairs on December 6, 1978, at the Pentagon. The proposed schedule of activities is as follows:

- 0830—Opening remarks: Chairman—Swearing in of new panel members.
- 0900—Remarks: Deputy for Military Personnel Policy, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
- 0915—Remarks: Deputy Chief of Staff for ROTC/Region Commanders.
- 1015—Coffee break.
- 1030—Remarks: Department of the Army representative.
- 1045—Presentation: Officer accessions—Planning: Officer Personnel Management Directorate.
- 1150—Lunch.
- 1330-1600—Panel discussion: Chairman.

The meeting is open to the public.

WILLIAM A. SCOTT,
Lieutenant Colonel, GS, Executive
Secretary for the Army
Advisory Panel on ROTC Affairs.

[FR Doc. 78-32543 Filed 11-17-78; 8:45 am]

[3710-08-M]

ARMY SCIENCE BOARD/AIR FORCE SCIENCE ADVISORY BOARD

Closed 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:

ARMY SCIENCE BOARD/AIR FORCE SCIENTIFIC ADVISORY BOARD

Date and time: December 13 and 14, 1978; 8 a.m. to 5 p.m. each day.
Place: December 13—USAREUR, Heidelberg, Germany; closed session.
December 14—USAFE, Ramstein, Germany; closed session.
Proposed agenda: The Army and Air Force Science Boards will receive classified briefings and hold classified discussions on their Joint Summer Study on "Battlefield Systems Integration." This meeting will

be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

ROBERT F. SWEENEY,
Lieutenant Colonel, GS,
Executive Secretary,
Army Science Board.

[FR Doc. 78-32541 Filed 11-17-78; 8:45 am]

[3710-08-M]

MILITARY TRAFFIC MANAGEMENT COMMAND, MILITARY PERSONAL PROPERTY CLAIMS SYMPOSIUM

Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on December 14, 1978, at Headquarters, Military Traffic Management Command, Nassif Building, Room 714, 5611 Columbia Pike, Falls Church, Va. 22041. The meeting will convene at 9 a.m. and adjourn at approximately 3 p.m.

Proposed agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on mutual problems arising from claims for loss, damage or destruction of personal property while in transit or storage.

This symposium will be open to the public to the extent that space limitations of the meeting space permit. Because of these limitations, interested parties are requested to reserve space by contacting the Commander, Military Traffic Management Command, Attention: MT-PPM, Washington, D.C. 20315, telephone 202-756-1808.

All interested persons desiring to submit topics to be discussed should submit them in writing to the address given in the preceding paragraph. Topics to be discussed should be received on or before December 7, 1978.

Dated: November 13, 1978.

DONALD H. MENSCH,
Colonel, GS,

Director of Personal Property.

[FR Doc. 78-32542 Filed 11-17-78; 8:45 am]

[3710-92-M]

PROPOSED GENERATING STATION IN LOUISA AND MUSCATINE COUNTIES, IOWA

Intent To Prepare a Draft Environmental Impact Statement (DEIS)

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

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: Iowa-Illinois Gas & Electric Co., Davenport, Iowa, proposes to construct a 650-megawatt, coal-fired, steam-electric generating station in Louisa and Muscatine Counties, Iowa.

The site for the facility, which is to be known as the Louisa Generating Station, is located adjacent to the Mississippi River approximately 5 miles downstream of Muscatine, Iowa. The company has applied for a Department of the Army permit for a discharge structure which is part of the proposed facility. The permit application is being processed under section 10 of the River and Harbor Act of 1899 and section 404 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1344).

Notice is hereby given of the Corps of Engineers, Rock Island District, assumption of "lead agency" responsibility for Federal action and the decision to prepare a DEIS for the proposed generating station. The DEIS will cover all aspects of plant construction and operation out to the first tower of the transmission line.

DATE: DEIS will be released for public review on or before February 2, 1979.

ADDRESS: Questions about the proposed action and the environmental impact statement should be directed to:

F. W. Mueller, Jr., Colonel, Corps of Engineers, District Engineer, Rock Island District, Corps of Engineers, Clock Tower Building, Rock Island, Ill. 61201.

By authority of the Secretary of the Army.

Dated: November 9, 1978.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management,
TAGCEN.

[FR Doc. 78-32544 Filed 11-17-78; 8:45 am]

[3710-92-M]

PROPOSED PROJECT ON THE SNAKE RIVER WATERSHED IN MARSHALL, POLK, AND PENNINGTON COUNTIES, MINN.

Intent To Prepare a Draft Environmental Impact Statement (DEIS)

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

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: Notice is hereby given of the Corps of Engineers, St. Paul District, decision to prepare a DEIS for a proposed project on the Snake River watershed in Marshall, Polk, and Pennington Counties, Minn. The proposed project will provide for snagging, clearing, and construction of shelterbelts along selected reaches of the Snake River to reduce rural flood losses.

DATE: DEIS will be released for public review on or before January 1, 1979.

ADDRESS: Questions about the proposed action and environmental impact statement can be answered by:

Col. Forest T. Gay III, St. Paul District Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minn. 55101.

By authority of the Secretary of the Army.

Dated: November 9, 1978.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management,
TAGCEN.

[FR Doc. 78-32545 Filed 11-17-78; 8:45 am]

[3810-70-M]

Department of the Navy

PRIVACY ACT OF 1974

New System of Records

AGENCY: Department of the Navy.

ACTION: Notification of a new system of records.

SUMMARY: The Department of the Navy proposes a new system of records identified as N00025 MILFAMHOUS-SUBTESTSYS, entitled: "Family Housing Mock Utility Billing System." The record system notice is published in its entirety below.

DATES: This system shall become effective as proposed without further notice on December , 1978, unless comments are received on or before December , 1978, which would result in a contrary determination requiring republication for further comments.

ADDRESS: Comments may be sent to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:

Mrs. H. S. Hanback, Freedom of Information and Privacy Act Coordinator, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Va. 22332.

SUPPLEMENTARY INFORMATION: This system is to produce mock utility bills and management reports on the usage of gas, fuel oil, electricity, steam, propane, and hot water heat for a representative cross section of approximately 10,000 military family housing units. The Department of the Navy's systems of records notices, as prescribed by the Privacy Act, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 51230), Sept. 28, 1977.

FR Doc. 78-23953 (43 FR 42497), Sept. 20, 1978.

Advance notice of the proposed new system of records was submitted by the Department of the Navy on October 18, 1978, pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a(o)).

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

NOVEMBER 15, 1978.

N00025 MILFAMHOUS-SUBTESTSYS

System name:

Family Housing Mock Utility Billing System.

System location:

Ten test sites: Pacific Missile Test Center, Point Mugu, Calif.; Construction Battalions Center, Port Hueneme, Calif.; Public Works Center, Great Lakes, Ill.; Marine Corps Development and Education Command, Quantico, Va.; Fort Eustis, Va.; Fort Gordon, Ga.; Marine Corps Air Station, Beaufort, S.C.; Little Rock Air Force Base, Ark.; Cannon Air Force Base, N. Mex.; Yuma Proving Grounds, Ariz.; Central Processing Site: Harry Diamond Laboratories, White Oak, Md.

Categories of individuals covered by the system:

Military and civilian personnel occupying housing units selected at the 10 test sites.

Categories of records in the system:

This system is to produce mock utility bills and management reports on the usage of gas, fuel oil, electricity, steam, propane, and hot water heat for a representative cross section of approximately 10,000 military family housing units. Information as to name, address, rank/rate, number of dependents, house phone number, account number, and utility consumption will be maintained for a 15-month period.

Authority for maintenance of the system:

Public Law 95-82 (Military Construction Authorization Act, 1978); 5 U.S.C. 301 Department Regulations.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Information is used to determine the feasibility of metering utility consumption in military family housing. Officials and employees of the Department of the Navy, Department of Defense and components thereof in the performance of their official duties related to the measuring of energy con-

sumption in military family housing units. The Senate or the House of Representatives of the United States or any committee or subcommittee thereof on matters within their jurisdiction requiring disclosure of files or records of individuals covered by this system of records.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system: Storage:

Magnetic tape, disk, punched card, and file folders.

Retrievability:

Account number.

Safeguards:

Housing files are used solely within housing office; magnetic tape, punched card, and disk files used solely within the security measures.

Retention and disposal:

Held 5 years and destroyed by authority SECNAVINST P5212.5B, para. 11300.

System manager and address:

Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Va. 22332.

Notification procedure:

Records are maintained by the housing office at the service activities participating in the test. Individual may request access to such data upon presenting proof of identity (ID) card.

Record access procedures:

The agency's rules for access to records may be obtained from the installation family housing office.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Data collected from each individual and utility consumption data obtained from monthly meter readings.

Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-32596 Filed 11-17-78; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

INTERNATIONAL ENERGY AGENCY INDUSTRY ADVISORY BOARD

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on November 27 and 28, 1978, at the headquarters of the IEA, 2 rue Andre Pascal, Paris 16, France, beginning at 3 p.m. on November 27. The purpose of this meeting of the IAB is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on November 27 and 28.

The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed and that representatives of the IAB will be invited to join the meeting during discussion of items 4-15 or such other items as may be determined by the SEQ.

1. Approval of the draft agenda.
2. Summary record of the 22d meeting.
3. Quarterly oil forecast.
4. Current situation in the international oil market.
5. Emergency reserves of IEA countries:
 - (a) Final report to the governing board on reserves as at July 1, 1978.
 - (b) Emergency reserves as at October 1, 1978.
 - (c) Consumer stock regulations in participating countries (fact finding study by secretariat).
6. Second allocation systems test (AST-2).
 - (a) Note by the Chairman of the SEQ.
 - (b) Final review of the draft report to the governing board.
 - (c) Approximate estimate of total AST-2 cost.
7. Updates of the emergency management manual.
 - (a) The "Undoing" of type 2 and type 3 international oil reallocations under type 1 activities in the IEP reallocation procedures.
 - (b) Demand restraint (incorporation of conclusions of the SEQ working group into the emergency management manual (EMM)).
8. Workshop on product imbalances (agenda and organization).
9. Proposal to harmonize the interface between the IEA and the EEC emergency systems (proposal by the Secretariat to Directorate General XVII of the European Commission).
10. Future allocation systems tests.—Optimum design of systems tests.
11. 1979 work program.
12. Demand restraint.—Principles on the treatment of border-crossing traffic.
13. Special section of the information system.
 - (a) Base period final consumption (BPFC).

- (I) Current calculation.
- (II) Report by the BPFC working group.
- (b) Questionnaire A/B reporting instructions.
- (c) Timing of emergency data tests.
14. Future meeting dates.
15. Any other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., November 15, 1978.

ROBERT C. GOODWIN, JR.,
Acting Assistant General Counsel,
International Trade and
Emergency Preparedness,
Office of General Counsel.

[FR Doc. 78-32586 Filed 11-17-78; 8:45 am]

[6450-01-M]

[Docket No. ERA-R-77-7]

Economic Regulatory Administration

Draft Environmental Impact Statement Concerning the Exemption of Motor Gasoline From Mandatory Petroleum Allocation and Price Regulations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of environmental impact statement and public hearing.

SUMMARY: The Economic Regulatory Administration of the Department of Energy announces the availability of a draft environmental impact statement (EIS) on the pending proposal to exempt motor gasoline from the mandatory petroleum allocation and price regulations. Written comments are invited, and a public hearing will be held with respect to the draft EIS.

DATES: Comments by January 5, 1979, 4:30 p.m. Requests to speak by December 7, 1978, 4:30 p.m. Hearing date: December 19, 1978, 9:30 a.m.

ADDRESS: Send comments and requests to speak to: Department of Energy, Public Hearing Management, Room 2313, Docket No. ERA-R-77-7, 2000 M Street NW., Washington, D.C. 20461.

HEARING LOCATION: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William E. Caldwell (Economic Regulatory Administration), Department of Energy, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-8034.

William L. Webb (Media Relations),

Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, 202-634-2170.

Carol M. Borgstrom (Division of NEPA Affairs), Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9760.

J. Thomas Wolfe (Office of General Counsel), Department of Energy, 20 Massachusetts Avenue, Room 8217, Washington, D.C. 20461, 202-376-4266.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

DOE published an "Environmental Assessment of the Exemption of Motor Gasoline From Mandatory Petroleum Allocation and Price Regulation" in the FEDERAL REGISTER on June 28, 1978 (43 FR 27995), and held a public hearing on this EA on July 14, 1978. On the basis of comments received on the EA, and in accordance with the provisions of the National Environmental Policy Act (NEPA), DOE decided to prepare an EIS on its pending proposal to deregulate motor gasoline. The draft EIS addresses the environmental consequences that may result from the proposed action as well as alternatives to deregulation.

II. COMMENT PROCEDURES

A. AVAILABILITY OF DRAFT EIS

Copies of the draft statement can be obtained from ERA's Office of Public Information, Room B-110, 2000 M Street NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. In addition, copies are available for public review in the DOE Freedom of Information Reading Room, GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585. Copies have been provided to the Environmental Protection Agency, other interested Federal agencies, State clearinghouses, persons who commented on the June 1978 EA, and others known to be interested in the draft EIS.

B. WRITTEN COMMENTS

Interested persons are invited to submit written comments with respect to the draft EIS to the above address. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Draft EIS on Deregulation of Motor Gasoline." Fifteen (15) copies should be submitted. All comments and related information should be received by DOE by January 5, 1979, in order to insure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing one copy only. Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine to confidential status of the information or data and to treat it according to its determination.

C. PUBLIC HEARING

1. Participation procedure.—A public hearing on the draft statement will be held at 9:30 a.m., on December 19, 1978, in Room 2105, 2000 M Street NW., Washington, D.C., to receive oral presentations from interested persons.

Any person who has an interest in the draft EIS may make a written request for an opportunity to make oral presentation. Such a request should be directed to the above address before 4:30 p.m., December 7, 1978. The person making the request should provide a concise summary of the proposed oral presentation and a telephone number where he or she may be reached. Each person selected to be heard will be notified by DOE of his or her participation before 4:30 p.m., December 11, 1978, and shall submit 15 copies of his or her proposed statement to the above address on or before December 18, 1978.

2. Conduct of hearings.—DOE reserves the right to arrange the schedule of presentations to be heard and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated as presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any participant who wishes to ask a question at the hearing may submit

the question, in writing, to the presiding officer.

The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., November 17, 1978.

DOUGLAS G. ROBINSON,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 78-32732 Filed 11-17-78; 12:31 pm]

[6450-01-M]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Issuance of Prohibition Orders to Certain Major Fuel Burning Installations

The Department of Energy (DOE) hereby gives notice that on November 13, 1978, it issued prohibition orders, pursuant to the authorities granted it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, 15 U.S.C. 791 et seq., and Chapter II, Title 10, Code of Federal Regulations (10 CFR), Parts 303 and 305, to the following Major Fuel Burning Installations (MFBI's):

Docket No.	Owner	Installation	Unit No.	Location
OCU-1112-1.....	Ash Grove Cement Co.	Chanute Plant	1	Chanute, Kans.
OCU-1112-2.....	do	do	2	Do.

By publication in the FEDERAL REGISTER on May 3, 1978, (43 FR 19064), DOE gave notice of its intention to issue prohibition orders to the above-named MFBI's. Pursuant to this notice, written comments were requested on the proposed orders and a

public hearing was held in Kansas City, Mo. on May 18, 1978, to receive oral presentation of data, views, and arguments. Comments received by DOE during the period provided for written comment, as well as oral testimony received during the public hear-

ing and any supplemental comments, were considered and evaluated before the prohibition orders were issued. Comments received which were considered pertinent to DOE's findings, are addressed in appendix IV to the prohibition orders.

The prohibition orders will prohibit the above-named MFBI's from burning natural gas or petroleum products as their primary energy source. The orders will not become effective, however, until (1) the Administrator of the Environmental Protection Agency (EPA) certifies, pursuant to section 2(b) of ESECA and section 113(d) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401, et seq.), the earliest date that the affected installations will be able to burn coal and comply with applicable air pollution requirements and (2) DOE has considered the environmental impact of making the orders effective, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected installations with a notice of effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the prohibition orders will be effective will be stated in the notice of effectiveness.

The above-named MFBI's have been served the prohibition orders by registered mail. In addition, copies of these prohibition orders will be available to the public at DOE's Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and at the DOE Regional Office's reading room, 324 East 11th Street, Kansas City, Mo. 64106.

Any questions regarding this notice should be directed to Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, Code OCU (Prohibition Orders: Ash Grove Cement Co., Chanute Plant, Chanute, Kansas Installation, Docket Nos. OCU 1112-1 and 1112-2), Washington, D.C. 20461, telephone 202-254-3910.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 95-70; Department of Energy Organization Act (42 U.S.C. 7101, et seq.); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., November 13, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels
Regulation, Economic Regula-
tory Administration.

[FR Doc. 78-32506 Filed 11-17-78; 8:45 am]

[6450-01-M]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Issuance of Prohibition Orders to Certain Major Fuel Burning Installations

The Department of Energy (DOE) hereby gives notice that on November 13, 1978, it issued prohibition orders, pursuant to the authorities granted it by section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, 15 U.S.C. 791 et seq., and Chapter II, Title 10, Code of Federal Regulations (10 CFR), Parts 303 and 305, to the following Major Fuel Burning Installations (MFBI's):

Docket No.	Owner	Installation	Unit No.	Location
OCU-0514-1.....	Martin Marietta	Martin Marietta	1	Atlanta, Ga.
OCU-0514-2.....	do	do	2	Do.

By publication in the FEDERAL REGISTER on May 3, 1978, (43 FR 19070), DOE gave notice of its intention to issue prohibition orders to the above-named MFBI's. Pursuant to this notice, written comments were requested on the proposed orders and a public hearing was held in Atlanta, Ga., on May 16, 1978, to receive oral presentations of data, views, and arguments. Comments received by DOE during the period provided for written comment, as well as oral testimony received during the public hearing and any supplemental comments, were considered and evaluated before the prohibition orders were issued. Com-

ments received which were considered pertinent to DOE's findings, are addressed in appendix IV to the prohibition orders.

The prohibition orders will prohibit the above-named MFBI's from burning natural gas or petroleum products as their primary energy source. The orders will not become effective, however, until (1) the Administrator of the Environmental Protection Agency (EPA) certifies, pursuant to section 2(b) of ESECA and section 113(d) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401, et seq.), the earliest date that the affected installations will be able to burn coal and comply

with applicable air pollution requirements and (2) DOE has considered the environmental impact of making the orders effective, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected installations with a notice of effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the prohibition orders will be effective will be stated in the notice of effectiveness.

The above-named MFBI's have been served the prohibition orders by registered mail. In addition, copies of these prohibition orders will be available to the public at DOE's Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and at the DOE Regional Office's Reading Room, 1655 Peachtree Street NE., 8th Floor, Atlanta, Ga. 30309.

Any questions regarding this notice should be directed to Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, Code OCU (Prohibition Orders: Martin Marietta Corp., Martin Marietta Cement, Atlanta, Ga. Installations, Docket Nos. OCU-0514-1 and 0514-2), Washington, D.C. 20461, telephone 202-254-3910.

(Energy Supply and Environmental Coordination Act of 1974 15 U.S.C. 791 et seq.), as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 95-70; Department of Energy Organization Act (42 U.S.C. 7101 et seq.); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., November 13, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels
Regulation, Economic Regula-
tory Administration.

[FR Doc. 78-32507 Filed 11-17-78; 8:45 am]

[6740-02-M]

Federal Energy Regulatory Commission

(Docket Nos. CI79-1, et al.)

NAPECO, INC., ET AL.

Applications for Certificate, Abandonment of Service and Petitions To Amend Certificates¹

NOVEMBER 8, 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 authori-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

zation 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 December 4, 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 appropri-

ate 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 re-

quired 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
CI79-1, A, Oct. 4, 1978.....	Napco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Selby-Hooper No. 2-4 well, Roger Mills County, Okla.	(1)	14.65
CI79-5, A, Oct. 4, 1978.....	Cotton Petroleum Corp., 4200 One Williams Center, Tulsa, Okla. 74103.	Cities Service Gas Co., certain acreage in the northeast Tuttle field, Grady County, Okla.	(1)	14.65
CI79-6, A, Oct. 4, 1978.....	do.....	Panhandle Eastern Pipeline Co., certain acreage in the Wattenberg field, Weld County, Colo.	(1)	15.025
CI79-7, A, Oct. 2, 1978.....	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	McCulloch Gas Processing Corp., Huber Federal 29-1 and Keeline Chase 27-3 wells from the Muddy formation only, in the North Payne field, Campbell County, Wyo.	(2)	15.025
CI79-8, A, Oct. 2, 1978.....	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	El Paso Natural Gas Co., Parkway west field, Eddy County, N. Mex.	(1)	14.73
CI79-9, A, Oct. 4, 1978.....	Sohio Natural Resources Co., 50 Penn Place—Suite 1100, Oklahoma City, Okla. 73118.	Northwest Pipeline Corp., Colorow Gulch field, Rio Blanco County, Colo.	(2)	15.025
CI79-10, A, Oct. 2, 1978.....	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Montana-Dakota Utilities Co., Boysen field, Fremont County, Wyo.	(1)	15.025
CI79-11, A, Oct. 5, 1978.....	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Morrow formation in the Simmons No. 1-A well located in sec. 17-T12N-R22W, Roger Mills County, Okla.	(1)	14.73
CI79-12, A, Oct. 5, 1978.....	Dorchester Exploration, Inc., 1100 Midland National Bank Tower, Midland, Tex. 79701.	El Paso Natural Gas Co., Horsecreek, northwest (Morrow Lo) field, Kelln 205-1 and Kelln 206-1, Lipscomb and Ochiltree Counties, Tex.	(1)	14.73
CI79-13, A, Oct. 5, 1978.....	Cotton Petroleum Corp.....	Panhandle Eastern Pipeline Co., certain acreage in the Wattenberg field, Weld County, Colo.	(1)	15.025
CI79-14, E, Oct. 5, 1978.....	Gulf Oil Corp., (successor in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	Consolidated Gas Supply Corp., certain acreage located in the Henrietta DeKalb field, Calhoun County, W. Va.	(2)	14.65
CI79-15, E, Oct. 5, 1978.....	do.....	Consolidated Gas Supply Corp., certain acreage located in the Vandalia field, Lewis County, W. Va.	(2)	14.65
CI79-16, A, Oct. 5, 1978.....	Cotton Petroleum Corp., 4200 1 Williams Center, Tulsa, Okla. 74103.	El Paso Natural Gas Co., certain acreage in the Howe Ranch field, Hemphill County, Tex.	(1)	14.65
CI79-17, A, Oct. 5, 1978.....	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., Inc., Charlet field, Edwards County, Kan.	(2)	14.65
CI79-18, E, Oct. 5, 1978.....	Gulf Oil Corp., (successor in interest to Kewanee Oil Co.).	Consolidated Gas Supply Corp., certain acreage located in the Elk Creek field, Barbour County, W. Va.	(2)	14.65
CI79-19, E, Oct. 5, 1978.....	do.....	Consolidated Gas Supply Corp., certain acreage located in the Sycamore Millstone field, Calhoun County, W. Va.	(2)	14.65
CI79-20, A, Oct. 5, 1978.....	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., northeast White City field, Eddy County, N. Mex.	(1)	14.65
CI79-21 (CI63-1139), B, Oct. 6, 1978.	Viersen & Cochran, P.O. Box 280, Okmulgee, Okla. 74447.	Arkansas Louisiana Gas Co., North Drummond area, Garfield County, Okla.	Release by purchaser.	
CI79-22, A, Oct. 6, 1978.....	Transco Exploration Co.....	Transcontinental Gas Pipe Line Corp., Mustang Island area, block 889-S field, offshore Texas.	(1)	14.65
CI79-23, A, Oct. 6, 1978.....	Continental Oil Co.....	El Paso Natural Gas Co., South Empire field, Eddy County, N. Mex., limited to the Morrow formation only.	(2)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI79-24, F, Oct. 6, 1978	Atlantic Richfield Co. (successor in interest to Murchison Trusts), P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., N/2 of secs. 1 and 13, T32N, R9W, located in La Plata County, Colo., from the surface to the base of the Pictured Cliffs formation.	(16)	15.025
CI79-25, E, Oct. 6, 1978	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.).	Consolidated Gas Supply Corp., certain acreage located in the Sycamore Millstone field, Calhoun County, W. Va.	(17)	14.65
CI79-26, E, Oct. 6, 1978	do	Consolidated Gas Supply Corp., certain acreage located in the Spruce Creek field, Ritchie and Gilmer Counties, W. Va.	(18)	14.65
CI79-27, E, Oct. 2, 1978	Sun Oil Co. (successor in interest to Corpening Enterprises, et al.), P.O. Box 20, Dallas, Tex. 75221.	Cities Service Gas Co., Ripley system, Cushing plant, Payne County, Okla.	(19)	14.73
CI79-28, A, Oct. 11, 1978	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	Kansas Nebraska Natural Gas Co., Inc., Morrow formation in the Lehmbeck No. 1-30 well located in sec. 30-T5N-R19E, Texas County, Okla.	(1)	14.73
CI79-29, A, Oct. 10, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., West Raceland field, Lafourche Parish, La.	(1)	15.025
CI79-30, F, Oct. 10, 1978	Amoco Production Co. (successor in interest to Aikman Bros. Corp.), Security Life Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., Laverne Gas area, Harper County, Okla.	(16)	14.65
CI79-33 (CI64-1140), F, Oct. 10, 1978.	Amoco Production Co. (successor in interest to Exxon Corp.).	Michigan Wisconsin Pipe Line Co., Northeast Cedardale field, Woodward County, Okla.	(15)	14.65
CI79-31 (CI63-1057), B, Oct. 10, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Trunkline Gas Co., Quicksand Creek field, Newton County, Tex.	Depleted, plugged, and abandoned, leases have terminated and contract has been cancelled.	
CI79-34 (CI68-621), B, Oct. 5, 1978.	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., Bay City east field, Matagorda County, Tex.	(16)	
CI79-35, B, Oct. 2, 1978	Premier Resources, Ltd., Suite 2100, First of Denver Plaza, 633-17th St., Denver, Colo. 80202.	Northern Natural Gas Co., Biesel BO1401 sec. 30-T22N-R22W, Woodward County, Okla.	(17)	
CI79-36, A, Oct. 6, 1978	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Tennessee Gas Pipeline Co., the Maple Branch field, Monroe and Lowndes Counties, Miss.	(1)	15.025
CI79-37, A, Oct. 6, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Sun-Berry unit—southwest Cheyenne field, sec. 7-T13N-R24W, Roger Mills County, Okla.	(1)	14.73
CI79-38, A, Oct. 11, 1978	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Transcontinental Gas Pipe Line Corp., No. 1 Shirley L. Sherman and No. 1 unit 25-10 wells, Oakvale field, Jefferson Davis County, Miss.	(1)	15.025
CI79-39, A, Oct. 12, 1978	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	Northern Natural Gas Co., certain acreage in Texas County, Okla., limited to the Chester and Morrow formations only.	(1)	14.73
CI79-40 (CI71-795), B, Oct. 10, 1978.	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401.	Transcontinental Gas Pipe Line Corp., offshore block 538, Matagorda County, Tex.	(16)	
CI79-42 (CI62-243), B, Oct. 13, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Northwest Beaver field, Grady County, Okla.	Depleted, lease has terminated and contract has been canceled.	
CI79-43, A, Oct. 6, 1978	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Cities Service Gas Co., Hewitt east field, Carter County, Okla.	(1)	14.73
CI79-44 (CI66-1059), E, Oct. 13, 1978.	Gulf Oil Corp. (successor in interest to Murphy Oil Co. of Oklahoma and Natural Gas & Oil Co., a division of Mississippi River Fuel Corp.), P.O. Box 2100, Houston, Tex. 77001.	Southern Natural Gas Co., Golden Meadow east, Kings Ridge and Coffee Bay fields, LaFourche Parish, La.	(19)	15.025
CI79-45, E, Oct. 6, 1978	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.).	Consolidated Gas Supply Corp., certain acreage located in the Spruce Creek field, Ritchie County, W. Va.	(20)	14.65
CI79-46, E, Oct. 6, 1978	do	Consolidated Gas Supply Corp., certain acreage located in the Stumptown Normantown field, Gilmer County, W. Va.	(21)	14.65
CI79-47, (CI77-68), B, Oct. 13, 1978.	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., West Cameron block 45 field, Gulf of Mexico.	(22)	
CI79-48, E, Oct. 16, 1978	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.).	Carnegie Natural Gas Co., certain acreage located in the Pennsboro Tollgate field, Ritchie County, W. Va.	(23)	
CI79-49, E, Oct. 16, 1978	do	Equitable Gas Co., certain acreage located in the Vadis field, Lewis County, W. Va.	(24)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI79-50, E, Oct. 16, 1978.....do.....		Equitable Gas Co., certain acreage located in the Vadis field, Lewis and Gilmer Counties, W. Va.	(²⁵)	14.65
CI79-51, F, Oct. 16, 1978.....	Amoco Production Co. (successor in interest to Aikman Bros. Corp.) Security Life Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., Laverne field, Harper County, Okla., limited to the Tonkawa formation only.	(²⁶)	14.65
CI79-52, A, Oct. 16, 1978.....	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co., Chester formation in the Chance No. 1-24 well located in sec. 24-T4N-R18E, Texas County, Okla.	(¹)	14.73
CI79-53, A, Oct. 16, 1978.....	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Transcontinental Gas Pipe Line Corp., Ship Shoal block 246 field, offshore Louisiana.	(⁹)	15.025
CI79-54, A, Oct. 16, 1978.....	Panhandle Western Gas Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hay Reservoir area, Sweetwater County, Wyo.	(¹²⁷)	14.65
CI79-55, A, Oct. 18, 1978.....	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	El Paso Natural Gas Co., Deck field, Sterling County, Tex.	(²⁸)	14.65
CI79-56, E, Oct. 18, 1978.....	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.).	Colorado Interstate Gas Co., certain acreage located in the Rock east field, Sweetwater County, Wyo.	(²⁹)	15.025
CI79-57, E, Oct. 18, 1978.....do.....		Cities Service Gas Co., certain acreage located in the Guymon Southeast field, Texas County, Okla.	(³⁰)	14.73
CI79-58, E, Oct. 18, 1978.....do.....		Arkansas Louisiana Gas Co., certain acreage located in the Willow Springs field, Gregg County, Tex.	(³¹)	14.65
CI79-59, B, Oct. 19, 1978.....	Austral Oil Co. Inc., and Oil Participations Inc., 1006 First City National Bank Bldg., Houston, Tex. 77002.	Trunkline Gas Co., Twin Island field, Cameron Parish, La.	Well off production; low bottom hole pressure and water production; considered depleted.	
CI79-60, E, Oct. 16, 1978.....	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	Equitable Gas Co., certain acreage located in the H. Green Lawford field, Ritchie County, W. Va.	(³²)	14.65
CI79-61, E, Oct. 16, 1978.....do.....		Equitable Gas Co., certain acreage located in the Vadis field, Lewis County, W. Va.	(³³)	14.65
CI79-62, E, Oct. 16, 1978.....do.....		Equitable Gas Co., certain acreage located in the Revel field, Gilmer County, W. Va.	(³⁴)	14.65
CI79-63, E, Oct. 16, 1978.....do.....		Equitable Gas Co. certain acreage located in the Vadis field, Lewis County, W. Va.	(³⁵)	14.65
CI79-64, E, Oct. 16, 1978.....do.....		Equitable Gas Co., certain acreage located in the Vadis field, Gilmer County, W. Va.	(³⁶)	14.65
CI79-65, A, Oct. 19, 1978.....	Mobil Oil Corp., 9 Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Transwestern Pipeline Co., certain acreage in the Burton Flat north field, Eddy County, N. Mex.	(¹)	14.73
CI79-66, A, Oct. 17, 1978.....	Union Oil Co. of California, Union Oil Center, Rm. 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Gas Transmission Corp., block 237 (deep), West Cameron area, offshore Louisiana.	(¹)	14.73
CI79-67, A, Oct. 16, 1978.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northwest Pipeline Corp., Salt Wells field, Sweetwater County, Wyo.	(¹)	14.73
CI79-68, A, Oct. 16, 1978.....	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Higgins and South Higgins fields, Sweetwater County, Wyo.	(¹)	15.025
CI79-69, E, Oct. 19, 1978.....	Gulf Oil Corp., (Successor in interest to Kewanee Oil Co.).	Equitable Gas Co., certain acreage located in the Vadis field, Gilmer and Lewis Counties, W. Va.	(³⁶)	14.65
CI79-70, E, Oct. 19, 1978.....do.....		Cities Service Gas Co., certain acreage located in the Quinlan Northwestern field, Woodward County, Okla.	(³⁷)	14.65
CI79-71, E, Oct. 18, 1978.....do.....		Arkansas Louisiana Gas Co., certain acreage located in the Milton north field, Haskell County, Okla.	(³⁸)	14.73
CI79-72, E, Oct. 18, 1978.....do.....		Cabot Corp., certain acreage located in the Sycamore Millstone field, Calhoun County, W. Va.	(³⁹)	14.73
CI79-73, A, Oct. 19, 1978.....	Cabot Corp., 1 Houston Center, Suite 1000, Houston, Tex. 77002.	Kokomo Gas & Fuel Co., sec. 14-T3N-R16ECM, limited to all depths below the base of the Chase group of the Permian age, Texas County, Okla.	(¹)	14.73
CI79-74, A, Oct. 23, 1978.....	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, certain acreage in the Bluiett plant area, Roosevelt County, N. Mex.	(¹)	14.73
CI79-75, A, Oct. 12, 1978.....	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	El Paso Natural Gas Co., White City Penn field, Eddy County, N. Mex.	(¹)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI79-76, A, Oct. 20, 1978.....	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Tennessee Gas Pipeline Co., Charles Dugas No. 1 well, sec. 19-T13S-R5E, Tigre Lagoon field, Vermillion Parish, La.	(¹)	15.025
CI79-77, A, Oct. 23, 1978.....	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	Kansas Nebraska Natural Gas Co., Inc., certain acreage located in Phillips County, Mont.	(¹)	14.73
CI79-78, B, Oct. 23, 1978.....	Northern Pump Co., et al., 1915-57th Ave. North, Minneapolis, Minn. 55430.	Texas Eastern Transmission Corp., Joe Cook No. 1 gas unit, Mercedes field, Hidalgo County, Tex.	Gas supply was exhausted.	
CI79-79, E, Oct. 16, 1978.....	Sun Oil Co. (successor to Corpening Enterprises, et al.), P.O. Box 20, Dallas, Tex. 75221.	Cities Service Gas Co., Lost Creek field, Stillwater plant, located in Payne County, Okla.	(¹)	14.73
CI79-80, (CI61-316), B, Oct. 23, 1978.	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	United Gas Pipe Line Co., Hollywood field, Terrebonne Parish, La.	(¹)	
CI79-81, A, Oct. 25, 1978.....	Amoco Production Co., et al., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Echo Springs field, Carbon County, Wyo.	(¹)	15.025
CI79-82, E, Oct. 25, 1978.....	Gulf Oil Corp., (successor in interest to Kewanee Oil Co.).	Columbia Gas Transmission Corp., certain acreage located in the Reed Deemer field, Greene County, Pa.	(¹)	14.73

¹ Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

² Applicant is filing under gas purchase contract dated July 11, 1978.

³ Applicant is filing under gas purchase contract dated Aug. 20, 1956.

⁴ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Sept. 18, 1953, as amended.

⁵ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Oct. 31, 1963, as amended.

⁶ Applicant is filing under gas purchase and sales agreement dated Sept. 7, 1978.

⁷ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated April 3, 1947, as amended.

⁸ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Aug. 6, 1964, as amended.

⁹ Applicant is filing under gas purchase and sales agreement dated Sept. 18, 1978.

¹⁰ Effective date of transfer of ownership: Jan. 31, 1978 (N/2 sec. 1) and May 25, 1978 (N/2 sec. 13). Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

¹¹ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Oct. 18, 1940, as amended.

¹² Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Aug. 10, 1943, as amended.

¹³ Sun acquired Corpening Enterprises, et al. (Corpening Gas Systems, Atlanta Petroleum Production Co. and Ketal Oil Producing Co.) interests by assignment dated July 20, 1978, and made effective July 23, 1978.

¹⁴ By virtue of an assignment dated June 26, 1968, from Sun Oil Co. assigned certain interests in certain oil and gas leases located in Harper County, Okla., to the Aikman Bros. Corp. By virtue of a further assignment effective Oct. 1, 1977, from Ted Leyhe, et al. (Aikman Bros.), Applicant has been assigned certain interests in certain oil and gas leases acquired by Aikman Bros. from Sun. Said leases are subject to gas sales contract dated Mar. 9, 1957.

¹⁵ Applicant, by virtue of an assignment effective April 9, 1978, from Exxon Corp., formerly Humble Oil & Refining Co. (Exxon), has been assigned certain interests in certain oil and gas leases located in Woodward County, Okla. Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

¹⁶ Well plugged and abandoned because of hazardous conditions, well being located within limits of populous area. With the existing hazardous conditions, Tenneco Oil made evaluation and determined there were no further economic reserves remaining.

¹⁷ Last production was January 1977, well was plugged because it was noncommercial and has not been in a profit position since 1976. Premier has no future plans for any additional operations in the area or on the lease and, to the best of Premier's knowledge, nor is any other company considering this lease for further exploration. The lease was held by production and is now being terminated and returned to the original mineral owners.

¹⁸ Deliveries ceased on Jan. 19, 1978, gas reserves depleted, lease was released on Apr. 24, 1978 and Texaco has no further right, title or interest therein.

¹⁹ Applicant acquired Murphy's interest in the acreage effective as of Oct. 1, 1974. The contract dated Aug. 20, 1956, was canceled effective Jan. 31, 1977, and Gulf has executed a replacement contract dated July 11, 1978, which now covers applicant's interest in the natural gas available for sale from acreage operated by American Petrofina in the Golden Meadow east, Kings Ridge, Coffee Bay fields, La Fourche Parish, La. Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

²⁰ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated June 20, 1944, as amended.

²¹ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Sept. 19, 1944, as amended.

²² Ceased production on Jan. 9, 1978, efforts to restore production were unsuccessful and the oil and gas lease expired by its terms on May 25, 1978.

²³ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated July 3, 1936, as amended.

²⁴ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated July 24, 1961, as amended.

²⁵ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated June 2, 1958, as amended.

²⁶ Applicant, by virtue of an assignment effective Oct. 1, 1977, from Ted Leyhe, et al. (Aikman Bros.), has been assigned certain interest in certain oil and gas leases located in Harper County, Okla. Said leases are subject to gas sales contract dated Feb. 13, 1968.

²⁷ Seller and purchaser are affiliated.

²⁸ Applicant is filing under residue gas purchase agreement dated July 15, 1978.

²⁹ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated July 2, 1969, as amended.

³⁰ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Nov. 10, 1958, as amended.

³¹ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Apr. 28, 1953 which has been replaced by a contract dated Feb. 1, 1978.

³² Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Oct. 10, 1935, as amended.

³³ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Apr. 18, 1960, as amended.

³⁴ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Oct. 22, 1951, as amended.

³⁵ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Feb. 20, 1942, as amended.

³⁶ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated June 1, 1967, as amended.

³⁷ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated June 18, 1963, as amended.

³⁸ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated July 8, 1964, as amended.

³⁹ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Dec. 23, 1937, as amended.

⁴⁰ Applicant is filing under gas sale contract dated Aug. 16, 1978.

⁴¹ Sun acquired the interest of Corpening Enterprises, et al. (Corpening Gas Systems, Atlanta Petroleum Production Co. and Ketal Oil Producing Co.), in the Lost Creek system and Stillwater plant, located in Payne County, Okla., by assignment dated July 20, 1978, and made effective July 23, 1978. Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

⁴² The Southdown well No. 4, LK RA SU "B", which is the only well covered by the abandonment application, ceased to produce on Apr. 9, 1973, due to the decline of reservoir pressure to the extent that the well ceased to flow gas and was shut in by the operator. No acreage is removed from dedication as a result of this filing because the leases are held by other production.

⁴³ Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated Sept. 22, 1931, as amended.

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. 78-32342 Filed 11-17-78; 8:45 am]

[6740-02-M]

SEMINARS CONCERNING IMPLEMENTATION OF THE NATURAL GAS POLICY ACT

NOVEMBER 14, 1978.

The Federal Energy Regulatory Commission will co-sponsor, in cooperation with nine law schools, a series of 1-day seminars, beginning December 6, 1978, concerning the implementation of the Natural Gas Policy Act (NGPA).

The purpose of the seminars will be to inform natural gas producers, attorneys and other interested persons about the NGPA and the implementing regulations.

Information about registration for the seminars and further details are attached.

KENNETH F. PLUMB,
Secretary.

NATURAL GAS POLICY ACT IMPLEMENTATION SEMINARS

Nine 1-day seminars for natural gas producers December 6-15, 1978.
Sponsored by:

University of Mississippi School of Law.
University of Houston College of Law.
Louisiana State University Law Center.
Southern Methodist University School of Law.
Ohio State University School of Law.
University of Kansas School of Law, Washburn University of Topeka School of Law, Kansas Bar Association.
University of Oklahoma School of Law.
University of Denver School of Law.
University of California at Los Angeles School of Law.

Cosponsored by:

The Federal Energy Regulatory Commission.

Purpose: Implementation of the Natural Gas Policy Act of 1978 will require a full understanding of the new law and the implementing regulations promulgated by the Federal Energy Regulatory Commission. The goal of these seminars is to bring together some of the individuals who will be interpreting and administering the provisions of the NGPA as well as those who will be required to comply with the act.

Each seminar will inform natural gas producers, attorneys and other interested persons about the NGPA and the implementing regulations, with particular emphasis on the

pricing of natural gas. In addition, seminar sessions will focus on the interim collection regulations under section 503(e), filing requirements, procedures for State determinations, FERC review of State determinations, and new regulatory and filing requirements for both intrastate and interstate natural gas transactions.

SEMINAR CONTENT

All seminars will cover:

Pricing provisions of the Natural Gas Policy Act of 1978.
Interim collections.
Filing requirements in general.
Filing requirements for State determinations.
Regulatory requirements for intrastate natural gas transactions.
Panel discussion.
Question and answer session.

Seminar Schedule: 8:30 a.m. to 5:00 p.m.

December 6, 1978—Jackson, Miss., Downtown Holiday Inn, Lamar and Amite Streets, 601-969-5100.

December 7, 1978—Houston, Tex., University of Houston Campus, Krost Hall, 4800 Calhoun, 713-749-1422.

December 8, 1978—New Orleans, La., Hyatt Regency Hotel, 500 Poydras Plaza, and Loyola Avenue, 503-561-1234.

December 9, 1978—Dallas, Tex., Southern Methodist University Campus, McFarlin Auditorium, 713-749-1422.

December 12, 1978—Wichita, Kans., Canterbury Inn, 5805 West Kellogg, 316-942-7911.

December 13, 1978—Oklahoma City, Okla., Sheraton Century Center, One N. Broadway, 405-235-2780.

December 14, 1978—Denver, Colo., Regency Hotel, 3900 Elati, Interstate 25 at 38th Avenue, 303-433-6131.

December 15, 1978—Los Angeles, Calif., Bonaventure Hotel, 5th and Figueroa Streets, 213-624-1000.

Speakers: Speakers for each seminar will include a member of the Federal Energy Regulatory Commission, FERC legal and technical staff, representatives of sponsoring law schools, conservation agency and other state officials having jurisdiction to make NGPA determinations, and local legal practitioners. Each seminar will conclude with a panel discussion by the speakers.

REGISTRATION INFORMATION

We urge you to pre-register so that space can be reserved at the seminar of your choice.

Fill in your organization name and address on registration form. List names and phone numbers of individual registrants in space below.

Be sure to indicate the specific seminar date to the right of each name and check

the appropriate space for luncheon reservation. Luncheon and coffee prices will vary depending on seminar location.

Seminar registration does not include hotel reservations. Registrants will be required to make their own hotel reservations. If you reserve accommodations at seminar hotel sites, indicate that reservation is for the Natural Gas Seminar.

For further information contact: Ms. Cynthia Porter (Dingle Associates), 202-554-5581 or 554-5532.

Mail registration form by November 27 to: Dingle Associates, Inc., 525 School Street SW., Suite 301, Washington, D.C. 20024.

After November 27, call Ms. Cynthia Porter at 202-554-5581 or 554-5532.

[FR Doc. 78-2585 Filed 11-17-78; 8:45 am]

[6450-01-M]

Western Area Power Administration

CENTRAL VALLEY PROJECT (CVP) POWER RATE ADJUSTMENT

Changes in Dates for Public Participation in Supplemental Proceedings

AGENCY: Western Area Power Administration (WAPA), Department of Energy.

ACTION: Notice of changes in dates.

SUMMARY: The dates for various steps in the Supplemental Proceedings for Public Participation in Power Rate Adjustments for CVP, California, were changed with a Notice in the FEDERAL REGISTER for September 22, 1978, 43 FR 43065. The additional information forum held in Sacramento, Calif., on September 27, 1978, to answer questions concerning revised tentative rates was continued to September 28, 1978, and October 19, 1978, and concluded on October 20, 1978. As a result of a new power rate alternative presented on September 27, 1978, the public participants at the forum asked for an extension of time to allow their comments to be prepared. We agreed to allow more time. Written comments will now be due November 27 and rebuttal comments on December 22. A public comment forum will be held January 9, 1979, and final position summaries are due January 26, 1979.

DATES: Written comments on the revised tentative rates may be submitted on or before November 27, 1978. Written rebuttal comments may be submitted

ted on or before December 22, 1978. The supplemental public comment forum will be held at the Caravan Inn at 9:30 a.m., on January 9, 1979. Written summaries of positions are due on or before January 26, 1979.

ADDRESSES: Three copies of written comments shall be mailed to each of the following:

Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825.

Administrator, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colo. 80401.

Assistant Secretary for Resource Applications, Department of Energy RA-4, Washington, D.C. 20461.

In addition, a copy should be submitted to each person who has previously submitted comments. A list of such persons may be obtained from the Area Manager.

FOR FURTHER INFORMATION CONTACT:

Gordon R. Estes, Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, Calif. 95825, 916-484-4251.

Conrad K. Miller, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colo. 80401, 303-231-1535.

SUPPLEMENTARY INFORMATION: This proceeding was started in September 1977, with the announcement that two alternative rates were under consideration. See FR 46619. Following public information and public comment forums, the customers requested more time to obtain information and submit comments. Accordingly, the procedures were revised to authorize the establishment of interim rates followed by supplemental proceedings, 43 FR 12076; and interim rates were established, 43 FR 12361, to become effective May 25, 1978.

In April 1978, the Department of Energy announced supplemental proceedings for public participation in CVP power rate adjustments before a final decision is made, 43 FR 16391. A supplemental information forum was held on April 27 and continued to June 9. A number of written comments were received on June 30. However, the dates for rebuttal comments, the public comment forum, and the position summaries were cancelled pending further developments. New dates for the continuation of the supplemental proceedings were established, 43 FR 43065, and an additional information forum was held on September 27 and 28 and October 19 and 20, 1978. The dates established in 43 FR 43065 required written comments by November 1, 1978. Information

forum participants asked for more time in which to prepare their comments. We agree to allow more time. Accordingly, this Notice establishes new dates for public comments.

Issued in Washington, D.C., November 15, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

[FR Doc. 78-32593 Filed 11-17-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[PP 5G1590/T162; FRL 1009-51]

PESTICIDE PROGRAMS

Establishment of Temporary Tolerances for Tricyclazole

Elanco Products Co., P.O. Box 1750, Indianapolis, Ind. 46206, submitted a pesticide petition (PP 5G1590) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for combined residues of the fungicide tricyclazole (5-methyl-1,1,2,4-triazolo [3,4-b]benzothiazole and its metabolite 1, 2, 4=triazolo[3, 4-b]=benzophthalazole-5-methanol in or on the raw agricultural commodities rice at 3 parts per million (ppm); liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and milk and eggs at 0.03 ppm. (A related document concerning the establishment of a feed additive regulation for residues of tricyclazole in or on rice hulls, bran, and polishings appears elsewhere in today's FEDERAL REGISTER.)

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerances were adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerances would protect the public health. The temporary tolerances have been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also

keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire August 21, 1979. Residues not in excess of 3 ppm remaining in or on rice; 0.1 ppm remaining in liver and kidney of cattle, goats, hogs, horses, poultry, and sheep; and 0.03 ppm remaining in milk and eggs after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances.

These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Richard F. Mountfort, Acting Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-426-2456.

(Statutory authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: November 7, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-32480 Filed 11-17-78; 8:45 am]

[6560-01-M]

[FRL 1009-31]

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 recipient 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 November 6, 1978 through November 10, 1978; the date of submission of comments on draft EIS's as computed from November 17, 1978 is January 2, 1979.

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: November 14, 1978.

JOSEPH M. McCABE,
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.

RURAL ELECTRIFICATION ADMINISTRATION

Final

Stanton Generating Station, 60 MW Steam Generator, Mercer County, N.D. November 9: The proposed action concerns the use of REA guaranteed loan funds to finance the proposed supplemental steam generator, 60 MW, coal-fired steam electric generating unit for the existing Stanton generating station. The Stanton station is located in Mercer County, N.Dak. Make-up and cooling water will come from the Missouri River. The primary fuel will come from the existing nearby Indian Head Mine in Mercer County which is the present source of fuel. (USDA-REA-(ADM)-78-3-F.) Comments made by: USDA, FERC, DOI, EPA, DOE, and State agencies. (EPA Order No. 81210.)

SOIL CONSERVATION SERVICE

Draft

South Branch-Park River Watershed, Hartford County, Conn. November 8: Proposed is the completion of work remaining to be done on the South Branch-Park River Watershed in Hartford County, Conn. The remaining work includes a total of 3.7 miles of channel: 1.9 miles of channel on Trout Brook and Asylum Avenue branch, including 1,200 feet of enclosed conduit in the area of Farmington Avenue and Four Bridges in West Hartford, in Mill Brook, 1.1 miles of channel work will be done, and Piper Brook, 0.7 miles of channel work is anticipated. The modification of a total of six bridges will be required. (USDA-SCS-EIS-WS-(ADM)-78-1-D-CT.) (EPA Order No. 81205.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, 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.

Final

Saw Mill Run, Pittsburgh, Allegheny County, Pa., November 9: The statement refers to a proposed flood control project on the Saw Mill Run through the west end of the city of Pittsburgh. Project measures will include the widening and deepening and minor realignment of 5,600 feet of the channel. Project alternatives include channel modifications of different capacities, reservoirs, flood walls and dikes, tunnels, flood forecasting and warning system, flood plain management, flood insurance, flood proofing, permanent excavation and no action. (Pittsburgh district.) Comments made by: USDA, HEW, DOI, EPA, state and local agencies, groups and businesses. (EPA Order No. 81212.)

Blair and Sitcum Waterways, Tacoma Harbor, Pierce County, Wash. November 7: Proposed is a navigation channel improvement plan for the Blair and Sitcum Waterways in the Tacoma Harbor, Pierce County, Wash. The plan would provide for the deepening of Blair Waterway to a depth of 45 feet, Federal maintenance of Sitcum Waterway to depths of 35-40 feet, and replacement of the east 11th Street Bridge over Blair Waterway. Materials dredged from the waterways would be deposited on disposal and stock pile sites within the industrialized port of Tacoma area. (Seattle District.) Comments made by: EPA, DOI, DOT, USCG, USDA, DOC, USN, HUD, AHP, State and local agencies groups. (EPA Order No. 81200.)

DEPARTMENT OF DEFENSE, ARMY

Contact: George Q. Cunney, Jr., Acting Chief, Environmental Office, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E876, Pentagon, Washington, D.C. 20310, 202-694-4269.

Draft

Acquisition of Maneuver Area II, Fort Bliss, El Paso County, Tex. Nov. 6: Proposed is the acquisition of lands comprising the training area known as Maneuver Area II located at Fort Bliss, El Paso County, Tex. Fee ownership could be acquired either by purchase or by land exchange. Segments of Maneuver Area I which could be applied towards acquisition by exchange are currently being used for a variety of training purposes. Projected military training missions call for increased utilization of the area following acquisition. Five alternatives are considered (EPA Order No. 81197).

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Street, NW, Washington, D.C. 20405, 202-566-0405.

Draft

NRC Headquarters, relocation and consolidation, District of Columbia and Montgomery County, Md. Nov. 9: Proposed is the relocation and consolidation of the Nuclear Regulatory Commission Headquarters. The GSA is presently considering two locations in the District of Columbia and three locations in Montgomery County, Md. NRC is presently housed in nine separate facilities,

one of which is in downtown Washington, and eight in Montgomery County, Md. The proposed action will require that GSA lease approximately 600,000 square feet of occupiable space in a building to be constructed (EPA Order No. 81211).

Final

Newport Naval Base, Quonset Point, disposition, Washington, and Newport Counties, R.I. Nov. 9: The proposed action involves the disposition of surplus Federal real property in the State of Rhode Island. The surplus properties comprise portions of the former Naval Air Station—Quonset Point, Construction Battalion Center—Davisville, located in Washington County, and portions of the Newport Naval Base consisting of the Navy Supply Center, Newport County, R.I. The two bases form a continuous land parcel. Quonset Point was declared excess in its entirety, while portions of Davisville have been retained by the Navy. Roughly 2,100 acres are presently under the jurisdiction of GSA. Comments made by: USDA, SBA, DOE, FERC, EPA, HUD, DOI, DLAB, DOT, State and local agencies, groups and individuals (EPA Order No. 81209).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Frederick Heights housing project, Frederick County, Md. Nov. 9: Proposed is the issuance of HUD home mortgage insurance for the Frederick Heights housing project, Frederick County, Md. The project will involve the construction of 1,121 living units on a 102 acre tract of land. The project will also include two community recreational centers, a 10 acre school site, and interior open space system, with playground facilities (EPA order No. 81208).

SECTION 104(H)

The following are community development block grant statements prepared and circulated directly by applicants 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.

In accordance with the Council on Environmental Quality's Guidelines (40 CFR 1500) the following EIS will not complete the minimum 90 day requirement for EIS's until December 15, 1978.

Final

East Temple residential project, Bell County, Tex. Nov. 9: Proposed is a multi-year project under the Community Development Block Grant Program located in Temple, Bell County, Tex. The project, to be known as the East Temple residential project, will encompass approximately 115 acres of land, and will consist of the construction of a single-family residential subdivision of about 450 units for low and moderate income homebuyers. Also included is the expansion of Wilson Park, and the dedication of right-of-way for the extension of a major thoroughfare. Comments made by: EPA, DOI, USDA, State and local agencies (EPA order No. 81207).

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 RECLAMATION

Final

McGee Creek Project, Atoka County, OK, Nov. 8: The proposed McGee Creek Project, Atoka County, OK, will store surface water to meet expanding M. & I. water needs of Oklahoma City and parts of south-central Oklahoma, about 71,800 acre-feet of M. & I. water will be provided and 8,000 acre-feet will be released downstream to provide continuous streamflow rate of 11 cubic feet per second. The project includes construction of a dam, dike, reservoir, pipeline, a natural scenic recreation area, wildlife management area, and appurtenant facilities. (INT-FES-78-32.) Comments made by: AHP, EPA, USDA, COE, DOC, HEW, DOI, DOT, State and local agencies groups. (EPA Order No. 81202.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446

Final

Sundesert Nuclear Plant Units 1 and 2, Riverside County, Calif., Nov. 7: This FEIS was prepared by the Nuclear Regulatory Commission and the Department of the Interior. Proposed is the issuance of a construction permit to San Diego Gas & Electric Co. for construction of the Sundesert Nuclear Plant, Units 1 and 2. The plant is located in Riverside County, Calif., approximately 8.9 Km (5.5 miles) west of the Colorado River and 25.7 Km (15.9 miles) southwest of Blythe, Calif. and will employ 2 pressurized-water reactors (PWR's) to produce up to 2,785 megawatts thermal (MWT) for each unit. (NUREG-0455.) Comments made by: AHP, USDA, COE, DOE, DOC, DOI, EPA, State and local agencies groups, individuals and businesses. (EPA Order No. 81199.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

CA-76, Oceanside Bypass, I-5 East to Oceanside, San Diego County, Calif., Nov. 9: Proposed is the construction of a highway

to provide for the relocation of CA-76 located in Oceanside City, San Diego County, Calif. The project would relocate the western 2.9 miles of CA-76 to bypass Central Oceanside. Connecting with the existing highway near Frontier Drive, the new route would bypass the westerly Mission Avenue Commercial Strip and would have a controlled access. Basic alternatives are no project, an ultimate 6-lane expressway or 8-lane freeway. Design and alternative decisions will be made after all comments have been evaluated. (FHWA-CA-EIS-78-04-D.) (EPA Order No. 81214.)

U.S. 264 Improvement, Wilson to Greenville, Wilson, Greene, and Pitt Counties, N.C., Nov. 8: Proposed is the construction of a 4-lane divided highway, either by dualizing the existing roadway or constructing a dual highway on a new location from the intersection of existing U.S. 264 and N.C. 58 east of Wilson to a connection with the existing U.S. 264 Greenville bypass near Frog Level, or to a connection in new location near Pitt County Memorial Hospital at Greenville. The proposed improvement will either upgrade, or generally parallel and replace, this portion of existing U.S. 264 which is about 29.7 miles in length, and crosses portions of Wilson, Greene, and Pitt Counties, NC. (FHWA-NC-EIS-78-07-D.) (EPA order No. 81204.)

Max North and South, U.S. 83, ND-23 to ND-37, Ward and McLean Counties, N. Dak., Nov. 9: Proposed is the construction of a two-lane roadway parallel to the existing roadway on U.S. 83 from ND-23 south to ND-37. The project would provide a four-lane divided highway approximately 22 miles long. The proposed improvement requires the purchase of right-of-way. Basically, it is proposed to construct an additional roadway adjacent to the existing roadway throughout the length of the improvement. The existing roadway will remain in place to serve as one roadway of the four-lane divided highway (FHWA-ND-EIS-78-04D) (EPA Order No. 81213).

Yonkers Arterial Highway System, Nepperhan Route, Westchester County, N.Y., Nov. 8: Proposed is an improvement plan for two sections of the Nepperhan Arterial Route to be included in the Yonkers Arterial Highway System in the city of Yonkers, Westchester County, N.Y. The two sections involved extend from South Broadway to New Main Street and from Walsh Road to Lake Avenue, a distance of 0.16 mile and 0.82 mile, respectively. Existing right-of-way will be used for the project and new right-of-way has recently been acquired (FHWA-NY-EIS-77-07D) (EPA Order No. 81201).

U.S. 35, from U.S. 68 to U.S. 35 bypass, Greene and Fayette Counties, Ohio, Nov. 7: Proposed is the construction of approxi-

mately 27.2 miles of four-lane divided highway on a new location in Greene and Fayette Counties, Ohio. The project will begin at the existing U.S. 35 bypass around Xenia and connect with the U.S. 35 bypass around Washington Courthouse. The proposed relocation will provide interchanges at: (1) Bickett Road, (2) U.S. 68, (3) existing U.S. 35 west of Jamestown, (4) OH-72, (5) west of the existing I-71/U.S. 35 interchange, (6) east of the existing I-71/U.S. 35 interchange, and (7) Palmer Road. Six alternatives were considered (FHWA-Ohio-EIS-78-01-D) (EPA Order No. 81198).

Railroad Relocation, city of Oshkosh, Winnebago County, Wis., Nov. 8: Proposed is the consolidation of the Soo Line and C & NW rail traffic affecting the city of Oshkosh, Winnebago County, Wis. The proposed consolidation would transfer train movements of the Soo Line onto the C & NW tracks in joint operation. To accomplish this change, four sets of crossover switches would be constructed on existing railroad right-of-way and the C & NW tracks and swing bridge across the Fox River would be upgraded. As part of the project an underpass at Irving Avenue has been recommended (FHWA-Wisc-EIS-78-01-D) (EPA Order No. 81203).

Final

TN-5, U.S. 45, Henderson, Chester and McNairy Counties, Tenn., Nov. 9: Proposed is the improvement of the existing two-lane TN-5 to a four-lane divided facility with no control of access, along with a proposed bypass for the cities of Selmer and possibly Bethel Springs. The project begins at the Mississippi State line and extends in a northerly direction to 0.70 mile south of TN-100 in Henderson, McNairy, and Chester Counties, Tenn. The project length is approximately 32 miles (FHWA-TN-EIS-77-03-F) (Region 4). Comments made by: HUD, DOC, USDA, DOT, TVA, HEW, EPA, DOI, and State agencies (EPA Order No. 81206).

Routes 1 and I-105, Los Angeles, Los Angeles County, Calif., Nov. 7: The proposed improvement is the construction of I-105 as an eight-lane full access-controlled highway near Los Angeles International Airport, and construction of the CA-1 State freeway as a multi-lane end of freeway transition. The project length is 17.2 miles on Route 105 and 0.4 mile on Route 1. Adverse impacts include the relocation of 8,100 persons and 240 businesses, increased air and noise pollution, and temporary construction disruptions. A 4(F) determination is necessary concerning park areas in the project area (FHWA-CA-EIS-74-14-F). Comments made by: DOI, EPA, DOT, AHP, State, and local agencies, groups, individuals and businesses (EPA Order No. 81146).

[FR Doc. 78-32555 Filed 11-17-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION
CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

OCTOBER 18, 1978.

CANADIAN LIST NO. 377

Call letters	Location	Power	Antenna	Schedule	Class	Antenna height (feet)	Ground system Number of radials	Length (feet)	Proposed date of commencement of operation
(New)	Mont-Joli, Quebec, N. 48°35'24", W. 68°08'20" (previously notified N. 48°35'15", W. 68°08'01", change of directional antenna radiation pattern)	1	DA-N, ND-D-185.	960 kHz U	III	.....	.....	.....	Oct. 18, 1979.
CKST	St. Alberta, Alberta, N. 53°26'00", W. 113°37'00" (change of site, previously notified N. 53°25'40", W. 113°35'14")	10	DA-1.....	1070 kHz U	II	.....	.....	.....	June 5, 1979.
(New)	Port Hardy, British Columbia, N. 50°42'35", W. 127°26'10"	1D/0.25N	ND-182.....	1240 kHz U	IV	135	120	318	Oct. 18, 1979.
CHRB	High River, Alberta, N. 50°29'12", W. 113°51'04" (now in operation)	10	DA-2.....	1280 kHz U	III	.....	.....	.....	
CKVT	Temiscamingue, Quebec, N. 46°44'06", W. 79°03'30" (now in operation with increase of day-time power)	1D/0.25N	ND-185.....	1340 kHz U	IV	170	120	293ave.	
CHRT	St. Eleuthere, Quebec, N. 47°28'36", W. 69°16'14" (P.O. 0.25kW)	1D/0.25N	ND-185.....	1450 kHz U	IV	140	120	271ave.	Oct. 18, 1978.

WALLACE E. JOHNSON,
 Chief, Broadcast Bureau,
 Federal Communications Commission.

[FR Doc. 78-32511 Filed 11-17-78; 8:45 am]

[6712-01-M]

[FCC 78-792]

**COMPOSITE WEEK DATES FOR THE ANNUAL
 PROGRAMING REPORT**

NOVEMBER 13, 1978.

The following dates will constitute the composite week for use in the preparation of the Annual Programing Report (FCC Form 303-A) for all commercial television licensees and permittees who must file this report by February 1, 1979.

Sunday, October 1, 1978.
 Monday, March 13, 1978.
 Tuesday, July 18, 1978.
 Wednesday, May 24, 1978.
 Thursday, April 6, 1978.
 Friday, January 20, 1978.
 Saturday, February 25, 1978.

**COMPOSITE WEEK FOR PROGRAM LOG
 ANALYSIS FOR COMMERCIAL TV LI-
 CENSEES AND CERTAIN OTHER APPLI-
 CANTS**

Licensees of commercial television stations with license expiration dates of June 1, and thereafter during calendar year 1979, will also use the composite week dates set forth above in

answering Question Nos. 5, 11, and 12 of section IV of the television license renewal application (FCC Form 303).

Additionally, the above dates will constitute the composite week for use by television applicants in preparing assignment of license and transfer of control applications filed on or after January 1, 1979.

Action by the Commission, November 6, 1978. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, White, and Brown.

FEDERAL COMMUNICATIONS
 COMMISSION,
 WILLIAM J. TRICARICO,
 Secretary.

[FR Doc. 78-32509 Filed 11-17-78; 8:45 am]

[6712-01-M]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

JULY 1, 1978.

MEXICAN LIST No. 285

Call letters	Location	Power watts	Antenna radiation mv/ m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number of radials	Length (feet)	
XETK	Mazatlan, Sin., N. 23°13'04", W. 106°23'03" (shares antenna with XERJ, 1320 kHz)	1.000D/.250N	ND-U-175.....	630 kHz U	III	305	120	328	Immediately.
XERPO	Oaxaca, Oax., N. 17°03'46", W. 96°43'21" (PO 0.500/kw/D, 0.100/kw/N)	1.000D/.100N	ND-U-175.....	710 kHz U	II	295	90	318	Do.
XEUS	Hermosillo, Son., N. 29°05'03", W. 110°57'54" (PO 1/kw/D, ND-D-191)	1.000D/1.000N	ND-D-191, DA-N.	850 kHz U	II	295	120	591	Jan. 1, 1979.
XETZ	Zapopan, Jal., N. 20°43'30", W. 103°24'00" (PO 1/kw/D, ND-D-181)	10.000	ND-D-190.....	880 kHz D	II	280	120	280	Immediately.
XEVV	Chiapa De Corzo, Chis., N. 16°42'05", W. 92°55'11"	5.000D/.250N	ND-U-201.....	920 kHz U	III	348	120	348	Do.
XECQ	Culliacan, Sin., N. 24°49'09", W. 107°28'49" (shares antenna with XESA, 1360 kHz)	5.000D/.100N	ND-U-183.....	920 kHz U	III	246	120	246	Do.
(New)	Jesus Carranza, Ver., N. 17°26'23", W. 95°02'58" (delete assignment)	5.000	ND-D-190.....	920 kHz D	III	267	120	267	
(New)	Yogope, Ver., N. 17°33'42", W. 95°33'13"	1.000	ND-D-190.....	920 kHz D	III	267	120	267	Jan. 1, 1979.
(New)	Tuxpan, Ver., N. 20°57'18", W. 97°23'59"	1.000	ND-D-190.....	920 kHz D	III	267	120	267	Immediately.
XEIH	Fresnillo, Zac., N. 23°10'58", W. 102°53'46" (PO 1400 kHz)	5.000D/.200N	ND-U-190.....	930 kHz U	III	265	120	265	Jan. 1, 1979.
XEK	Nuevo Laredo, Tam., N. 27°29'23", W. 99°32'00" (PO 2/kw/D, 1/kw/N, ND-U-184)	5.000D/1.000N	ND-U-184.....	960 kHz U	III	256	90	256	Do.
XEPC	Zacatecas, Zac., N. 22°45'48", W. 102°33'46"	1.000D/.150N	ND-U-175.....	1240 kHz U	IV	179	90	179	Immediately.
XESC	Sabinas, Coah., N. 27°51'13", W. 101°06'34" (PO 1.000/kw/D)	1.000D/1.000N	ND-U 175.....	1250 kHz U	III	157	90	177	Do.
XECOL	Tijuana, BCN., N. 32°32'20", W. 117°02'40" (PO 0.500/kw/U, ND-U-175)	5.000D/5.000N	DA-2.....	1270 kHz U	III	.....	.....	.....	Do.
XEYW	Uman, Yuc., N. 20°52'12", W. 89°44'41"	2.500D/.500N	ND-U-190.....	1270 kHz U	III	194	120	194	Do.
XEDB	Tonala, Chis., N. 16°05'35", W. 93°45'31" (PO 1/kw/D, 0.250/kw/N, ND-U-175)	5.000D/D.250N	ND-U-184.....	1290 kHz U	III	197	90	199	Do.
XERJ	Mazatlan, Sin., N. 23°13'04", W. 106°23'03" (shares antenna with XETK, 630 kHz)	5.000D/.500N	ND-U-175.....	1320 kHz U	III	305	120	328	Do.
XEZE	Santiago Ixc, Nay., N. 21°47'00", W. 105°12'00"	.250D/.200N	ND-U-150.....	1340 kHz U	IV	118	120	164	Do.
XEY	Celaya, Gto., N. 20°30'57", W. 100°45'54" (shares antenna with XENC, 1540 kHz)	1.000D/.250N	ND-U-173.....	1360 kHz U	III	148	120	148	Do.
XEOJ	Lazaro Cardenas, Mich., N. 18°00'10", W. 102°15'40"	1.000D/.100N	ND-U-170.....	1400 kHz U	IV	131	120	134	Do.

MEXICAN LIST No. 285—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system Number of radials	Length (feet)	Proposed date of change or commencement of operation
XEFS	Izucar De M. Pue., N. 18°36'22", W. 98°27'32"	.250	ND-D-150.....	1400 kHz D	IV	105	90	105	Do.
XEEEX	El Dorado, Sin., N. 24°19'12", W. 107°22'42" (PO 0.250/kw/D, 0.150/kw/N, ND-U-184)	1.000D/.150N	ND-U-174.....	1400 kHz U	IV	119	120	161	Jan. 1, 1979.
XEIH	Fresnillo, Zac., N. 23°10'56", W. 102°53'46" (vide 930 kHz)	.800D/.250N	ND-U-150.....	1400 kHz U	IV	109	90	109	Immediately.
XEBP	Torreón, Coah., N. 25°32'18", W. 103°27'55"	1.000D/.250N	ND-U-175.....	1450 kHz U	IV	230	90	230	Do.
XETKR	V. De Guadalupe, N.L. N. 25°41'48", W. 100°12'05"	5.000D/.500N	ND-U-190.....	1480 kHz U	III	166	120	166	Do.
XEUAA	Aguascalientes, Ags., N. 21°54'44", W. 102°19'01"	.250	ND-D-190.....	1520 kHz D	II	161	120	161	Do.
XEUR	Mexico, D.F., N. 19°23'52", W. 99°07'30"	3.000	ND-D-190.....	1530 kHz D	II	161	120	161	Do.
XEUR	Texcoco, Mex., N. 19°25'45", W. 98°56'57"	5.000N	DA-N.....	1530 kHz N	II				Do.
XENC	Celaya, Gt., N. 20°30'57", W. 100°45'54" (shares antenna with XEY, 1360 kHz)	1.000D/.250N	ND-U-190.....	1540 kHz U	II	148	120	148	Do.
XENU	Nuevo Laredo, Tam., N. 27°26'27", W. 99°31'30"	5.000	ND-D-184.....	1550 kHz D	II	159	90	164	Do.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 78-32510 Filed 11-17-78; 8:45 am]

[6712-01-M]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 71, "VHF Automated Radiotelephone Systems"—Notice of 13th Meeting—Tuesday, December 5, 1978, 10 a.m. (Full day meeting)—Conference Room A-106, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to Order.
2. Administrative Matters.
3. Presentation and Discussion:

John J. Renner, Chairman SC-71, Advanced Technology Systems, Inc., 3426 North Washington Boulevard, Arlington, Va. 22201, phone, 703-525-2664.

Special Committee No. 72, "Numerical Identification of Stations in Maritime Telecommunications Systems"—Notice of 11th Meeting—Wednesday, December 6, 1978, 9:30 a.m., Confer-

ence Room 7327, 2025 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion of U.S. Position for CCIR.

Francis K. Williams, Chairman, SC-72, Federal Communications Commission, Washington, D.C. 20554, phone 202-632-7054.

Special Committee No. 70, "Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment"—Notice of 13th Meeting—Thursday, December 7, 1978, 10 a.m. (All day meeting)—Conference Room 7200, Nassif (DOT) Building, 400 Seventh Street SW. (at D Street), Washington, D.C.

AGENDA

1. Call to order.
2. All Business.
3. Administrative Matters.
4. New Business.
5. Other Business.

Capt. Alfred E. Fiore, Chairman, SC-70, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024, phone 516-482-8200.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat, phone 202-632-6490.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-32528 Filed 11-17-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 11, 1978, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3742.

Filing Party: Mr. Randall V. Adams, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Fla. 33403.

Summary: Agreement No. T-3742, between the Port of Palm Beach District (Port) and Caribbean Lines Corp. (CLC), provides for the renewable, 1-year exclusive lease of certain facilities to be used as warehouse space, and the nonexclusive right to use Port's lands and dock facilities for the loading and unloading of its vessels at the Port of Palm Beach, Fla. As compensation, CLC will pay \$14,400 per annum as rental plus utility charges and all applicable charges as specified in the Port's tariff. CLC guarantees to ship a minimum of 25,000 short tons on an annual basis. Upon approval, Agreement No. T-3742 will supersede Agreement No. T-3536, as amended.

Agreement No. 5660-26.

Filing Party: Stanley O. Sher, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 5660-26 modifies the basic agreement of the Marseilles North Atlantic U.S.A. Freight Conference by deleting the provision that conference expenses be apportioned on the basis of 50 percent based in equal shares and 50 percent on tonnage and replacing it with a provision specifying that the members will apportion conference expenses as they shall from time to time agree by unanimous-less-one vote.

By order of the Federal Maritime Commission.

Dated: November 14, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-32590 Filed 11-17-78; 8:45 am]

[6730-01-M]

TOTEM OCEAN TRAILER EXPRESS, INC.

Notice of Petition for a Declaratory Order Filed

The Federal Maritime Commission hereby gives notice that the following petition for a declaratory order has been filed with the Commission for approval pursuant to 46 CFR 502.68.

Interested parties may inspect and obtain a copy of the petition for a declaratory order offered at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10218, or may inspect the petition at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on the petition, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 5, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed petition.

A copy of any comments should also be forwarded to the party filing the petition and the statement should indicate that this has been done.

PETITION FOR DECLARATORY ORDER

FILING PARTY: James A. Stenger, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

SUMMARY: A petition for a Declaratory Order has been filed on behalf of Totem Ocean Trailer Express, Inc. (Totem), with respect to movements in the Alaska trade which are exempt from regulation by the Interstate Commerce Commission under 49 U.S.C.A. 303(b)(6). Totem requests that the Declaratory Order be issued to require that (a) every water common carrier must file with the FMC all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route, (b) water common carriers may not hold themselves out to provide transportation under single factor joint rates with motor carriers inasmuch as such rates cannot be filed with the FMC, and (c) where water common carriers file with the FMC port-to-port rates that are available only in connection with through services offered in conjunction with motor common carriers, the applicable tariffs filed with the FMC must so indicate.

By order of the Federal Maritime Commission.

Dated: November 14, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-32591 Filed 11-17-78; 8:45 am]

[6732-01-M]

FEDERAL MEDIATION AND CONCILIATION SERVICE

IMPROVING GOVERNMENT REGULATIONS

Final Report on Steps Taken To Implement Executive Order 12044

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Publication of final report on steps taken to comply with Executive Order 12044.

SUMMARY: This report contains the steps taken by FMCS to comply with Executive Order 12044. Agency action will encourage public involvement in the preparation of agency regulations and will help insure that regulations are as simple and unburdensome as possible.

FOR FURTHER INFORMATION CONTACT:

David Vaughn, Associate General Counsel, 202-653-5305.

ADDRESS: Comments and inquiries regarding this report may be directed to the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, D.C. 20427.

SUPPLEMENTARY INFORMATION: This final report is submitted as required by section 5 of Executive Order 12044. The draft report of the agency was published in 43 FR 21993 (May 22, 1978). Public comment was solicited. No comments were received. (1) The process used by the agency in developing regulations is as follows:

(a) The office within the agency with responsibility for the subject area covered by a regulation determines, based on internal evaluation of the operation or impact of regulations or on comment from outside the agency, that a change in agency regulations may be appropriate; or an existing regulation is selected for review under the agency's semi-annual review procedure required by Section 4 of the Order;

(b) The office transmits the proposed change to the agency's General Counsel, the Director of Administration, and the Deputy Director for analysis and comment;

(c) The proposed change is transmitted to the Director of the Agency, together with the comments required by paragraph (b) above;

(d) The Director reviews the issues to be considered in the proposed change and the alternative approaches to be explored;

(e) If the Director determines that a change is warranted and when he or she determines the alternatives to be explored, he or she directs the General Counsel, in consultation with the relevant office, the Director of Administration, and the Deputy Director, to prepare a draft notice of proposed rulemaking containing the proposed change and the alternatives, if any, to be explored;

(f) The agency solicits informal comment from other appropriate Federal agencies and advisory committees;

(g) The General Counsel submits to the Director for review and approval the notice of proposed rulemaking. The Director may require a regulatory analysis. Included in the submission is a plan for obtaining public comment and target dates for completion of steps in the development of the Regulations. For significant regulations (see section 2, below) the agency prepares and submits a regulatory analysis. Such an analysis includes a careful examination of alternative approaches. For significant regulations, the Director must determine that the factors set forth in section 2(d) of the order are satisfied and that the regulation will not have an adverse impact on the structure or operation of collective bargaining.

(h) The notice of proposed rulemaking is published in the *FEDERAL REGISTER* for a 60-day comment period. The comment period for any step in the development process may be shortened only for good cause. When the period is shortened, a statement of the reasons for the shortened period will accompany the notice. The notice will describe the regulation and include a statement of the need for and legal basis for the action and the name and telephone number of a knowledgeable agency official. Regulations that are not significant under the agency's criteria will be accompanied by a statement to that effect in the initial notice of proposed rulemaking and all subsequent notices;

(i) Copies of the notice of proposed rulemaking are circulated during the comment period to representatives of the labor-management community, including business and labor groups whose organizations would be affected by the change, to representatives of State and local governments where appropriate, and to appropriate committees of the Congress. Press releases are distributed to inform the public through the media of the proposed change, with particular emphasis on the trade press serving the labor-management community;

(j) Public hearings are held where there is need or public interest;

(k) At the close of the comment period, all comments received are reviewed by the General Counsel and

the relevant office within the agency. A summary of the comments is prepared by those two offices and is sent to the Director and Deputy Director. Changes based on the comments and on further analysis by the agency are incorporated into a draft set of proposed regulations, which is prepared in notice form;

(l) The draft proposed regulations are sent to the Deputy Director for review and to the Director for approval;

(m) When the draft proposed regulations are approved by the Director, they are published in the *FEDERAL REGISTER* and a second round of public involvement and comment on the full text of the proposed regulations is initiated through procedures identical to steps (i) through (k) above;

(n) The revised draft regulations are sent to the Deputy Director for review and to the Director for approval;

(o) When the regulations are approved, they are published in the *FEDERAL REGISTER*. Copies of the regulations are sent to members of the labor-management community affected by the regulations, and to the media;

The agency has made the following changes in its regulation development process: The agency has formalized the procedural steps in the regulatory development process in order to comply with the order and has made an integral part of the development process steps which previously occurred informally or not at all. The periods for public comment has been extended to 60 days. Draft regulations will be preceded by notices of proposed rulemaking to attempt to obtain external comment prior to drafting the full text of the proposed regulation. (2) The agency criteria for determining significant regulations are:

(a) The type and number of individuals, businesses, organizations, and State and local governments affected;

(b) The compliance and reporting requirements likely to be involved;

(c) Direct and indirect effects of the regulation including the effect on competition;

(d) The relationship of the regulations to those of other programs and agencies; and

(e) The degree of impact on the overall structure or operation of collective bargaining.

Since the agency is not a regulatory or enforcement agency as those terms are generally understood, the agency has no regulations which meet the criteria of section 2(e) of the Order.

(3) The agency criteria for identifying which regulations require regulatory analysis are:

(a) Those which have major economic consequences for the general economy for individual industries, geographic regions or levels of government;

(b) Those which would significantly impact the overall structure or operation of collective bargaining for the general economy, for individual industries, geographic regions, or levels of government;

(c) The Director may in his or her discretion require that a regulatory analysis be conducted for any proposed change in regulations.

(4) The agency will select regulations for review in accordance with the following criteria:

(a) The continued need for the regulation;

(b) The type and number of complaints or suggestions received;

(c) The burdens imposed on those directly or indirectly affected by the regulations;

(d) The need to simplify or clarify language;

(e) The need to eliminate overlapping and duplicative regulations;

(f) The length of time since the regulation has been evaluated or the degree to which the structure or operation of collective bargaining and labor relations have changed in the area affected by the regulation; and

(g) Whether the procedures set forth in the regulation can be improved.

(5) Agency regulations to be reviewed initially are those dealing with Arbitration Services (29 CFR Part 1404) and Mediation Assistance in the Federal Service (29 CFR Part 1425). Internal agency review of those two parts is in progress. Possible changes to Part 1404 are also being considered by the Arbitration Services Advisory Committee of FMCS. Possible changes to Part 1425 are also being discussed with the Federal Service Impasses Panel to insure consistency of regulation and to avoid duplication of functions. These and other regulations will be described, the need and legal basis for the proposed review set forth, and the status of the regulations in this report updated in the semi-annual agency agenda to be published by the agency as required by section 2(a) of the order. The dates for publication of the semi-annual agenda will be announced in the *FEDERAL REGISTER* on the first Monday in October.

ROBERT P. GAJDYS,
Director of Administration.

[FR Doc. 78-32516 Filed 11-17-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

TRANSMITTAL RULES

Early Termination of Waiting Period of the
Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Geosource, Inc. is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of the Wheatley Co. from Tesoro Petroleum Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Geosource, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Associate Director for Premerger Notification, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, 202-523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-32549 Filed 11-17-78; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 14, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received, the name of the agency sponsoring the proposed collec-

tion of information, the agency form number, if applicable, and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before December 8, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new, voluntary, single-time Consumer Complaint Processing System Survey Form. The FTC has contracted for a study of the need and feasibility of a national consumer information system which would computerize the consumer complaints currently handled by local, State, and Federal consumer agencies. As part of this study the contractors intend to contact approximately 500 consumer complaint-handling offices across the country and at every level of government. This survey will seek information on the volume of complaints handled; the need or present use of, or plans for computerization; and solicit comments on any particularized problems or objections to such a system the respondent agency may have. The survey will be conducted by mail shortly after GAO clearance. FTC estimates that responses will be returned within a month and their evaluation and analysis begun. As part of this phase of the study, FTC plans to contact a certain number of the respondents for personal follow-up interviews. The FTC estimates respondent burden will average 1 hour per survey form.

NORMAN F. HEYL,
*Regulatory Reports,
Review Officer*

[FR Doc. 78-32583 Filed 11-17-78; 8:45 am]

[4110-02-M]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of the Secretary

**OFFICE OF THE ASSISTANT SECRETARY FOR
EDUCATION**

**Statement of Mission, Organization, Functions,
and Order of Succession**

Part E, Education Division, Chapter EA, Office of the Assistant Secretary for Education, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, published in the FEDERAL REGISTER at 39 FR 32342 on September 6, 1974, and at 41 FR 52540 on November 30, 1976, is hereby deleted and a new statement is added as follows. This effects a realignment of functions within the Office of the Assistant Secretary for Education.

Sec. EA.00 Mission. The Assistant Secretary for Education is responsible for general direction and supervision of the Education Division, a Principal Operating Component of the Department of Health, Education, and Welfare; provides leadership for all education activities of the Department; and serves as key advocate for assuring that the Department provides professional and financial assistance to strengthen education in accordance with Federal laws, rules, and regulations. In addition, the Assistant Secretary serves as principal adviser to the Secretary on education affairs. Executive Order 11761 designates the Assistant Secretary for Education as Chairperson of the Federal Interagency Committee on Education, which was established to facilitate the coordination of education activities of Federal agencies. Under the Order, the Secretary of the Department of Health, Education, and Welfare, with the assistance of the Assistant Secretary for Education, identifies the Nation's education needs and goals and recommends, to the President, policies promoting the progress of education.

Sec. EA.10 Organization. A. The Office of the Assistant Secretary for Education is under the supervision of the Assistant Secretary for Education who heads the Education Division and reports directly to the Secretary.

B. The Office of the Assistant Secretary for Education includes the following positions and their respective staffs:

Assistant Secretary for Education
Executive Director, Federal Interagency Committee on Education
Director, Office of Policy Communication
Deputy Assistant Secretary for Education
Deputy Assistant Secretary for Education (Policy Development)
Deputy Assistant Secretary for Education (Education Resources)

Administrator, National Center for Education Statistics
Director, Fund for the Improvement of Postsecondary Education

Sec. EA.20 Functions. 1. The Assistant Secretary for Education is the principal officer in the Department responsible to the Secretary for direction and supervision of education activities wherever they are performed in the Department, and for providing advice and consultation to the Secretary on all aspects of the Department's education activities. As Chairperson of the Federal Interagency Committee on Education, the Assistant Secretary for Education also is responsible for facilitating coordination of education activities of other Federal agencies with Education Division programs. The Executive Director of the Federal Interagency Committee on Education is responsible for the planning and administration of the Committee's activities.

The Director, Office of Policy Communication, reports directly to the Assistant Secretary for Education. The Office of Policy Communication is responsible for monitoring the activities of the education community to provide timely and accurate information on its program and legislative objectives. The work of the Office of Policy Communication also includes the development and implementation of information activities to assure that the programs and policies of the Education Division are communicated effectively to the education community and the general public. The Office of Policy Communication coordinates all public affairs activities of the Division involving relationships with the education community, including appropriate State agencies.

2. The Deputy Assistant Secretary for Education serves as principal deputy to the Assistant Secretary for Education and acts as Assistant Secretary during the absence or disability of the Assistant Secretary or if a vacancy occurs in the position of Assistant Secretary for Education.

Represents the Assistant Secretary for Education and interprets Federal education policies and programs to the education community and the general public. Provides day-to-day guidance and support to the Office of Policy Communication. The Deputy Assistant Secretary for Education is responsible for insuring that the views of the education community are considered in the policymaking processes of the Division.

The Deputy Assistant Secretary for Education participates in the policy development and implementation process as it pertains to the development of legislation. Advises and consults with the Assistant Secretary for Education on new policy initiatives, es-

tablishment of priorities, and provision of policy guidance to Education Division agency public information offices. Provides principal day-to-day support and guidance to the Federal Interagency Committee on Education.

Serves as the Education Division's principal liaison to the Office of the Deputy Under Secretary for Intergovernmental Affairs. Also serves as principal liaison between the Department and the Department's Regional Centers on all aspects of the education activities of the Regional Centers.

3. The Deputy Assistant Secretary for Education (Policy Development) coordinates development of general programmatic education policies in the Education Division, including formulation of program and legislative initiatives. Provides guidance in determination of priorities, objectives, and goals for education, including formulation of recommendations to the Assistant Secretary. Facilitates communication among components of the Division to insure effective implementation of short- and long-term policy decisions.

Coordinates 5-year plans and program evaluation for the Assistant Secretary for Education. Monitors research and statistical activities in the agencies comprising the Education Division, as they relate to policy development. Advises the Assistant Secretary for Education on key implementation issues. Chairs the Education Data Acquisition Council.

Recommends program and policy issues for analysis and coordinates necessary studies and actions to be undertaken within the Education Division. Coordinates development of data used at the level of the Assistant Secretary for Education and within the agencies comprising the Education Division.

4. The Deputy Assistant Secretary for Education (Education Resources) is the principal adviser to the Assistant Secretary for Education, and promotes the Assistant Secretary's policies and goals, on all aspects of the relationship of budget formulation to the development of Federal education policy, and in all areas of oversight and coordination of management functions in the Education Division. Applies an intimate knowledge of policy development processes and educational administration in the Education Division, as well as detailed familiarity with the personal policy positions of the Assistant Secretary for Education, to review of education agency budget requests and analysis of agency program management. Works closely with the Deputy Assistant Secretary for Education (Policy Development) to insure that the education budget, as proposed to the Office of Management and Budget and as presented to the

Congress, reflects Federal education policy as determined by the Assistant Secretary for Education, the Secretary, and the President; and to insure that activities undertaken in the formulation of education policy reflect the concerns of the Department and the Congress which the incumbent is aware of through representation of the Assistant Secretary for Education in the budget formulation process.

In furtherance of the foregoing, the Deputy Assistant Secretary for Education (Education Resources) is principal adviser to the Assistant Secretary for Education on Education Division matters pertaining to formulation, analysis, and presentation of budgets; staff resource allocations; and all aspects of administrative and financial management. Establishes Education Division policy in management and budget, and oversees the management and budget activities of the Department's education agencies.

Represents the Assistant Secretary for Education with the staff of other Assistant Secretaries, the Office of Management and Budget, the Congress, and the general public on policies and procedures relating to management and budget activities of the Education Division. Represents the Assistant Secretary for Education in presenting, justifying, and interpreting the Education Division budget and related appropriations matters to the Secretary, the Office of Management and Budget, and the Congress.

Works with the Assistant Secretary for Management and Budget and the Under Secretary in the preparation of budget estimates and forecasts of resources required to support programs and activities of the Education Division. Establishes and maintains appropriate management policies, procedures, and systems throughout the Education Division. Provides administrative policy guidance to the Education Division. Supervises all management, administrative, budget, and financial activities within the Office of the Assistant Secretary for Education.

5. The Administrator, National Center for Education Statistics (NCES), collects and disseminates statistics and other data related to education in the United States and in other nations. Collects, reviews, and annually reports to Congress statistics on the condition of education in the United States. Conducts and publishes reports on in-depth analyses of the meaning and significance of such statistics. Assists State and local educational agencies in improving and automating their statistical and data collection activities. Reviews statistics and reports on education activities in other nations. Conducts intensive research and development activities in the areas of survey methods and statistical applica-

tions. Provides statistical consultation to officials of the Education Division and others.

The National Center for Education Statistics includes the Office of the Administrator and the following divisions. The functions of each are as follows:

a. Office of the Administrator. Establishes and maintains consultative and working relations with the Education Division, the Department, Congressional committees, other governmental agencies, and other users and producers of education statistics. Deliberates with and provides senior staff technical support to the Advisory Council on Education Statistics. Coordinates NCES activities with the Federal Interagency Committee on Education. Directs the Federal Interagency Consortium of Users of Education Statistics. Provides staff assistance to the Education Data Acquisition Council, including the Executive Director. Prepares the annual Data Acquisition Plan for the Education Division. Provides NCES with administrative, logistical, and management services. Promotes formulation of statistical standards appropriate to the work of NCES. Develops improved statistical methods and techniques for application in NCES operations. Develops and enforces standards designed to protect the confidentiality of personal data in the collection, reporting and publication of data.

b. Division of Elementary and Secondary Education Statistics. Coordinates, designs, develops, and implements an integrated data system of elementary and secondary education statistics to meet Federal, State, and local governmental and private institutional needs for planning, management, and evaluation purposes. Develops standardized terminology and data definitions to promote compatibility of reporting of data, plans, designs, conducts, and reports on statistical surveys and studies of elementary and secondary institutions and populations and educational manpower. Provides statistics and analyses in these areas in support of the Center's mission to collect and report statistics on the condition of education in the United States. Ascertains from the elementary and secondary education community the need for additions to, modifications in, or deletions from the data collected by NCES, as well as the periodicity of recurring survey activity. Conducts in-depth statistical analyses of elementary and secondary education data bases, derived from both NCES data and data available from other sources and prepares analytical reports applying the data to education policy issues and problems.

c. Division of Postsecondary and Vocational Education Statistics. Coordinates, designs, develops, and implements an integrated data system of postsecondary and vocational education statistics to meet Federal, State, local, and private institutional needs for planning, management, and evaluation purposes. Develops standardized terminology and data definitions to promote compatibility of reporting of data, plans, designs, conducts, and reports on statistical surveys and studies of colleges and universities; adult, continuing, and vocational education institutions; and postsecondary and vocational populations. Provides statistics and analyses in these areas in support of the Center's mission to collect and report statistics on the condition of education in the United States. Ascertains from the postsecondary and vocational education community the need for additions to, modifications in, or deletions from the data collected by NCES, as well as the periodicity of recurring survey activity. Conducts in-depth statistical analyses of postsecondary and vocational education data bases, derived from both sources and prepares analytical reports applying the data to education policy issues and problems.

d. Division of Multilevel Education Statistics. Plans, designs, conducts, analyzes, and reports on statistical surveys and studies of libraries and learning resources, including educational broadcasting and technology. Develops, conducts, and analyzes all longitudinal surveys and studies in NCES. Is responsible for the development and application of education indicators and assessment tools, including the National Assessment of Educational Progress. Develops indicators and conducts such surveys to compare education in the United States to that in other nations, and maintains data on education statistics in foreign countries. Operates the Fast Response Survey System to provide rapid data on topics of immediate concern to education.

e. Division of Statistical Services. Develops and creates computerized data bases which are readily available to the education community. Operates the EDSTAT computerized information retrieval system for education statistics. Provides computer programming services for NCES. Insures that contracts involving automated data processing comply with NCES standards and requirements. Plans, develops, coordinates, and oversees the State-assistance activities of NCES. Drafts regulations, guidelines, and procedures for Federal-State cooperative projects. Provides statistical information and analyses for other Federal components, the education community, and the general public. Develops and publishes an annual report on the condition of education, pursuant to

section 406(d) of Pub. L. 93-380. Develops and applies statistical time-series techniques and models to project education statistics. Provides editorial and publication services for NCES. Provides forms control for all public use forms for NCES, and provides forms design service for all parts of the Education Division.

6. The Director, Fund for the Improvement of Postsecondary Education, is responsible for the planning and administration of the Fund, including preparation of program and budgetary plans and supervision of staff necessary to implement those plans.

Sec. EA.30 *Order of succession.* During the absence or disability of the Assistant Secretary for Education, or in the event of a vacancy in that position, the first official listed below who is available shall act as Assistant Secretary, except during a period of planned absence for which a different order has been designated as provided in (b) below.

(a) (1) Deputy Assistant Secretary for Education.

(2) Deputy Assistant Secretary for Education (Policy Development).

(3) Deputy Assistant Secretary for Education (Education Resources).

(b) For a planned period of absence, the Assistant Secretary may specify a different order of succession.

Dated: November 13, 1978.

FREDERICK M. BOHEN,
Assistant Secretary for
Management and Budget.

[FR Doc. 78-32589 Filed 11-17-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 19885]

LANDS IN ROUTT COUNTY, COLO.

Public Hearing

NOVEMBER 9, 1978.

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colo. Notice is hereby given that a public hearing will be held on December 11, 1978, at 7 p.m. in the Routt County Courthouse in Steamboat Springs, Colo. The purpose of the hearing is to obtain public comments, with respect to offering for lease certain coal resources in the lands hereinafter described, on the Technical Examination-Environmental Assessment Report and on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal, (2) the impact that mining the coal in proposed leasehold may have on the

area, included but not limited to impacts on the environment, agriculture, and other economic activities, and (3) method of evaluation of the coal to be offered. Comments will be accepted orally or in writing and will be considered prior to lease offering.

In addition, the public is invited to submit written comments on the fair market value of the coal to be offered to the State Director, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

COAL TO BE OFFERED: The lands are located in Routt County, Colo., approximately 10 miles southeast of Hayden, Colo. The lands are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 N., R. 87 W.,

Sec. 1: Lots 5, 6, 7 and 8 (Containing 125.16 acres).

NOTICE OF AVAILABILITY: The Technical Examination-Environmental Assessment Report will be available for review in the Craig District Office, Bureau of Land Management, 455 Emerson Street, P.O. Box 248, Craig, Colo. 81625.

A copy of the Technical Examination-Environmental Assessment Report, the case file, and the comments submitted by the public on fair market value, except those portions identified as proprietary by the commenter, will be available for public inspection at the Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

JOHN R. BERNICK,
*Acting Leader, Craig Team,
Branch of Adjudication.*

[FR Doc. 78-3241 Filed 11-17-78; 8:45 am]

[4310-70-M]

National Park Service

REVISED MANAGEMENT POLICY ON DIVING

The National Park Service management policy on diving is available for inclusion in its manual, the Management Policies. This is not a new policy of the National Park Service; it simply incorporates a previous policy into the manual for easy reference. Copies of this policy may be obtained after November 13, 1978, by writing the nearest regional office.

Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pa. 19106.

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

North Atlantic Regional Office, National Park Service, 15 State Street, Boston, Mass. 02109.

Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Building, Seattle, Wash. 98101.

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colo. 80225.

Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Ga. 30349.

National Capital Region, National Park Service, 1100 Ohio Drive SW., Washington, D.C. 20242.

Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, Calif. 94102.

Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, N. Mex. 87501.

Dated: October 27, 1978.

WILLIAM J. WHALEN,
*Director,
National Park Service.*

[FR Doc. 78-32530 Filed 11-17-78; 8:45 am]

[4310-70-M]

BIG CYPRESS NATIONAL PRESERVE, FLA.

Public Meetings

Notice is hereby given that the National Park Service will hold a series of two public meetings in Florida during December 1978, on proposed special regulations for Big Cypress National Preserve.

The meetings will be held on the dates indicated in the following places:

December 5, 1978: Dade County Agricultural Center, Auditorium, 18710 Southwest 288th Street, Homestead, Fla.

December 6, 1978: East Naples Middle School, 4100 Estey Drive, Naples, Fla.

The meetings will begin at 7:30 p.m.; however, National Park Service Personnel will be available at each of the meeting locations, on the dates indicated, at 6:30 p.m. local time, to answer questions or explain the details of the proposed regulations during the hour before the meeting begins. The chairperson will limit the time allowed each person for comment after a survey of the number of people who wish to provide oral comments.

Concurrent with the public meetings, the National Park Service will be accepting written comments on the proposed regulations. It is anticipated that these proposed regulations will be published in the FEDERAL REGISTER prior to the meetings.

Special regulations are being proposed pursuant to the Act of October 11, 1974, Pub. L. 93-440 (88 Stat. 1260; 16 U.S.C. 698i) establishing Big Cypress National Preserve. The Act requires the Secretary of the Interior to publish such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal

lands and waters within the Preserve in matters relating to:

- (1) Motorized vehicles;
- (2) Exploration for and extraction of oil, gas, and other minerals;
- (3) Grazing;
- (4) Draining or constructing of works or structures which alter the natural water courses;
- (5) Agriculture;
- (6) Hunting, fishing, and trapping;
- (7) New construction of any kind;

and (8) Such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of the Act.

Specifically, the proposed regulation to be discussed during the December meetings will deal with:

- (1) Motorized vehicles;
- (2) Camp structures;
- (3) Aircraft use;
- (4) Watershed protection;
- (5) Hunting, fishing, and trapping;
- (6) Grazing.

The purpose of these meetings is to explain the need for regulations in the Preserve and to provide for additional citizen participation through which the Service will reserve ideas, suggestions, comments, and objections prior to final publication of the regulations.

The public record will remain open until January 19, 1979, during which time written comments on the proposals will be welcomed, reviewed, and considered.

Anyone wishing a copy of the proposed regulations, additional information on the public meetings or the National Park Service regulatory process, or an opportunity to submit comments on the proposed regulations may write to the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Fla. 33030. Copies of the proposed regulations will not be available until November 20, 1978.

Dated: November 14, 1978.

RICHARD S. TOUSLEY,
Acting Associate Director, Management and Operations, National Park Service.

[FR Doc. 78-32531 Filed 11-17-78; 8:45 am]

[4710-14-M]

INTERNATIONAL JOINT COMMISSION

POSSIBLE CHANGES TO ITS ORDERS OF APPROVAL ON THE REGULATION OF LAKE SUPERIOR

Public Hearings

The International Joint Commission will hold public hearings at the times and places noted below to receive comment concerning possible changes to its Orders of Approval for the regulation of Lake Superior.

Under the 1914 Orders of Approval, as amended, Lake Superior outflows are calculated on levels of that lake and levels and flows in the St. Marys River.

The Commission has declared to the Governments of Canada and the United States in a 1976 report its intention, after holding public hearings and considering the evidence, to direct the operation of the Lake Superior control works to provide benefits to interests throughout the Great Lakes system without undue detriment to Lake Superior interests. Governments have indicated their general concurrence. The Commission is now considering whether the 1914 Orders of Approval should be amended, to reflect this philosophy. If anyone believes he may be harmed by the order or its amendment, he should make this concern known at this hearing, so that the Commission may take these concerns into account when providing for suitable and adequate provision for the protection and indemnity of all interests. The Commission's Control Board has proposed Plan 77 as a regulation plan to implement this objective. Under Plan 77, all control works would be operated to keep the levels of Lake Superior, Michigan and Huron at the same elevation relative to their historical mean monthly levels.

These hearings are being held to obtain the public's views concerning amendment of the 1914 Orders of Approval with a view to possible implementation of Plan 77, and concerning measures to ensure suitable protection and/or adequate indemnification of all interests in connection with these actions.

The hearings are international and citizens of both Canada and the United States are welcome to participate in both countries. Opportunity will be given to anyone, whether on his own behalf or in a representative capacity, to offer pertinent information to assist the Commission.

Testimony may be given orally or in writing. While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, the Commission requests 30 copies if convenient.

TIMES AND PLACES OF HEARINGS

December 12, 1978; Great Hall, Radisson Hotel, 505 West Superior Street, Duluth, Minn.; 2 p.m. and 7:30 pm.

December 13, 1978; Blake Auditorium, Thunder Bay City Hall, 500 Donald Street, Thunder Bay, Ontario; 3 p.m. and 7:30 pm.

December 14, 1978; Algoma West Room, Sault Ste. Marie Holiday Inn, 208 St.

Marys River Drive, Sault Ste. Marie, Ontario; 2 p.m. and 7:30 pm.

W. A. BULLARD,
Secretary, United States Section,
International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section,
International Joint Commission.

NOVEMBER 14, 1978.

[FR Doc. 78-32477 Filed 11-17-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-43]

CERTAIN CENTRIFUGAL TRASH PUMPS

Commission Hearing on Presiding Officer's Recommendation, Relief, Bonding and the Public Interest

Recommendation of "no violation" issued. In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain centrifugal trash pumps in the United States, the Presiding Officer recommended on October 25, 1978, that the Commission determine that there is no violation of section 337. The Presiding Officer certified the hearing record to the Commission for its consideration. Copies of the Presiding Officer's recommendation may be obtained by interested persons by contacting the office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Commission hearing scheduled. The Commission will hold a hearing beginning at 10 a.m., e.s.t., Wednesday, December 13, 1978, in the Commission's Hearing Room (Room 331), 701 E Street NW., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral argument on the Presiding Officer's recommendation that there is no violation of section 337 of the Tariff Act of 1930. Second, the Commission will receive oral presentations concerning appropriate relief, bonding, and the public interest in the event that the Commission determines that there is a violation of section 337. These matters are being heard on the same day in order to facilitate the completion of this investigation within time limits under law and to minimize the burden of this hearing upon the parties to the investigation. The procedure for each portion of the hearing follows.

Oral argument on Presiding Officer's recommendation. A party to the Commission's investigation or an interested agency wishing to present to the Com-

mission an oral argument concerning the Presiding Officer's recommendation will be limited to no more than 30 minutes. A party or interested agency may reserve 10 minutes of its time for rebuttal. The oral arguments will be held in this order: complainant, respondents, interested agencies, and Commission investigative staff. Any rebuttals will be held in this order: respondents, complainants, interested agencies, and Commission investigative staff.

Oral presentations on relief, bonding, and the public interest. Following the oral arguments on the Presiding Officer's recommendation, a party to the investigation, an interested agency, a public interest group, or any interested member of the public may make an oral presentation on relief, bonding, and the public interest.

1. *Relief.* In the event that the Commission were to find a violation of section 337, it would issue: (1) An order which could result in the exclusion from entry of certain centrifugal trash pumps into the United States; or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of these trash pumps. Accordingly, the Commission is interested in what relief should be ordered, if any.

2. *Bonding.* In the event that the Commission were to find a violation of section 337 and order some form of relief, that relief would not become final for a 60-day period during which the President would consider the Commission's report. During this period, the certain centrifugal trash pumps would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond should be determined, if any.

3. *The public interest.* In the event that the Commission were to find a violation of section 337 and order some form of relief, the Commission must consider the effect of that relief upon the public interest. Accordingly, the Commission is interested in the effect of any exclusion order or cease and desist order upon: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

A party to the Commission's investigation, an interested agency, a public interest group, or any interested person wishing to make an oral presentation concerning relief, bonding, and the public interest will be limited to no more than 15 minutes. Participants will be permitted an additional 5 minutes each for summation after all

presentations have been made. Participants with similar interests may be required to share time. The order of oral presentations will be as follows: Complainant, respondents, interested agencies, public interest groups, other interested members of the public, and Commission investigative staff. Summaries will follow the same order.

How to participate in the hearing. If you wish to appear at the Commission's hearing, you must file a written request to appear with the Secretary to the Commission, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, no later than the close of business (5:15 p.m., e.s.t.) on Friday, December 1, 1978. Your written request must indicate whether you wish to present an oral argument concerning the Presiding Officer's recommendation or an oral presentation concerning relief, bonding and the public interest, or both. While only parties to the Commission's investigation, interested agencies, and the Commission investigative staff may present an oral argument concerning the Presiding Officer's recommendation, public interest groups and other interested members of the public are encouraged to make an oral presentation concerning the public interest.

Written submissions to the Commission. The Commission requests that written submissions of two types be filed prior to the hearing in order to focus the issues and facilitate the orderly conduct of the hearing.

1. **Briefs on the Presiding Officer's recommendation.** Parties to the Commission's investigation, interested agencies, and the Commission Investigative Staff are encouraged to file briefs concerning exceptions to the Presiding Officer's recommendation. Prehearing briefs must be filed with the Secretary to the Commission by no later than the close of business on Friday, December 1, 1978. Briefs must be served on all parties of record to the investigation on or before the date they are filed with the Secretary. Statements made in briefs should be supported by references to the record. Persons with the same positions are encouraged to consolidate their briefing, if possible.

2. **Written comments and information concerning relief, bonding, and the public interest.** Parties to the Commission's investigation, interested agencies, public interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, bonding, and the public interest. These written submissions will be very useful to the Commission in the event it determines that there is a violation of section 337 and that relief should be granted.

Written comments and information concerning relief, bonding, and the public interest shall be submitted in this order. First, complainant shall file a detailed proposed Commission action, including a proposed determination of bonding, a proposed remedy, and a discussion of the effect of its proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, with the Secretary to the Commission by no later than the close of business on Friday, November 24, 1978. Second, other parties, interested agencies, public interest groups, and other interested members of the public shall file written comments and information concerning the action which complainant has proposed, any available alternatives, and the advisability of any Commission action in light of the public interest considerations listed above by no later than the close of business on Wednesday, December 6, 1978.

Additional information. The original and 19 true copies of all written submissions must be filed with the Secretary to the Commission. If you wish to submit a document (or a portion thereof) to the Commission in confidence, you must request in camera treatment. Your request should be directed to the Chairman of the Commission and must include a full statement of the reasons for granting in camera treatment. The Commission will either accept such submission in confidence, or it will return the submission to you. All non-confidential written submissions will be open to public inspection at the Secretary's Office.

Notice of the Commission's investigation was published in the *FEDERAL REGISTER* of February 14, 1978 (43 FR 6342).

By order of the Commission:

Issued: November 15, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-32594 Filed 11-17-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-601]

LUNAR SAMPLE ANALYSIS ADVISORY COMMITTEE

Meeting

The Lunar Sample Analysis Advisory Committee will meet on November 25 and 26, 1978, in Room 5026 at NASA Headquarters, 400 Maryland Avenue, SW., Washington, D.C. 20546.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 including Committee members and other participants). Visitors will be required to sign a visitor's register.

The NASA Lunar Sample Analysis Advisory Committee was established as an interdisciplinary guide to advise NASA management as to future funding mechanisms for Lunar Sample Analysis projects within NASA and other government agencies. The Committee members provide a wide range of scientific and administrative expertise in space and other science. The Chairperson of the Committee is Professor Richard H. Jahns. There are currently seven members on the Committee. The meeting of the Committee is being held at this time because of the urgent need for the Committee to provide recommendations in time to be used in developing program funding plans for fiscal year 1979 and for consideration of fiscal year 1980 budgets. For further information, contact the Executive Secretary, Dr. Bevan M. French 202-755-3760, NASA Headquarters, Code SL-4, Washington, D.C. 20546.

ARNOLD W. FRUTKIN,
Associate Administrator
for External Relations.

NOVEMBER 14, 1978.

[FR Doc. 78-32512 Filed 11-17-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published October 20, 1978 (43 FR 49080). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the *FEDERAL REGISTER* approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and

Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published approximately 15 days prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the December 1978 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m., e.s.t.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Fluid Dynamics*, November 28-30, 1978, San Francisco, Calif. The Subcommittee will meet with representatives of the NRC to discuss and review the design basis and construction of the Mark II Boiling Water Reactor (BWR) Containment System. The Mark II load definition, load acceptance criteria, and load combination methods will be discussed. Notice of this meeting was published September 21, October 20, and November 13, 1978 (43 FR 42826, 49080, and 52566, respectively).

**Power and Electrical Systems*, December 1, 1978, Washington, D.C. Postponed indefinitely. Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Generic Items*, December 5, 1978, Washington, D.C. The Subcommittee will review the status of the various generic items contained in the Committee's November 15, 1977, "Status of Generic Items Relating to Light-Water Reactors, Report No. 6." Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Regulatory Activities*, December 6, 1978, Washington, D.C. The Subcommittee will review working papers and future regulatory guides; also it will discuss pertinent activities which affect the current licensing process and/or reactor operations. Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Advanced Reactors*, December 6, 1978, Washington, D.C. Rescheduled from November 1, 1978, Washington, D.C. The Subcommittee will continue its review of matters related to NRC sponsored research on the safety of advanced reactor designs. Notice of this meeting was published October 17, 20, and 31 (43 FR 47802, 49080 and 50763, respectively).

**Architect-Engineer Balance of Plant*, December 18, 1978, Washington, D.C. The Subcommittee will review the Fluor Power Services, Inc., Balance of Plant Standard Safety Analysis Report (BOPSSAR) and its relationship to the Babcock and Wilcox Standard Reference System B-SAR-205 for a preliminary design approval. Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Salem Nuclear Power Station, Unit No. 2*, December 19, 1978, Washington, D.C. The Subcommittee will review the application of the Public Service Electric & Gas Co. for a license to operate Unit No. 2 of this Station. Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Regulatory Activities*, January 3, 1979, Washington, D.C. The Subcommittee will review working papers and future regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations. Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Spent Fuel Storage*, January 3, 1979 (afternoon), Washington, D.C. The Subcommittee will review the proposed rule developed by the NRC on Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI).

**Extreme External Phenomena*, January 9, 1979, Las Vegas, Nev. The Subcommittee will review NRC sponsored research regarding seismic design of nuclear power plants. Notice of this meeting was published October 20, 1978 (43 FR 49080).

**Regulatory Activities*, February 7, 1979, Washington, D.C. The Subcommittee will review working papers and future regulatory guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

ACRS FULL COMMITTEE MEETINGS

December 7-9, 1978: *Reactor Safety Research—ACRS Annual Report to Congress.

January 4-6, 1979: Agenda to be announced.
February 8-10, 1979: Agenda to be announced.

Dated: November 15, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-32564 Filed 11-17-78; 8:45 am]

[7590-01-M]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON GENERAL ITEMS

Meeting

The ACRS Subcommittee on Generic Items will hold a meeting on December 5, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to review the status of the various generic items contained in the Committee's November 15, 1977, "Status of Generic Items Relating to Light-Water Reactors, Report No. 6." Notice of this meeting was published on October 20 (43 FR 49080).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the

necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

TUESDAY, DECEMBER 5, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to the above topics. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether additional meetings of the Subcommittee will be required.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Richard K. Major (telephone 202-634-1414) between 8:15 a.m. and 5 p.m., e.s.t.

Dated: November 15, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-32563 Filed 11-17-78; 8:45 am]

[7590-01-M]

[Docket No. 50-348]

ALABAMA POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. NPF-2, issued to Alabama Power Co. (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nu-

clear Plant, Unit No. 1 (the facility) located in Houston County, Ala. The amendment was effective as of October 26, 1978.

The amendment incorporates a one-time change which expires on November 1, 1978, to allow plant startup with one of two redundant safety-related high efficiency particulate air filters at 99.93% efficiency instead of at 99.95% efficiency.

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 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 October 26, 1978, (2) Amendment No. 6 to License No. NPF-2, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission Public Document Room, 1717 H Street NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, Ala. 36301. 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 9th day of November 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32557 Filed 11-17-78; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-592 and STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL., PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR 51, Arizona Public Service Co., on behalf of itself and 10 applicants, has filed an environmental report, dated September 1978, in support of their application to construct and operate the Palo Verde Nuclear Generating Station, Units 4 and 5, to be located in Maricopa County, Ariz. (See related notices at 43 FR 19727 and 19729 dated May 8, 1978.) The report, which discusses environmental considerations related to the construction and operation of the proposed facility is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Ariz. Copies of the report are also being made available at the State Clearinghouse, Office of Economic Planning and Development, 1700 West Washington Street, Phoenix, Ariz., and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Ariz.

After the Environmental Report has been analyzed by the Division of Site Safety and Environmental Analysis staff, a Draft Environmental Statement will be prepared. Upon preparation of the Draft Environmental Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 14th day of November 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects
Branch No. 2, Division of Site
Safety and Environmental
Analysis.

[FR Doc. 78-32558 Filed 11-17-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-329-OL, 50-330-OL]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Supplemental Notice of Hearing

On October 18, 1978, the Atomic Safety and Licensing Board published in the FEDERAL REGISTER a notice of hearing on the application for a facility operating license by the Consumers Power Co. for its Midland Plant, Units 1 and 2. 43 FR 48089. The Notice provided that a special prehearing conference pursuant to 10 CFR 2.751(a) would commence on November 15, 1978. All parties to this proceeding have agreed to a postponement of the prehearing conference, which has been rescheduled for December 14, 1978, beginning at 9:30 a.m. at the 75th District Court, Courtroom No. 2, Courthouse, Midland, Mich. 48640.

It is so ordered.

Dated at Bethesda, Md., this 13th day of November 1978.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc. 78-32559 Filed 11-17-78; 8:45 am]

[7590-01-M]

[Docket No. 50-341]

DETROIT EDISON CO., ET AL. (ENRICO FERMI ATOMIC POWER PLANT, UNIT 2)

Special Prehearing Conference

In accordance with the Atomic Safety and Licensing Board's Memorandum and Order dated November 13, 1978, a special prehearing conference will commence at 10 a.m., local time, on Monday, December 18, 1978 (and will continue through Tuesday, December 19, 1978, if necessary) in Judge Patton's Courtroom (Room 1057), U.S. Courthouse, 231 West Lafayette Street, Detroit, Mich. 48226.

As provided for by 10 CFR 2.751a, and to the extent consistent with the nature of an operating license proceeding (see 10 CFR 2.760a), the conference will be held to:

(1) Consider all intervention petitions to allow the Board to make such preliminary or final determinations as

to the parties to the proceeding, as may be appropriate.

(2) Permit identification of the key issues in the proceeding;

(3) Take any steps necessary for further identification of the issues; and

(4) Establish a schedule for further actions in the proceeding.

As further provided in the November 13, 1978 Memorandum and Order, those who have filed petitions for leave to intervene may amend or supplement their petitions by no later than December 4, 1978.

As permitted by 10 CFR 2.715(a), the Board will hear the limited appearance statements of those who have filed written requests to make such an appearance. It is our present intention to hear such statements at the commencement of the proceeding. To the extent that we receive further requests for limited appearances at the conference, they will be accommodated to the extent that time permits after completion of the formal business of the conference.

It is so ordered.

Dated at Bethesda, Md., this 13th day of November, 1978.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

CHARLES BECHHOEFER,
Chairman.

[FR Doc. 78-32560 Filed 11-17-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-315 and 50-316]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 26 and 8 to Facility Operating License Nos. DPR-58 and DPR-74 issued to Indiana & Michigan Electric Co., which revised the Appendix B Technical Specifications for operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities), located in Berrien County, Mich.

These changes related to deicing measurements, water chemistry in plant systems, chemical discharges, thermal discharge surveillance, groundwater (well) monitoring, termination of biota monitoring, changes in reporting requirements to conform to NRC guides, deletion of one time requirements (equipment and reports) that have now been met, automated isolation of waste gas storage volume, milk background monitoring and miscellaneous minor editorial changes.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

The Commission has prepared an Environmental Impact Appraisal and Safety Evaluation for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facilities, dated August 8, 1978.

For further details with respect to this action, see (1) the application for amendments dated March 1, 1978, (2) Amendment Nos. 26 and 8 to Facility Operating License Nos. DPR-58 and DPR-74, and (3) the Commission's Environmental Impact Appraisal and Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. A 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 8th day of November 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
*Chief, Operating Reactors
Branch No. 1, Division of Op-
erating Reactors.*

[FR Doc. 78-32561 Filed 11-17-78; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a part of the continual maintenance of the Standard Review Plan (SRP), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to SRP Section "Introduction" for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of commu-

nication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for the Nuclear Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to section "Introduction" is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. (5 U.S.C. 552(a)).

Dated at Bethesda this 7th day of November, 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,
*Director,
Division of Systems Safety.*

[FR Doc. 78-32562 Filed 11-17-78; 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 November 13, 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 name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Service Life Data
FERC-73
Annually
Oil pipelines within FERC jurisdiction, 21 responses; 4,620 hours
Hill, Jefferson B., 395-5867

DEPARTMENT OF COMMERCE

National Fire Prevention
Fire department/officer survey
Single-time
Fire chiefs/administrator, 200 responses; 80 hours
C. Louis Kincannon, 395-3211

Bureau of Census
Permit office computer use questionnaire
S-142

Single-time
7,000 building permit offices, 7,000 responses; 3,500 hours
C. Louis Kincannon, 395-3211

Industry and Trade Administration
Appropriate technology
NTIS-PR-493
Single-time
Service organizations, 300 responses; 10 hours
C. Louis Kincannon, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health
Implementation of the hospice concept
Other (see SF-83)

Terminal cancer patients and their families, 7,200 responses; 3,600 hours
Richard Eisinger, 395-3214

National Institutes of Health
Beta-blocker heart attack trial
Other (see SF-83)
Heart attack survivors, 36,000 responses; 11,250 hours
Richard Eisinger, 395-3214

Office of Human Development
Survey instruments for 1978 program administration

Review
Single-time
State vocational rehabilitation agency staff, 480 responses; 161 hours
Richard Eisinger, 395-3214

Health Resources Administration
Family Growth—Cycle III: Pilot study
Single-time

Women 15-44 years of age in at least four selected communities, 600 responses; 300 hours
Office of Federal Statistical Policy and Standard, 673-7956

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management
Longitudinal survey of housing adjustments of older people pretest questionnaire
AHS-57X
Single-time
Households in 1 SMSA, 300 responses; 225 hours
Strasser, A., 395-6132

Housing Production and Mortgage Credit
Application—mortgage insurance section 203(n), loan for living unit in a cooperative
HUD-92013-N
On occasion
Mortgage lending institutions, 1,000 responses; 500 hours
Strasser, A., 395-6132

REVISIONS

DEPARTMENT OF ENERGY

Solar collector manufacturing survey
EIA-63
Single-time
Manufacturers/importers of solar collector, 100 responses; 33 hours
Hill, Jefferson B., 395-5867

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration
Annual supplement to December 31 financial and statistical report
REA 479A
Annually
REA telephone borrowers, 896 responses; 6,631 hours
Ellett, C. A., 395-6132

DEPARTMENT OF COMMERCE

Bureau of Census
Census forms—1980 Census of population and housing
D-1 and 2
Single-time
Entire U.S. population, 86,000,000 responses; 28,663,800 hours
Office of Federal Statistical Policy and Standard, 673-7956

National Oceanic and Atmospheric Administration
Processed fishery products: Family of forms
88-13, 12(02), 13(50), 13A, 13B, and 13C
Annually
Producers of fishery products, 4,340 responses; 1,635 hours
C. Louis Kincannon, 395-3211

National Oceanic and Atmospheric Administration
Commercial fisheries logbooks: Family of forms

88-59, 140, and 153
Other (see SF-83)
Captains of fishing craft, 221,870 responses; 8,177 hours
C. Louis Kincannon, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Basic questionnaire study of family economics
(Pretest)
OS-12-78
On occasion

Heads of households in Michigan longitudinal study, 75 responses; 38 hours

Office of Federal Statistical Policy and Standard, 673-7956

Center for Disease Control
Rat control project activities—quarterly report

CDC 7.15
Quarterly
Rat control project grantees, 272 responses; 2,176 hours
Richard Eisinger, 395-3214

DEPARTMENT OF LABOR

Labor Management and Service Administration
Annual report
Treasury—Labor 5,500, 5500-C, 5500-K
Annually
All pension plans and selected welfare plans, 552,000 responses; 3,588,000 hours
Strasser, A., 395-6132

DEPARTMENT OF THE INTERIOR

Bureau of Mines
Aluminum
6-1012-M
Monthly
Producers of aluminum, 156 responses; 78 hours
Ellett, C. A., 395-6132

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health
National study of the incidence, prevalence and costs of multiple sclerosis
Single-time
Patients, hospitals, physicians, 27,400 responses; 14,779 hours
Richard Eisinger, 395-3214

DAVID R. LEUTHOLD,
Budget and Management Officer.
[FR Doc. 78-32505 Filed 11-17-78; 8:45 am]

[3170-01-M]

OFFICE OF SCIENCE AND
TECHNOLOGY POLICYINTERGOVERNMENTAL SCIENCE, ENGINEER-
ING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering, and Technology Advisory Panel; Transportation, Commerce, and Community Development Task Force.

DATE: December 14, 1978; 8:45 a.m.-4 p.m.

PLACE: New Executive Office Building, Room 2008, 726 Jackson Place NW., Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, 202-395-4596. Anyone planning to attend should contact Mr. Blair's office by December 8, 1978.

PURPOSE OF PANEL: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional, and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

MINUTES OF THE MEETING: Executive minutes of the meeting will be available from Mr. Blair's office.

TENTATIVE AGENDA

1. Review of Department of Commerce and Department of Transportation science and technology programs of interest to State and local government. This discussion is a continuation of earlier discussions with these two agencies.

2. Review of the research and development prioritization process in the areas of Community and Economic Development; Transportation; Public Works; and Fire Prevention and Control.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of
Science and Technology Policy.

NOVEMBER 9, 1978.

[FR Doc. 78-32567 Filed 11-17-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE
COMMISSION

[Administrative Proceeding File No. 3-5562]

KORFUND, INC.

Application and Opportunity for Hearing

NOVEMBER 9, 1978.

Notice is hereby given that Korfund, Inc. (the "Applicant") has filed an application (File No. 81-413) pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), for an order exempting the Applicant from the reporting requirements of section 15(d) of the Exchange Act.

The Applicant states, in part:

1. Pursuant to a statutory merger effected on August 15, 1978, a wholly owned subsidiary of Decision Systems, Inc. ("DSI") was merged with and into Applicant. Each share of Applicant's common stock held by the public was converted into and exchanged for \$0.83 per share, and the shares held by DSI through its wholly owned subsidiary were canceled. As a result of this merger, Applicant is now a wholly owned subsidiary of DSI and no longer has any public shareholders.

2. Audited financial statements for Applicant for its latest fiscal year ended April 30, 1977, were contained in the proxy statement sent to Applicant's shareholders in connection with the merger.

3. The common stock of DSI is registered with the Commission pursuant to section 12(g) of the Exchange Act. DSI files current, quarterly, and annual reports pursuant to section 13 of such Act.

4. The results of Applicant's operations will be reported by DSI in its periodic reports on a consolidated basis.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person, no later than December 4, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an

order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32526 Filed 11-17-78; 8:45 am]

[8010-01-M]

[Administrative Proceeding, file No. 3-5563]

MULTI-AMP CORP.

Application and Opportunity for Hearing

NOVEMBER 9, 1978.

Notice is hereby given that Multi-Amp Corp. ("Applicant") has filed an application (File No. 81-397) pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order granting Applicant an exemption from the provisions of section 15(d) of the 1934 Act.

The Applicant states, in part:

1. On July 26, 1978, Applicant merged with M-A Texas Corp., which changed its name to Multi-Amp Corp. As a result of this merger, applicant no longer has any publicly owned common stock.

2. The merger transaction was reported in detail in the Applicant's proxy statement dated July 5, 1978.

Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, interested persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that not later than December 4, 1978, any interested person may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32525 Filed 11-17-78; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Application No. 02/02-5351]

EXIM CAPITAL CORP.**Application for a License To Operate as a
Small Business Investment Company**

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Exim Capital Corp. (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1978).

The officers, directors, and stockholders are as follows:

Victor K. Chun, 22 Dunwoodie Place, Greenwich, Conn. 06830; President, Director, and 33 1/2 percent stockholder.

Austin Chunsik Oh, 33 Khakum Wood Road, Greenwich, Conn. 06830; Vice President, Secretary, Director, and 66 2/3 percent stockholder.

Kyung Soo Han, 147-31 Barclay Avenue, Flushing, N.Y. 11355; Director.

The applicant, a New York corporation, will maintain an office at 489 Fifth Avenue, New York, N.Y. 10017 and will begin operations with \$510,000 of paid-in capital and paid-in surplus derived from the sale of 5,100 shares of common stock to two individuals.

The applicant will operate within the investment policies of § 107.101(c) of the regulations. The applicant anticipates being both equity and loan oriented in its investment decisions and policy. The applicant intends to make investments to businesses owned by person or persons whose participation in the free enterprise system is hampered because of social or economic disadvantages and primarily in those businesses of retail or wholesale nature which are concerned in sales of products and rendering of services or businesses which are involved in light manufacturing.

It is the intention of the applicant to finance businesses, as hereinabove described, with concentration of its efforts toward businesses which are in supermarket, dry cleaning, fruit vegetables and/or restaurant fields, with the probability of other fields which the applicant, after careful investigation, could determine as being those businesses for which there is a need and an ability of the borrower to enjoy success.

Applicant also intends to render management consulting services to clients and other small business concerns. Such services will be performed by officers and directors of the applicant, and will include business consulting, appraising, feasibility reports, and placement of institutional loans.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than December 5, 1978, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 6, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-32496 Filed 11-17-78; 8:45 am]

[8025-01-M]

**REGION III ADVISORY COUNCIL EXECUTIVE
BOARD****Public Meeting**

The Small Business Administration Region III Advisory Council Executive Board will hold a public meeting at 1 p.m., on Tuesday, December 12, 1978, in the Philadelphia District Office Conference Room, U.S. Small Business Administration, Philadelphia District Office, Suite 400, East Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pa., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending.

For further information, write or call Daniel P. Henson III, Regional Director, U.S. Small Business Administration, Suite 646, West Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pa. 19004, 215-596-5901.

Dated: November 14, 1978.

K. DREW,
Deputy Advocate for
Advisory Councils.

[FR Doc. 78-32497 Filed 11-17-78; 8:45 am]

[8025-01-M]

[License No. 06/06-0175]

SMALL BUSINESS INVESTMENT CAPITAL, INC.**Filing of Application for Approval of Conflict
of Interest Transactions Between Associates**

Notice is hereby given, pursuant to § 107.1004(e) of the regulations governing small business investment companies (13 CFR 107.1004 (1978)), of a request for approval of two conflict-of-interest transactions between Small Business Investment Capital, Inc. (Licensee), 10003 New Benton Highway, Little Rock, Ark. 72203, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and Associates.

Licensee was licensed by SBA on March 6, 1975. It is owned 100 percent by Shur-Valu Stamps, Inc., 10003 New Benton Highway, Little Rock, Ark. 72203, which in turn is owned approximately 95 percent by Affiliated Food Stores, Inc., a cooperative of retail grocers.

It is proposed that Licensee provide financial assistance to GES, Inc., 382 West Chestnut, Marianna, Ark. 72360, to purchase the supermarket of Norman Kelley, a director of Licensee, Affiliated Food Stores, Inc., and Shur-Valu Stamps, Inc. As such, Mr. Kelley is an Associate of Licensee as defined by § 107.3(a) of the SBA rules and regulations. GES, Inc., is owned by Messrs. Oral W. Edwards, Joe W. Girard, and Herman H. Storey, Jr.

The proposed financing falls within the purview of § 107.1004(b)(5) of the regulations and requires a written exemption from SBA. SBA is considering a request for such exemption.

Also, Licensee proposes to provide financial assistance to Mr. Fred Smith, 550 East Main, Magnolia, Ark. 71753, to purchase one or more grocery stores presently being sold by The Kroger Co. Mr. Smith is a director of Affiliated Food Stores, Inc., and Shur-Valu Stamps, Inc. As such, Mr. Smith is an Associate of Licensee as defined by § 107.3(c) of the regulations.

The proposed financing falls within the purview of § 107.1004(b)(1) of the regulations and requires a written exemption from SBA. SBA is considering a request for such exemption.

Notice is further given that any person may, not later than December 5, 1978, submit to SBA in writing, comments on the proposed transaction. Any such communication should be addressed to: Associate Administrator

for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Little Rock, Paragould, and Malvern, Ark.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 14, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-32498 Filed 11-17-78; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1545]

TENNESSEE

Declaration of Disaster Loan Area

Obion County and adjacent counties within the State of Tennessee constitute a disaster area as a result of natural disaster as indicated:

County: Obion.

Natural Disaster: Drought.

Dates: June 15, 1978-September 30, 1978.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on May 14, 1979, and for economic injury until the close of business on August 13, 1979, at:

Small Business Administration,
District Office,
Parkway Towers—Suite 1012,
404 James Robertson Parkway,
Nashville, Tenn. 37219

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: November 14, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-32499 Filed 11-17-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA)

Special Committee 136—Installation of
Emergency Locator Transmitter (ELT)

MEETING

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the RTCA Special Committee 136 on Installation of Emergency Locator Transmitter (ELT) within Aircraft to be held December 12, 13, and 14, 1978, in Conference Room 8AB, DOT/Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting held August 22, 23, and 24, 1978; (3) ELT Equipment, Aircraft Structures, and Field Data Working Groups Meet in Separate Sessions; (4) Reports by Working Groups to Full Committee; (5) Briefing on Status of ELT Minimum Performance Standards; and (6) 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 November 9, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-32529 Filed 11-17-78; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

LIST OF APPLICATIONS FOR EXEMPTIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes on December 20, 1978.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Application

Application No.	Applicant	Regulation(s) affected	Nature of application
8090-N	The Goodyear Tire & Rubber Co., Akron, Ohio.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize shipment of natural gas in manifolded DOT specification 3AAX cylinders. (Mode 1.)
8091-N	Western Electric Co., Inc., Greensboro, N.C.	49 CFR 173. Subparts D, E, F, G, H, J, K, L, M, N.	To authorize shipment of mercury relays excepted from certain requirements of the regulations. (Mode 4.)
8092-N	Dow Chemical Co., Midland, Mich.	49 CFR 173.154(a)(9).	To authorize one shipment of ammonium persulfate (oxidizer) in non-DOT specification fiber drums. (Mode 1.)
8093-N	Gibson Cryogenics, Lakeside, Calif.	49 CFR 173.315.	To authorize shipment of liquefied methane in non-DOT specification portable tank. (Mode 1.)
8095-N	U.S. Department of Defense, Washington, D.C.	49 CFR 173.65.	To authorize shipment of a class explosive with a radioactive source in a DOT 7A specification container. (Mode 2.)
8096-N	Pressure-Pak Container Co., East Hampton, Conn.	49 CFR 173.302, 175.3, 178.42.	To manufacture, mark, and sell a non-DOT specification welded cylinder patterned after DOT specification 3E for shipment of compressed gases. (Modes 1, 2, 3, 4, 5.)
8097-N	AGFA-Gevaert Inc., Teterboro, N.J.	49 CFR 173.204.	To authorize shipment of sodium hydrosulfide in polyethylene bags of 1 lb 9 oz placed inside a friction top metal can overpacked in a DOT specification 12B fiberboard box. (Modes 1, 4.)

New Application—Continued

Application No.	Applicant	Regulation(s) affected	Nature of application
8098-N	WITCO Chemical Corp., Richmond, Calif.	49 CFR 173.157(b)(2)	To authorize shipment of 55 lb benzoyl peroxide with 25 percent water by weight in securely closed containers made of polyethylene film at least 0.004 in thick inside DOT specification 21C fiber drum. (Modes 1, 2, 3.)
8099-N	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.365(a)(6)	To authorize shipment of an insecticide, poison B, in a "pour-type box" consisting of an open mouth heat sealed bag in a non-DOT specification fiberboard box not to exceed 30 lb. (Modes 1, 2, 3.)
8100-N	Ball Brothers Inc., Anchorage, Alaska	49 CFR 175.30(a)(1)	To authorize the transportation of propane in DOT specification 51 portable tanks. (Mode 4.)
8101-N	U.S. Department of Defense, Washington, D.C.	49 CFR 173.392(c)(7)	To authorize shipment of rocket ammunition containing depleted uranium in exclusive use vehicles without the "radioactive" placards. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act.

(49 CFR U.S.C. 1806; 49 CFR 1.53(e).)

Issued in Washington, D.C., on November 9, 1978.

J. R. GROTHE, Chief, Exemptions Branch,
Office of Hazardous Materials Regulation,
Materials Transportation Bureau.

[FR Doc. 78-32305 Filed 11-17-78; 8:45 am]

[4910-60-M]

LIST OF APPLICATIONS FOR RENEWAL OR MODIFICATION OF EXEMPTIONS OR APPLICATIONS TO BECOME A PARTY TO AN EXEMPTION

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier FEDERAL REGISTER publications, they are not expected here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments on or before December 5, 1978.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for examination in the Dockets Branch, room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
1479-X	U.S. Department of the Army, Washington, D.C. ¹	1479
2000-X	Union Carbide Corp., Tarrytown, N.Y.	2000
2051-X	Virginia Chemicals Inc., Portsmouth, Va.	2051
2709-X	U.S. Department of the Army, Washington, D.C. ²	2709
3187-X	PPG Industries, Inc., Pittsburgh, Pa.	3187
3330-X	Babcock & Wilcox, Lynchburg, Va.	3330
3667-X	Groendyke Transport, Inc., Enid, Okla.	3667
3992-X	Union Carbide Corp., Bound Brook, N.J.	3992
4039-X	Airco Industrial Gases, Murray Hill, N.J.	4039
4177-X	Hydrodyne Industries, Inc., Hauppauge, L.I., N.Y. ³	4177
4453-X	Maynes Explosives Co., Lee's Summit, Mo.	4453
4684-X	Honeywell Inc., Minneapolis, Minn.	4684
4717-X	El Paso Products Co., Odessa, Tex.	4717
4717-X	Northern Petrochemical Co., Des Plaines, Ill.	4717
4717-X	Union Carbide Corp., Bound Brook, N.J.	4717

Applicant	Renewal of exemption
4734-X ... General Electric Co., Waterford, N.Y.	4734
4932-X ... Federal Laboratories, Inc., Saltsburg, Pa.	4932
5186-X ... Liquid Carbonic Corp., Chicago, Ill.	5186
5649-X ... Aquabrom, Adrian, Mich.	5649
5704-X ... IMC Chemical Group, Inc., Allentown, Pa.	5704
5895-X ... Explosive Technology, Fairfield, Calif.	5895
5959-X ... Ethyl Corp., Baton Rouge, La.	5959
6016-X ... Harvey Co., Greensburg, Pa.	6016
6083-X ... Stauffer Chemical Co., Westport, Conn.	6083
6218-X ... Chemetron Corp., Chicago, Ill.	6218
6281-X ... E. I. du Pont de Nemours & Co., Wilmington, Del.	6281
6293-X ... Olin Corp., East Alton, Ill.	6293
6334-X ... Allied Chemical Corp., Morristown, N.J.	6334
6348-X ... Olin Chemicals Group, Stamford, Conn.	6348
6349-X ... Union Carbide Corp., Tarrytown, N.Y.	6349
6392-X ... El Paso Products Co., Odessa, Tex.	6392
6418-X ... Shell Oil Co., Houston, Tex.	6418
6484-X ... International Minerals & Chemical Corp., Mundelein, Ill.	6484
6538-X ... Wonder Corp. of America, Stamford, Conn.	6538
6543-X ... M. & T. Chemicals Inc., South San Francisco, Calif.	6543
6607-X ... Bio-Lab, Inc., Conyers, Ga.	6607
6610-X ... Oxirane Chemical Co., Pasadena, Tex.	6610
6651-X ... Enthone Inc., New Haven, Conn.	6651
6668-X ... Union Carbide Corp., Tarrytown, N.Y.	6668
6672-X ... U.S. Department of the Army, Washington, D.C.	6672
6672-X ... Chandler Evans Inc., West Hartford, Conn.	6672
6720-X ... Sea-Land Service, Inc., Elizabeth, N.J. ⁴	6720
6802-X ... Lincoln Welding Supply Co., Lincoln, Neb.	6802
6894-X ... U.S. Department of Energy, Washington, D.C.	6894
6901-X ... Monsanto Co., St. Louis, Mo.	6901
6908-X ... Hughes Aircraft Co., Culver City, Calif.	6908

Applica- tion No.	Applicant	Renewal of exemption
6925-X ...	Economics Laboratory, Inc., St. Paul, Minn.	6925
6944-X ...	U.S. Department of the Army, Washington, D.C. ⁶	6944
6998-X ...	Rockwell International, Raleigh, N.C.	6998
7005-X ...	Dow Chemical U.S.A., Midland, Mich.	7005
7005-X ...	Bignier Schmid-Laurent Paris, France ⁷	7005
7042-X ...	Walter Kidde & Co., Inc., Mebane, N.C. ⁸	7042
7051-X ...	Ozark-Mahoning Co., Tulsa, Okla.	7051
7052-X ...	Mallory Battery Co., Tarrytown, N.Y. ⁹	7052
7220-X ...	Greif Bros. Corp., Union, N.J.	7220
7239-X ...	Atlas Powder Co., Dallas, Tex.	7239
7285-X ...	Ugine Kuhlmann of America, Inc., Paramus, N.J.	7285
7423-X ...	Dow Chemical Co., Freeport, Tex. ¹⁰	7423
7526-X ...	Nepera Chemical Co., Inc., Harriman, N.Y. ¹¹	7526
7538-X ...	Southern Chemical Products Co., Macon, Ga.	7538
7590-X ...	National Classification Board, Washington, D.C. ¹²	7590
7617-X ...	White Pass & Yukon Route, North Vancouver, B.C.	7617
7633-X ...	Orval Tank Containers, Paris, France	7633
7677-X ...	San Diego Gas and Electric Co., San Diego, Calif.	7677
7695-X ...	Orval Tank Containers, Paris, France	7695
7720-X ...	Williams, Dimond & Co., San Francisco, Calif. ¹³	7720
7727-X ...	Pollard & Co., Wilmington, Del. ¹⁴	7727
7765-X ...	Carleton Controls Corp., East Aurora, N.Y. ¹⁵	7765
7824-X ...	Petrolite Corp., St. Louis, Mo.	7824
7845-X ...	Livingston Copters, Inc., Juneau, Alaska	7845
7872-X ...	Magna Corp., Houston, Tex. ¹⁶	7872
7876-X ...	Ashland Chemical Co., Columbus, Ohio	7876
7881-X ...	FMC Corp., Philadelphia, Pa. ¹⁷	7881
7893-X ...	L'Air Liquide, Paris, France	7893
7893-X ...	Orval Manutention, Paris, France	7893
7936-X ...	Olin Chemicals Group, Stamford, Conn.	7936

¹To provide for an additional tank motor vehicle and to stipulate additional carrier operational requirements.

²To provide for certain modifications to containers for shipment of Class A explosives.

³Renewal and to provide for additional pressure vessels.

⁴To provide for modification of existing design of pressure vessel.

⁵To accommodate the removal of insulation and jacketing from cargo tanks.

⁶To provide for certain modifications to containers for shipment of Class A explosives.

⁷To authorize shipment by rail as an additional mode of transportation.

⁸To authorize shipment of additional hazardous materials; to authorize certain inspections to be performed outside the United States.

⁹To authorize shipment of lithium batteries by passenger carrying aircraft as additional mode of transportation.

¹⁰To authorize shipment of a water reactive flammable solid.

¹¹To authorize shipment of additional pyroforic liquids.

¹²To extend the authority to transport under the exemption to another motor carrier.

¹³To delete the requirement that valve must be facing forward when the tank is transported by highway.

¹⁴Renewal and to change proper shipping name to "Phenol, liquid."

¹⁵Renewal and to provide for certain cylinder design modifications.

¹⁶Renewal and to provide for certain tank design modifications.

¹⁷To authorize stowage deviation for packages of sodium sulfide aboard passenger vessel.

Applica- tion No.	Applicant	Party to exemption
4612-P ...	Aldrich Chemical Company, Inc., Milwaukee, Wis.	4612
4850-P ...	Pengo Industries, Inc., Fort Worth, Tex.	4850
5959-P ...	Mobil Chemical Co., Beaumont, Tex.	5959
6392-P ...	Mobil Chemical Co., Beaumont, Tex.	6392
6536-P ...	Chemetron Corp., Chicago, Ill.	6536
6611-P ...	Cities Service Co., Tulsa, Okla.	6611
6611-P ...	L'Air Liquide, Paris, France	6611
6657-P ...	Kelsey Welding Supply Corp., New Berlin, Wis.	6657
6765-P ...	L'Air Liquide, Paris, France	6765
6765-P ...	Cities Service Co., Tulsa, Okla.	6765
6793-P ...	Superintendence Company Inc., New York, N.Y.	6793
7005-P ...	Superintendence Company Inc., New York, N.Y.	7005
7023-P ...	Allied Chemical Corp., Morristown, N.J.	7023
7052-P ...	Jet Propulsion Laboratory, Pasadena, Calif.	7052
7060-P ...	New England Nuclear Corp., Boston, Mass.	7060
7060-P ...	Megair Corp., Bowie, Md.	7060
7060-P ...	Atlantic Air, Inc., Baltimore, Md.	7060
7613-P ...	Traffic Data Systems, Inc., Lexington, Mass. ¹	7613
7823-P ...	Air Products and Chemicals, Inc., Allentown, Pa.	7823
7824-P ...	Champion Chemicals, Inc., Houston, Tex.	7824
7894-P ...	Container Corporation of America, Chicago, Ill.	7894
7894-P ...	Packaging Corporation of America, Chicago, Ill.	7894
7938-P ...	Lowaco, S.A., Rue Boissonnas, Switzerland	7938
8012-P ...	Tankcontainer Leasing, S.A., Geneva, Switzerland	8012

¹To become a party to and to authorize alternate closure or provide the use of inside metal cans having screw type closures.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on November 9, 1978.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials
Regulation, Materials Trans-
portation Bureau.

[FR Doc. 78-32306 Filed 11-17-78; 8:45 am]

[4910-60-M]

Materials Transportation Bureau

TECHNICAL PIPELINE SAFETY STANDARDS
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 Technical Pipeline Safety Standards Committee on December 5 and 6, 1978, at 9 a.m., in Room 3201 of the Transpoint Building, 2100 Second Street SW., Washington, D.C. 20590.

The committee will review two notices of proposed rulemaking in accordance with Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673(b)): Docket PS-52, Cathodically Protected Transmission Lines (43 FR 39401, September 5, 1978) and Docket PS-54, Joining of Plastic Pipe (43 FR 49334, October 23, 1978). Also, the following Sections of the Federal Gas Pipeline Safety Standards (49 CFR Part 192) are scheduled for review as part of a program to consider existing regulations and revoke or revise those that are not achieving their intended purpose: Sections 192.111, 192.233, 192.245(a), 192.323, 192.353, 192.705(b), 192.706(b), 192.707 (a) (2), 192.707 (b) (2) (ii), 192.707 (b) (3), 192.707(c), 192.709, 192.711(b), 192.713(a)(2), (b), (c), and (d), 192.715(c), 192.717 (a) and (b), 192.719(a)(2), 192.721(b), 192.723(b)(1), 192.731(c), 192.739, 192.743 (a) and (b), 192.745, 192.747, and 192.749(a).

Attendance is open to the public, but limited to the space available. With prior approval of the Chairman of the Committee, members of the public may present oral statements related to the items scheduled for review, but a statement may not exceed 10 minutes. Members of the public may present written statements to the Committee at any time during the meeting.

Additional information about the meeting may be obtained from Miss Shesha Sheppard, Room 6302, 2100 Second Street SW., Washington, D.C., telephone 202-426-0135.

CESAR DE LEON,
Associate Director for Pipeline
Safety Regulation, Materials
Transportation Bureau.

[FR Doc. 78-32582 Filed 11-17-78; 8:45 am]

[4810-25-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 145-1]

AUTHORITY TO MAKE LOANS TO THE MAYOR
OF THE DISTRICT OF COLUMBIA TO COM-
PLETE CAPITAL PROJECTS

By virtue of the authority vested in the Secretary of the Treasury under section 723 of the Act of December 24, 1973 (Pub. L. 93-198, 87 Stat. 774,821), which was delegated to me in Treasury Order No. 190, as revised, it is hereby ordered that:

1. The authority to lend such sums as the Mayor of the District of Columbia may determine are required to complete capital projects and take such other actions as may be necessary under section 723(a) of the Act of December 24, 1973 (Pub. L. 93-198, 87 Stat. 774,821) is delegated to the Commissioner, Bureau of Government Financial Operations.

2. This authority may be redelegated by the Commissioner, Bureau of Government Financial Operations to any officer or employee under the supervision or control of the Commissioner.

Dated: November 7, 1978.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 78-32513 Filed 11-17-78; 8:45 am]

[4810-10-M]

[Dept. Circular Public Debt Series—No. 28-78]

TREASURY NOTES OF NOVEMBER 30, 1980

Series V-1980

NOVEMBER 16, 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 \$2,691,000,000 of United States securities, designated Treasury Notes of November 30, 1980, Series V-1980 (CUSIP No. 912827 JF 0). 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 Reserve 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 November 30, 1978, and will bear interest from that date, payable on a semiannual basis on May 31, 1979, and each subsequent 6 months on November 30 and May 31, until the principal becomes payable. They will mature November 30, 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 of 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 Standard time, Tuesday, November 21, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 20, 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 speci-

fied 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. Commercial 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 association; 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 pro-rated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of 1 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 Thursday, November 30, 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) Monday, November 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) Friday, November 24, 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 any 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 certi-

cates 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.

SUPPLEMENTARY STATEMENT

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 78-32695 Filed 11-16-78; 4:06 pm]

[8320-01-M]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on December 6, 1978, at 1 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building, U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tenn., conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Lauderdale County board of Education Farm Cooperative Training Program, Ripley, Tenn., should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: November 9, 1978.

R. S. BIELAK,
Director,
VA Regional Office.

[FR Doc. 78-32546 Filed 11-17-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice 743]

Assignment of Hearings

NOVEMBER 15, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

- MC 32166 (Sub-10), Bronaugh Motor Express, Inc., now being assigned for hearing on January 16, 1979 (14 days), at the Hilton Inn, Junction of Interstate 75 and Kentucky Hwy 922, Lexington, KY.
- MC 43963 (Sub-12F), Chief Truck Lines, Inc., now being assigned for Prehearing Conference on December 11, 1978, at the Offices of Interstate Commerce Commission, Washington, DC.
- MC 113678 (Sub-728F), Curtis, Inc., now assigned January 24, 1979, at Omaha, NE, is canceled to be handled under modified procedure.
- MC 87103 (Sub-23), Miller Transfer & Rigging Co., now assigned November 17, 1978, is canceled transferred to modified procedure.
- MC 139577 (Sub-12F), Adams Transit Inc., now assigned November 28, 1978, at Chicago, IL, is canceled and transferred to modified procedure.
- MC-F-13486, Witte Transportation Co.—Purchase (Portion)—Scott's Transportation Service, Inc., now assigned December 11, 1978, at Chicago, IL, is canceled, transferred to modified procedure.
- MC 134477 (Sub-228F), Schanno Transportation, Inc., now assigned for hearing on January 23, 1979, at Chicago, IL, and will be held in Room 204A, E. M. Dirksen Building.
- MC 140829 (Sub-87F), Cargo Contract Carrier Corp., now assigned for hearing on January 29, 1979, at Chicago, IL, and will be held in Room 204A, E. M. Dirksen Building.
- MC 78228 (Sub-79F), J. Miller Express, Inc., now assigned for hearing on January 25, 1979, at Chicago, IL, and will be held in Room 204A, E. M. Dirksen Building.
- MC 35358 (Sub-40F), Berger Transfer & Storage, Inc., now assigned for hearing on January 30, 1979, at Chicago, IL, and will

- be held in Room 204A, E. M. Dirksen Building.
- MC 30032 (Sub-8F), Houdek Motor Service, Inc., now assigned for hearing on February 1, 1979, at Chicago, IL, and will be held in Room 204A, E. M. Dirksen Building.
- MC 135874 (Sub-14F), LTL Perishables, Inc., now assigned for hearing on January 15, 1979, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 123407 (Sub-438F), Sawyer Transport, Inc., now assigned for hearing on January 11, 1979, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 144232 (Sub-1F), Trans National Truck, Inc., now being assigned prehearing conference December 19, 1978, at the offices of Interstate Commerce Commission, Washington, DC.
- MC-F-13516, Wilson Freight Co.—Control and Merger—Strickland Transportation Co., Inc., now assigned January 9, 1979, at Cincinnati, OH, is postponed indefinitely.
- MC 113678 (Sub-432), MIF, Curtis Inc., now assigned for hearing on January 9, 1979, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 143496 (Sub-1), United Coach Companies of Tidewater, Inc., now assigned for hearing on November 27, 1978, at Norfolk, VA, and will be held in Grand Jury Room, U.S. Post Office and Courthouse.
- No. 37020, Increased Minimum Weights With Increased and Reduced Rates on Eastbound Transcontinental Lumber and Related Articles now assigned for hearing on December 12, 1978, at San Francisco, CA, and will be held in the U.S. Courthouse, Courtroom 15.
- MC 114457 (Sub-397F), Dart Transit Co., a corporation, now assigned for hearing on December 7, 1978, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 135874 (Sub-104F), LTL Perishables, Inc., now assigned for hearing on December 6, 1978, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 135874 (Sub-106F), LTL Perishables, Inc., now assigned for hearing on December 5, 1978, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 138144 (Sub-27F), Fred Olson Co., Inc., now assigned for hearing on December 6, 1978, at Chicago, IL, and will be held in Room 1319, E. M. Dirksen Building.
- MC 135797 (Sub-132F), J. B. Hunt Transport, Inc., now assigned for hearing on December 5, 1978, at Chicago, IL, and will be held in Room 1319, E. M. Dirksen Building.
- MC 134755 (Sub-139F), Charter Express, Inc., now assigned for hearing on December 11, 1978, at Dallas, TX, and will be held in the Tax Court Room 330, U.S. Post Office and Courthouse Building.
- MC 107064 (Sub-122F), Steere Tank Lines, Inc., now assigned for hearing on December 12, 1978, at Dallas, TX, and will be held in the Tax Court Room 330, U.S. Post Office and Courthouse Building.
- MC 115841 (Sub-615F), Colonial Refrigerated Transportation, now assigned for hearing on December 13, 1978, at Dallas, TX, and will be held in the Tax Court Room 330, U.S. Post Office and Courthouse Building.
- MC 140762 (Sub-1F), Trinity Industries Transportation, Inc., now assigned for hearing on December 14, 1978, at Dallas, TX, and will be held in the Tax Court

- Room 330, U.S. Post Office and Courthouse Building.
- MC 106074 (Sub-57), B & P Motor Lines, Inc., now assigned for hearing on December 18, 1978, at Dallas, TX, and will be held in the Tax Court Room 330, U.S. Post Office and Courthouse Building.
- MC 115730 (Sub-48F), The Mickow Corp., now assigned for hearing on December 6, 1978, at Des Moines, IA, and will be held in Room 453, Federal Building.
- MC 112223 (Sub-109F), Quickie Transport Co., now assigned for hearing on December 11, 1978, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 118569 (Sub-7F), Halberg Construction & Supply, Inc., d.b.a. Kirsher Transport Co., a corporation, now assigned for hearing on December 11, 1978, at St. Paul, MN, and will be held in Courtroom 984, Federal Building.
- MC 83835 (Sub-151F), Wales Transportation, Inc., now assigned for hearing on December 19, 1978, at Dallas, TX, and will be held in Room 5A15-17, Federal Building.
- MC 119988 (Sub-145F), Great Western Trucking Co., Inc., now assigned for hearing on December 11, 1978, at Dallas, TX, and will be held in Room 5A15-17, Federal Building.
- MC 119777 (Sub-349F), Ligon Specialized Hauler, Inc., now assigned for hearing on December 12, 1978, at Dallas, TX, and will be held in Room 5A15-17, Federal Building.
- MC 144690 (Sub-1F), Cherry-Wink, Inc., now assigned for hearing on December 14, 1978, at Dallas, TX, and will be held in Room 5A15-17, Federal Building.
- MC 105045 (Sub-83F), R. L. Jeffries Trucking Co., Inc., now assigned for hearing on December 12, 1978, at Dallas, TX, and will be held in Room 5A15-17, Federal Building.
- FD 28611, Southern Pacific Transportation Co. To Discontinue The Operation Of Passenger Trains Between San Francisco and San Jose and Intermediate Points, now assigned for hearing on December 5, 1978, at San Francisco, CA, and will be held in Room 1194, State Office Building.
- AB 1 (Sub-58), Chicago & North Western Transportation Co. Abandonment Near Currie and Birmingham, in Cottonwood and Murray Counties, MN, now assigned for hearing on December 11, 1978, at Slayton, MN, and will be held in New Murray County Office Building.
- MC 9812 (Sub-9F), C. F. Kolb Trucking Co., Inc., now assigned November 20, 1978, at St. Louis, MO, is postponed indefinitely.
- MC 134906, Cape Air Freight, Inc. and MC 134906 (Sub-Nos. 1, 2, 3, 4, 5, 6, 7) Cape Air Freight, Inc., now assigned December 5, 1978, at Louisville, KY, is postponed indefinitely.
- MC 65941 (Sub-50F), Tower Lines, Inc., now being assigned for continued hearing on December 12, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32572 Filed 11-17-78; 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43629, Southwestern Freight Bureau, Agent's B-788, rates on cement and related articles, from Buda, TX to stations in Southwestern and Western Trunk Line Territories, in Supplement 126 to its Tariff 325-B, ICC 5156, to become effective December 11, 1978. Grounds for relief—market competition.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32568 Filed 11-17-78; 8:45 am]

[7035-01-M]

[Notice No. 213]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 30844 (Sub-623TA), filed September 25, 1978. Applicant: DROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50703. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, cleaning compounds, rubber compounds, soldering flux, coatings, lubricants, and equipment, materials and supplies* used in the application of the commodities named above, from Cambridge, MA, to points in the United States (except AK and HI); (2) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants, and equipment, materials and supplies* used in the application of the commodities named above, from Woodbury, NJ, and Atlanta, GA, to points in the United States (except AK and HI); (3) *Synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber compounds, soldering flux, coatings, lubricants, air entraining agents, cement clinker or grinding compounds, concrete or masonry plasticizer and water reducing compounds, tall oil, lignin liquors, and equipment, materials and supplies* used in the application of the commodities named above, from Chicago, IL, to points in the United States (except AK and HI); (4) *Cleaning compounds, chemicals, chemical compounds, and fertilizer compounds*, from Nashua, NH, to points in the United States (except AK and HI); (5) *Synthetic plastics, synthetic latex, battery insulating partitions, and pulpboard*, from Owensboro, KY, to points in the United States (except AK and HI); (6) *Synthetic plastics, synthetic latex, battery insulating partitions, cleaning compounds*, from Acton, MA, to points in the United States (except AK and HI); (7) *Materials, equipment and supplies* used in the manufacture, production, and distribution of the commodities named in 1 through 6 above, from points in the United States (except AK and HI), to the origins named in 1 through 6 above, and to San Leandro, CA, restricted against the transportation of commodities in bulk, in tank vehicles, and commodities which by reason of size and weight require the use of special equipment and further restricted to traffic originating at or destined to the facilities of W. R. Grace & Co., for 180 days. Common control may be involved. Supporting shipper: W. R. Grace & Co., 55 Hayden Avenue, Lexington, MA 02173. Send protests to:

Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 30844 (Sub-626TA), filed September 29, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities utilized by John Morrell & Co., Cincinnati, OH to NJ and NY, for 180 days. Applicant intends to tack to authority held in Sub-381, Meats, etc., from St. Louis, MO, and East St. Louis, IL, to points in NJ and NY. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: John Morrell & Co., 208 LaSalle Street, Chicago, IL 60604. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 51146 (Sub-646TA), filed September 26, 1978. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, from the facilities of Westvaco Corp. at Kansas City, KS, to MO, IA and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corp., 530 Sunshine Road, Kansas City, KS 66115 (Francis E. Steele). Send protests to Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 51146 (Sub-647TA), filed September 29, 1978. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard Fort Lauderdale, FL 33308. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wood windows, sliding glass doors, wood folding*

doors, partitions, and equipment, materials, and supplies used in the manufacture and distribution of the above-described commodities (except commodities in bulk), from Pella, IA, to points in AL, CT, DE, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the above-described commodities (except commodities in bulk), in the reverse direction, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rolscreen Co., Pella, IA 50219 (Andrew Beerends). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 59367 (Sub-128TA), filed September 26, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, 3584 5th Avenue South, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and skins and commodities in bulk), from the facilities utilized by John Morrell & Co., at or near Sioux Falls, SD, and Estherville, IA, to points in TX and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 69492 (Sub-69TA), filed October 4, 1978. Applicant: HENRY EDWARDS, d.b.a. HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, containers, and pallets*, between St. Louis, MO, and Metropolis, IL, and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rips Distributing Co., 121 Metropolis Street, Metropolis, IL 62960.

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 95540 (Sub-1045TA), filed October 4, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except commodities in bulk, from the facilities of Rich Products Corp., located at or near Appleton, WI, to the facilities of Rich Products Corp., located at or near Murfreesboro, TN, restricted to the transportation of traffic originating at the named origin and destined to the named destination, 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 14240. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, FL 33166.

MC 95540 (Sub-1046TA), filed October 4, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, other than frozen*, from Sayreville, NJ, to Jacksonville, Orlando, Tampa and Miami FL, for 180 days. There is no environmental impact involved in this application. Supporting shipper: Sunshine Biscuits, Inc., 245 Park Avenue, New York, NY 10017. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest, 53d Terrace, Miami, FL 33166.

MC 95540 (Sub-1047TA), filed October 4, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate*, dry in bulk or bags, from Celco, VA, to Newark, NJ, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying

ETA seeking up to 89 days of operating authority. Supporting shipper: Celanese Corp., 1211 Avenue of the Americas, New York City, NY 10036. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest, 53d Terrace, Miami, FL 33166.

MC 106644 (Sub-268TA), filed October 4, 1978. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, 2770 Peyton Road, Atlanta, GA 30301. Representative: Louis C. Parker, III, P.O. Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast stone veneer*, from Napa and Solano County, CA to points in AK, NM, TX, OK, AZ, LA, MS, TN, AL, GA, NC, SC and FL, for 180 days. Supporting shipper: Stucco Stone Products, P.O. Box 237, Napa, CA, 94558. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 107403 (Sub-1121TA), filed October 4, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, (in bulk, in tank vehicles), from Supreme, LA, to points in Denison, TX; Knoxville, TN; Cincinnati, OH; and Wilson, AR; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Supreme Sugar Co., Division ADM Corp., 320 One Shell Plaza, New Orleans, LA. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 110420 (Sub-788TA), filed September 29, 1978. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: Michael V. Kaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric softener*, (in bulk, in tank vehicles), from the plantsite of Procter & Gamble Co., at Green Bay, WI, to Brown Co., Kalamazoo, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Procter & Gamble Co., 301 East Sixth Street, Cincinnati, OH 45201. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin

Avenue, Room 619, Milwaukee, WI 53202.

MC 110525 (Sub-1264TA), filed August 28, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 N. Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron trifluoride gas*, in shipper owned trailers, from the facilities of Allied Chemical Corp., at Marcus Hook, PA, to Odessa, TX, and Gulfport, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corp., P.O. Box 1086-R, Morristown, NJ 07960. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 110988 (Sub-372TA), filed September 26, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Giltedge Building, Appleton, WI 54911. Representative: John R. Patterson, 2480 East Commercial Boulevard, Ft. Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk, in tank vehicles), from Memphis, TN, to Cornwall and Niagara Falls, NY; Pidgeon River, New Brighton, and Tensstrike, MN; Portal, ND; Sweetgrass, MT; Ishpeming and Saulte Ste., Marie, MI; and Eau Claire, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Commercial Chemical Co., Division Osmose Wood Preserving Company, 1172 North Thomas Street, Memphis, TN 38107 (Vivian Tanner). Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building, and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 111545 (Sub-259TA), filed October 4, 1978. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE, P.O. Box 426 Station A, Marietta, GA 30067. Representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, GA 30065. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast stone veneer*, from the facilities of Stucco Stone Products, Inc., at Napa, CA, to points in AL, AR, AZ, FL, GA, LA, MS, NM, NC, OK, SC, TN and TX, for 180 days. Supporting shipper: Stucco Stone Products, Inc., P.O. Box 237, Napa, CA 94558. Send protests to: Sara K. Davis Transportation Assist-

ant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 111729 (Sub-747TA), filed September 26, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in AR, on traffic having a prior or subsequent out-of-state movement, restricted against the transportation of packages or articles weighing more than 50 pounds, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (1) American Cyanamid Co., 2300 South Eastern Avenue, Los Angeles, CA (2) Amway Corp., 1800 East Dyer Road, Santa Ana, CA. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 112520 (Sub-355TA), filed October 4, 1978. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Demethanized raw make (propane-ethane mix)*, from Maurice, LA, to West Palm Beach, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Technology, Inc., 1690 New Britain Avenue, Farmington, CT, 06032. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 113678 (Sub-764TA), filed September 26, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, 4810 Pontiac Street, Commerce City, CO 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from facilities utilized by J. H. Filbert, Inc., in Fulton, Clayton, DeKalb, Cobb, and Douglas Counties, GA, to points in DC, KY, MD, NC, OH, SC, and TN, VA and WV, for 180 days. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Boule-

vard, Baltimore, MD 12229. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 114132 (Sub-5TA), filed October 4, 1978. Applicant: CHURN'S TRUCK LINES, INC., P.O. Box 188, Eastville, VA, 23347. Representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, NY 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, between Cheriton, VA, on the one hand, and, on the other, Queen Anne, MD, for 180 days. Supporting shipper: K.M.C., Foods, Inc., Box 298, Queen Anne, MD 21657. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 114457 (Sub-438TA), filed October 4, 1978. Applicant: DART TRANSPORT 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 containers*, from Green Bay, WI, to Niles, MI, 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, 110 South 4th Street, U.S. Court House, Minneapolis, MN 55401.

MC 114569 (Sub-248TA), filed September 29, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA 17072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products and candy cough drops*, from Luden's, Inc., Reading, PA to CA, OR and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Luden's Inc., 200 North 8th Street, Reading, PA. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

MC 115826 (Sub-351TA), filed September 26, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, 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: (1) *Paper and paper products, plastic products, and products manufactured and distributed by manufacturers and converters of paper and paper products, and materials, equipment, and supplies* used in the manufacture and distribution of the above-named commodities (except in bulk), from the facilities of The Continental Group, Inc., Bondware Division at or near Ft. Worth, TX, to points in OR, WA, ID, MT, NV, UT, CO, NM, AZ, and CA; and (2) *Plastic beads*, (except in bulk), from the facilities of The Continental Group, Inc., Bondware Division at or near Saginaw, TX, to the facilities of The Continental Group, Inc., Bondware Division at or near San Pedro and La Mirada, CA; (3) *Empty containers*, on return, from the facilities of The Continental Group, Inc., Bondware Division at or near San Pedro and La Mirada, CA, to the facilities of The Continental Group, Inc., Bondware Division at or near Saginaw, TX, for 180 days. Supporting shipper: The Continental Group, Inc., Bondware Division, 800 East Northwest Hwy, Palatine, IL 60067. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 116099 (Sub-8TA), filed October 4, 1978. Applicant: WOODWORTH & SONS, INC., Tolono, IL 61880. Representative: Robert T. Lawley, 300 Reich Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, (in bulk, in tank trailers), from Bourbon, IL, to points in IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. R. Whipple, Supervisor-Traffic, Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 116459 (Sub-72 TA), filed October 4, 1978. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, TN 37405. Representative: Charles T. Williams, P.O. Box 4022, Chattanooga, TN 37405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, (in bulk, in tank vehicles), from Knoxville, TN, to points in KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shell Oil Co., P.O. Box 2099, Houston, TX 77001. 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 119654 (Sub-61TA), filed October 4, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and glass container accessories*, from Winchester and Richmond, IN, to points in IL, KY, MI, OH, and WI, and St. Louis, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anchor Hocking Corp., 109 North Broad Street, Lancaster, OH 43130. 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 119934 (Sub-225TA), filed October 4, 1978. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, IN 46040. Representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, (in bulk, in tank vehicles), from Bourbon, IL, to points in IN, for 180 days. Supporting shipper: Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 125470 (Sub-34TA), filed September 26, 1978. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Lavern R. Holdeman, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cattle feeders, liquid feed tanks, pickup rails, farrowing crates, anchor bolts and fabricated steel products* (except in bulk), from the facilities of Grain and Confinement Systems, Inc., d.b.a. Apache Enterprises at or near Norfolk, NE, to points in the States of CO, IA, KS, MN, MO, ND, SD, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Grain and Confinement Systems, Inc., d.b.a. Apache Enterprises, Douglas Stevens, President, P.O. Box 306, Norfolk, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce

Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 125985 (Sub-24TA), filed July 12, 1978. Applicant: AUTO DRIVEAWAY CO., 310 S. Michigan Avenue, Chicago, IL 60604. Representative: Ronald I. Fredriksen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight utility trucks*, from the plant sites of Holiday Rambler Corp. in Elkhart County, IN, on the one hand, and, on the other, to points in the United States, in driveaway service, in secondary movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Duane R. Johnson, Vice President, Marketing and Transportation, Holiday Rambler Corp., 65528 State Road 19, Wakarusa, IN 46573. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 126118 (Sub-101TA), filed September 25, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Those commodities used by and dealt in by manufacturers of motor vehicle parts and accessories* (except in bulk), Between Smithville, TN, and its commercial zone, on the one hand, and, on the other, points in the United States, (except AK, HI and TN), for 180 days. Common control may be involved. Supporting shipper: Jay Chalfant, Vice President-Distribution and Operations, Maremont Corp., and Nutrun Corp., 1283 Murfreesboro Road, Nashville, TN 37217. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 129387 (Sub-83TA), filed September 27, 1978. Applicant: PAYNE TRANSPORTATION, INC. P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, SD, to points in KS. Restriction: Restricted to traffic originating at the facilities of Huron Dressed Beef and destined to the named destination State, for 180

days. Supporting shipper: Huron Dressed Beef, P.O. Box 924, Huron, SD 57350. Send protests to: James L. Hammond District Supervisor, Room 455 Federal Building, Pierre, SD 57501.

MC 135221 (Sub-11TA), filed September 27, 1978. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, UT 84120. Representative: Ms Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the facilities of Little Dutch Boy Bakeries, Inc., at or near Draper, UT, to New York, NY, and Chicago, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Little Dutch Boy Bakeries, Inc., 12349 South 970 East, Draper, UT 84020. Send protests to: Mr. Lyle Helfer, District Supervisor, Interstate Commerce Commission, Room 5301, Federal Building, 125 South State Street, Salt Lake City, UT 84138.

MC 136782 (Sub-4TA), filed September 26, 1978. Applicant: R.A.N. TRUCKING CO., P.O. Box 367, Wheatland, PA 16161. Representative: Warren W. Wallin, Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Dinner Bell Foods, Inc., located at Defiance, OH, to White River Junction, VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dinner Bell Foods, Inc., Defiance, OH. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 136911 (Sub-4TA), filed September 29, 1978. Applicant: PACKAGE EXPRESS, INC., 22 Tyler Street, Springfield, MA 01109. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, equipment and supplies* as are sold, used or distributed by a manufacturer of cosmetics, (1) between the carrier's terminal at Springfield, MA, on the one hand, and, on the other, points in Windham, Bennington, Rutland and Windsor Counties, VT, and (2) between Middlesex, VT, on the one

hand, and, on the other, points in VT. Restriction: The operations authorized herein are restricted to the transportation of packages or articles not exceeding 50 pounds per package and not exceeding 250 pounds per shipment from one consignor at one location to one consignee at one location on any day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Avon Products, Inc., Midland and Peck Avenues, Ryen, NY 10590. Send protests to: David M. Miller, District Supervisor, 436 Dwight Street, Room 338, Springfield, MA 01103.

MC 142189 (Sub-36TA), filed September 29, 1978. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, MT 59313. Representative: Michael R. Griffith, P.O. Box 980, Baker, MT 59313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, dry cleaning, and janitorial supplies and materials and supplies* used in the manufacture and distribution of such commodities (except in bulk, in tank vehicles), (1) from Wichita and Lawrence, KS; Rothchild, Green Bay, Eau Claire, Milwaukee, Monticello and Madison, WI; Solvay and Niagara Falls, NY; Mosher and St. Louis, MO; Minneapolis, MN; Gabbs, NV; Columbus, MS; Mapleton, Peoria, Chicago, and Ottawa, IL; Sweetwater County, WY; Bauxite, AR; Copperhill, TN; Lake Charles, LA; Texas City, Seadrift, and Brownsville, TX; Boron and Los Angeles, CA; and points in WA, to points in MT, ND, SD and WY; and (2) from Cleveland, OH; and Wyandotte, MI, to points in MT and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (1) Rodney E. Hallsten, Office Manager, Dyce Sales & Engineering Service Co., Inc., P.O. Box 30176, Billings, MT 59107. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 142723 (Sub-2TA), filed September 29, 1978. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: William A. Gray, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by retail variety, department, and drug stores, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between the facilities of G. C. Murphy Co. in

Monroe, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, SC, TN, TX, VA, and PA, under a continuing contract or contracts, with G. C. Murphy Co., for 180 days. Supporting shipper: G. C. Murphy Co., 531 Fifth Avenue, McKeesport, PA 15132. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 144855 (Sub-5TA), filed October 4, 1978. Applicant: TRANS CONTINENTAL CARRIERS, INC., 169 East Liberty Avenue, Anaheim, CA 92803. Representative: Elizabeth I. Abreu of Knapp, Stevens, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and fruit juices and frozen grape concentrate*, from Yakima County, WA, to CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yakima Valley Grape Producers, Inc., 401 Avenue B, Grandview, WA 98930. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, 300 North Los Angeles Street, Room 1321, Los Angeles, CA 90012.

MC 144872 (Sub-2TA), filed September 26, 1978. Applicant: RICE TRUCK LINES, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined uranium ore*, in containers, from the facilities of Western Nuclear, Inc., near Wellpinit, WA, to Metropolis, IL, and Gore, OK, restricted to traffic moving under a continuing contract or contracts, with Western Nuclear, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Nuclear, Inc., 134 Union Boulevard, Lakewood, CO 80228. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 144964 (Sub-1TA), filed October 4, 1978. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Clifton Peter Rose, Patton, Boggs & Blow, 1200 Seventeenth Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried and frozen foodstuffs in cartons*, from the Buitoni facilities in South Hackensack, and a public warehouse in Secaucus, NJ, to

points in NC, SC, TN, GA, AL and FL, 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: Buitoni Foods Corp., 450 Huyler Street, South Hackensack, NJ 07606. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest, 53rd Terrace, Miami, FL 33166.

MC 145002 (Sub-ITA), filed October 4, 1978. Applicant: SCHUMACHER TIRE SERVICE, INC., 1923 Gateway Drive, Grand Forks, ND 58201. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags, from Midland, MI, to the facilities of Schumacher Tire Service, Inc., at Grand Forks, ND, under a continuing contract or contracts, with Schumacher Tire Service, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schumacher Tire Service, Inc., 1923 Gateway Drive, Grand Forks, ND 58201. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 145340 (Sub-ITA), filed September 26, 1978. Applicant: BILLY R. BURGESS, Route 1, Box 250, Shirley, AR 72153. Representative: (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets, pallet parts and wooden packaging products*, from Concord, AR, to Lake Mills, IA; Batavia, IL; Seward, NE; Cozad, NE; Dallas, TX; Springfield, MO; Memphis, TN; West Alexandria, OH; Little Rock, AR; Jonesboro, AR; Wynne, AR; Mount Pleasant, TN; under a continuing contract or contracts, with Martin Lumber Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin Lumber Co., Inc., P.O. Box 5, Concord, AR 72523. Send protests to: William H. Land, Jr., district Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 116212 (Sub-10TA), filed September 25, 1978. Applicant: EYRE'S BUS SERVICE, INC., 15910 Union Chapel Road, Woodbine, MD 21797. Representative: Bruce E. Mitchell, 5th Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express*, in the same vehicle with passengers, between Washington, DC, and the junction of U.S. Hwy 29 and Interstate Hwy 495 at or near Four Corners, MD, serving the intermediate point of Silver Spring, MD, from Washington over Colesville Road to junction of U.S. Hwy 29, then over U.S. Hwy 29 to junction Interstate 495 and return over the same route. Restriction: Authority requested herein is restricted against (1) originating traffic in DC destined to Four Corners and points south thereof, and (2) originating traffic from points between Four Corners, and the MD-DC Line destined to DC, for 180 days. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1025 Federal Building, Baltimore, MD 21201.

By the Commission.

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

[FR Doc. 78-32574 Filed 11-17-78; 8:45 am]

[7035-01-M]

[Notice No. 214]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 9, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (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 re-

sulting 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 200 (Sub-311TA), filed September 26, 1978. Applicant: RISS INTERNATIONAL CORP., 903 Grand Avenue, P.O. Box 2809, Kansas City, MO 64142. Representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolls of pressed felt* (except in bulk), from Millbury, MA, to Jackson, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Felters, Inc., West Street, Millbury, MA 02062. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 29910 (Sub-193TA), filed September 25, 1978. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11, Fort Smith, AR 72901. Representative: Joseph K. Reber, Manager of Commerce, 301 South 11, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite and warehouse facilities of Campbell Filter Co., a subsidiary of Facet Enterprises, at or near Dexter, MO, as an off-route point in connection with carrier's authorized service route between St. Louis, MO and Memphis, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Facet Enterprises, P.O. Box 1637, Henderson, NC 27536. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 41098 (Sub-45TA), filed September 25, 1978. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture*, from the facilities of Lehigh-Leopold Division of

Litton Industries at Burlington, IA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, DC, and those points in OH on and east of Interstate Hwy 71, for 180 days. Supporting shipper: Lehigh-Leopold Division of Litton Industries, 2825 Mt. Pleasant Street, Burlington, IA. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 61396 (Sub-361TA), filed September 26, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen in shipper owned trailers*, from the facilities of Airco Industrial Gases at or near East Alton, IL to Omaha, NE., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W.K. Kubala, Distribution Superintendent, Airco Industrial Gases Division Airco, Inc., P.O. Box 300, East Alton, IL 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 73165 (Sub-456TA), filed September 19, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202. Representative: R. Cameron Rollins, Attorney for Eagle Motor Lines, Inc., 830 North 33d Street, Birmingham, AL 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except iron and steel buildings, completed, knocked down, or in sections, and except commodities which because of size and weight require the use of special equipment) (1) between points in LA (except points in West Feliciana Parish) on, west, or south of a line beginning at a point on the MS-LA State line and extending along U.S. Hwy 61 to New Orleans, then along U.S. Hwy 90 to the LA-AL State line, on the one hand, and, on the other, points in MS, TN, AL, GA, FL, MD, PA, NY, NC, SC, and points in AR on or east of U.S. Hwy 61, (2) between points in West Feliciana, Ascension, St. John the Baptist, and East Baton Rouge Parishes, LA, and points in Livingston, Tangipahoa, and St. Tammany Parishes, on and south of a line beginning at a point on the Livingston Parish line near Denham Springs, LA, and extending along U.S. Hwy 190 to Covington, then along LA Hwy 36 to its junction with LA Hwy

41, then along LA Hwy 41 to its junction with U.S. Hwy 11, then along U.S. Hwy 11 to the LA-MS State line, on the one hand, and, on the other, points in GA, TN, MD, PA, NY, NC, SC, AL, AR, FL, and points in MS on and north of U.S. Hwy 82, (3) between points in Livingston, Tangipahoa, and St. Tammany Parishes, LA, north of a line beginning at a point on the Livingston Parish line near Denham Springs, extending along U.S. Hwy 190 to Covington, and then LA Hwy 36 to its junction with LA Hwy 41, then along U.S. Hwy 41 to its junction with U.S. Hwy 11, then along U.S. Hwy 11 to the LA-MS State line, and points in East Feliciana, St. Helena, and Washington Parishes, on the one hand, and, on the other, points in GA, TN, MD, PA, NY, NC, SC, AK, FL east of the Apalachicola River, and that part of AL on or east of a line beginning at the AL-GA State line then extending along U.S. Hwy 84 to Dothan, AL, then along U.S. Hwy 431 to Abbeville, then along AL Hwy 10 to Clio, then along AL Hwy 51 to Midway, then along U.S. Hwy 82 to Union Springs, then along U.S. Hwy 29 to Tuskegee, then along AL Hwy 81 to Loachapoka, then along AL Hwy 14 to Wetumpka, then along U.S. Hwy 231 to Sylacauga, then along U.S. Hwy 280 to Birmingham, then along U.S. Hwy 31 to the TN-AL State line, (4) from points in LA to points in VA, WV, ME, NH, VT, MA, RI, CT, NJ, DE, the Lower Peninsula of MI, that part of OH south of a line beginning at the OH-PA State line and extending along U.S. Hwy 62 to Columbus, OH, then along U.S. Hwy 23 to Circleville, and then along U.S. Hwy 22 to Cincinnati, the Upper Peninsula of MI on or east of U.S. Hwy 45, that part of KY (except Louisville) on or east of a line beginning at Hawesville, KY, then along KY Hwy 69 to Fordsville, then along KY Hwy 54 to Short Creek, then along KY Hwy 79 to Caneyville, then along KY Hwy 185 to Bowling Green, then along U.S. Hwy 31W to the KY-TN State line, and that part of WI on or east of a line beginning at Land O'Lake, WI, extending along U.S. Hwy 45 to Monico, then along WI Hwy 32 to Gillett, then along WI Hwy 22 to Oconto, then along U.S. Hwy 41 to Pensaukee, (5) from points in LA on or east of a line beginning at the LA-TX State line southwest of Many, and extending along LA Hwy 6 to Clarence, then along U.S. Hwy 84 to Joyce, then along LA Hwy 34 to Monroe, and then along U.S. Hwy 165 to the LA-AR State line to points in KY (except Louisville) on or east of U.S. Hwy 431, and that part of WI on or east of a line beginning at Port, Wing, WI, and extending along Bayfield County Hwy A to Iron River, then along U.S. Hwy 2 to its junction with U.S. Hwy 63, then

along U.S. Hwy 63 to Grandview, then along Bayfield County Hwy D to its junction with Bayfield County M, then along Bayfield County Hwy M to Clam Lake, then along WI Hwy 77 to its junction with WI Hwy 13, then along WI Hwy 13 to Igema, then along WI Hwy 86 to Tomahawk, then along U.S. Hwy 51 to Wausau, then along WI Hwy 29 to its junction with WI Hwy 49, then along WI Hwy 49 to its junction with WI Hwy 175 near Lomira, then along WI Hwy 175 to Menomonee Falls, then along WI Hwy 100 to Bayside, and the Upper Peninsula of MI, (6) from points in LA on or east of a line beginning at the LA-TX State line near Burr Ferry, and extending along LA Hwy 8 to Sicily Island, then along LA Hwy 15 to Clayton, then along U.S. Hwy 65 to Tallulah, then along U.S. Hwy 80 to Delta, to points in KY (except Louisville), on or east of U.S. Hwy 41, that part of WI on or east of a line beginning at Superior, WI, and extending along U.S. Hwy 53 to Spooner, then along U.S. Hwy 63 to Turtle Lake, then along WI Hwy 79 to its junction with U.S. Hwy 12, then along U.S. Hwy 12 to its junction with Interstate Hwy 94 near Menomonie, then along Interstate Hwy 94 to Osseo, then along WI Hwy 27 to Westby, then along U.S. Hwy 14 to its junction with WI Hwy 23 near Helena, then along WI Hwy 23 to Darlington, then along WI Hwy 81 to Monroe, then along WI Hwy 69 to the WI-IL State line, and that part of IL on or within an area bounded by a line beginning at the IL-WI State line near Oneco, IL, then along IL Hwy 26 to Dixon, then along U.S. Hwy 52 to Mendota, then along U.S. Hwy 51 to its junction with U.S. Hwy 6 near La Salle, then along U.S. Hwy 6 to Joliet, then along Alternate U.S. Hwy 66 to junction with U.S. Hwy 66, then along U.S. Hwy 66 to Chicago (except points on U.S. Hwy 6, Alternate U.S. Hwy 66, or U.S. Hwy 66), (7) from points in LA in, south, or east of West Feliciana, Pointe Coupee, St. Landry, Acadia, Jefferson Davis, and Calcasieu Parishes, to points in KY (except Louisville) on or east of a line beginning at the KY-IL State line and extending south along KY Hwy 109 to Clay, then along KY Hwy 132 to Shady Grove, then along KY Hwy 139 to KY-TN State line, that part of WI on or east of a line beginning at Danbury, and extending along WI Hwy 35 to its junction with WI Hwy 46 near Milltown, then along WI Hwy 46 to its junction with U.S. Hwy 63, then along U.S. Hwy 63 to the WI-MN State line, that part of IA on or east of a line beginning at the IA-MN State line near Burroak, and extending along U.S. Hwy 52 to Luxemburg, then along IA Hwy 3 to Dubuque, and that part of IL on and east of a line beginning at East

Dubuque, and extending along U.S. Hwy 20 to Stockton, then along IL Hwy 78 to Mount Carroll, then along IL Hwy 88 to Peoria, then along Interstate Hwy 74 to its junction with IL Hwy 121 southeast of Peoria, then along IL Hwy 121 to Greenup, then along IL Hwy 130 to Olney, then along U.S. Hwy 50 to the IL-IN State line except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of beginning), (8) from points in LA in or east of Iberia, Lafayette, St. Martin, Iberville, West Baton Rouge, East Baton Rouge, and East Feliciana Parishes, to points in WI, that part of KY (except Louisville) in or east of Crittenden, Caldwell, and Trigg Counties, that part of IA on or east of U.S. Hwy 218, and that part of IL on, north or east of a line beginning at Quincy, and extending along IL Hwy 104 to its junction with IL Hwy 29 near Taylorville, then along IL Hwy 29 to Pana, then along U.S. Hwy 51 to Centralia, then along IL Hwy 161 to junction with IL Hwy 37, then along IL Hwy 37 to Mt. Vernon, then along IL Hwy 15 to the IL-IN State line (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of origin), (9) from points in LA in Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. John the Baptist, and St. Tammany Parishes, to points in KY (except Louisville), IA, IL (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of origin), and that part of MO on and north of a line beginning at a point on the IA-MO State line near Iremia, MO, then along U.S. Hwy 169 to Carmack, then along U.S. Hwy 136 to Bethany, then along MO Hwy 13 to Hamilton, then along U.S. Hwy 36 to Chillicothe, then along U.S. Hwy 65 to Marshall, then along MO Hwy 41 to junction U.S. Hwy 40 near Boon-

ville, then along U.S. Hwy 40 to Columbia, then along U.S. Hwy 63 to Jefferson City, then along U.S. Hwy 50 to Beaufort, then along MO Hwy 155 to junction MO Hwy 8 near Potosi, then along MO Hwy 8 to Leadington, then along U.S. Hwy 67 to junction MO Hwy 72 near Fredericktown, then along MO Hwy 72 to junction with MO Hwy 34 near Jackson, then along MO Hwy 34 to Cape Girardeau, (10) between points in Terrebonne, Lafourche, St. James, Ascension, St. John the Baptist, St. Charles, Jefferson, Plaquemines, St. Bernard, Orleans, St. Mary, part of St. Martin, Assumption, Iberville, Pointe Coupee, Concordina, Tensas, East Carroll Parishes, LA, and points in Madison Parish, on or east of U.S. Hwy 65, on the one hand, and, on the other, points in AR, (11) between points in Iberia, Vermilion, La Fayette, St. Martin, Acadia, St. Landry, Madison, and Avoyelles Parishes, LA, on the one hand, and, on the other, points in AR (except points in Polk, Sevier, Howard, Little River, Hempstead, Miller, Lafayette, and Columbia Counties), (12) between points in Cameron, Jefferson Davis, Calcasieu, Allen, Evangeline, Rapides, LaSalle, Catahoula, Franklin, and West Carroll Parishes, LA, on the one hand, and, on the other, points in AR on or north of a line beginning at the LA-AR State line and extending along U.S. Hwy 65 to Pine Bluff, then along U.S. Hwy 270 to Y City, then along U.S. Hwy 71 to Ft. Smith, (13) between points in Beauregard, Vernon, Sabine, Natchitoches, Grant, Caldwell, Winn, Ouachita, Richland, and Morehouse Parishes, LA, on the one hand, and, on the other, points in AR in and north of Phillips, Desha, Chicot, Monroe, Woodruff, Jackson, Independence, Cleburne, Stone, Searcy, and Boone Counties, (14) between points in Jackson, Ouachita, and Morehouse Parishes, LA, on the one hand, and, on the other, points in Benton, Carroll, Washington, Madison, and Newton Counties, AR, (15) between points in TX, on the one hand, and, on the other, points in GA, FL, NC, SC, AL, NY on or east of a line beginning at the NY-PA State line line near Corbettsville, and extending along NY Hwy 7 to Schenectady, then along NY Hwy 50 to Saratoga Springs, then along U.S. Hwy 9 to the Canada-United States boundary line, PA on or east of Interstate Hwy 81, MD on or east of U.S. Hwy 522, TN on or east of a line beginning at the TN-KY State line near Static, and extending along TN Hwy 42 to Sparta, then along U.S. Hwy 70S to McMinnville, then along TN Hwy 55 to junction with TN Hwy 50 near Lynchburg, then along TN Hwy 50 to junction with U.S. Hwy 64, then along U.S. Hwy 64 to Fayetteville, then along U.S. Hwy 231 to the

TN-U.S. Hwy 64 to Fayetteville, then along U.S. Hwy 231 to the TN-AL State line, and MS on or east of a line beginning at the MS-TN State line and extending along U.S. Hwy 45 to Tupelo, then along MS Hwy 6 to Pentotee, then along MS Hwy 9 to Calhoun City, then along MS Hwy 8 to Grenada, then along MS Hwy 7 to Greenwood, then along U.S. Hwy 82 to Greenville, (16) between points in TX on or south of a line beginning at Glenrio, and extending along U.S. Hwy 66 to Amarillo, then along U.S. Hwy 287 to Decatur, then along TX Hwy 24 to Greenville, then along U.S. Hwy 69 to Mineola, then along U.S. Hwy 80 to the TX-LA State line, on the one hand, and, on the other, points in MS, TN, NY on or east of a line beginning at Alexandria Bay, and extending along NY Hwy 12 to Watertown, then along Interstate Hwy 81 to Cortland, then along NY Hwy 13 to Horseheads, then along NY Hwy 14 to the NY-PA State line, PA on or east of a line beginning at Lawrenceville, and extending along U.S. Hwy 15 to Williamsport, then along U.S. Hwy 220 to the PA-MD State line, and MD, (17) between points in TX on or south of a line beginning at Farwell, and extending along U.S. Hwy 70 to the TX-OK State line east of Vernon, on the one hand, and, on the other, points in NY and PA, (18) between points in TX on or south of a line running from the NM-TX State line along U.S. Hwy 180 to Weatherford, and then along U.S. Hwy 80 to the TX-LA State line, on the one hand, and, on the other, points in AR on or east of Interstate Hwy 55, (19) between El Paso, TX, and points in TX on or south of a line beginning at Orange, and extending along Interstate Hwy 10 to Houston, then along U.S. Hwy 59 to Laredo, on the one hand, and, on the other, points in AR on or east of a line beginning at the AR-LA State line and extending along U.S. Hwy 65 to Little Rock, and then along U.S. Hwy 67 to the AR-MO State line, (20) from points in TX to points in DE, NJ, CT, VT, ME, MA, RI, NH, VA, points in WV on or east of a line beginning at Williamson, and extending along U.S. Hwy 119 to Logan then WV Hwy 10 to Pineville, then along WV Hwy 16 to Beckley, then along U.S. Hwy 19 to junction U.S. Hwy 60, then along U.S. Hwy 60 to Lewisburg, then along U.S. Hwy 219 to the WV-MD State line, KY on or east of a line beginning at the KY-TN State line near Albany and extending along U.S. Hwy 127 to Albany, then along KY Hwy 90 to Burnside, then along U.S. Hwy 27 to Somerset, then along U.S. Hwy 80 to Manchester, then along U.S. Hwy 421 to Tyner, then along KY Hwy 30 to Salyersville, KY, then along U.S. Hwy 460 to Paintsville, and then along KY

Hwy 40 to the KY-WV State line, (21) from points in TX on or south of a line beginning at Glenrio, and extending along U.S. Hwy 66 to Amarillo, then along U.S. Hwy 287 to Decatur, then along TX Hwy 24 to Greenville, then along U.S. Hwy 69 to Mineola, then along U.S. Hwy 80 to the TX-LA State line to points in WV on, south, or east of a line beginning at Huntington, and extending along U.S. Hwy 60 to Charleston then along U.S. Hwy 119 to Weston, and then along U.S. Hwy 19 to the WV-PA State line, KY beginning at the KY-TN State line, and extending along U.S. Hwy 31E to Glasgow, then along U.S. Hwy 68 to Lexington, then along U.S. Hwy 60 to Ashland, (22) from points in TX on or south of a line beginning at Farwell, and extending along U.S. Hwy 70 to the TX-OK State line east of Bernone, to points in WV, OH south of a line beginning at the OH-PA State line and extending along U.S. Hwy 62 to Columbus, then along U.S. Hwy 23 to Circleville, and then along U.S. Hwy 22 to Cincinnati, and KY (except Louisville) on or east of U.S. Hwy 431, (23) from points in TX on or south of a line beginning at El Paso, and extending along U.S. Hwy 80 to Pecos, then along U.S. Hwy 285 to Ft. Stockton, then along U.S. Hwy 67 to San Angelo, then along U.S. Hwy 87 to Brady, then along U.S. Hwy 190 to Temple, TX, then along U.S. Hwy 81 to Waco, and then along U.S. Hwy 84 to the TX-LA State line to points in the Lower Peninsula of MI, and KY east of the TN River (except Louisville), (24) from points in TX on or south of a line beginning at the TX-NM State line and extending along TX Hwy 176 to Big Spring, then along U.S. Hwy 80 to the TX-LA State line to points in MI on or east of a line beginning at the Canada-United States boundary line, and extending along Interstate Hwy 75 to Topinabee, then along U.S. Hwy 27 to the MI-IN State line, (25) from points in Orange and Jefferson Counties, TX, to points in KY (except Louisville) WI on or east of a line extending from Superior, along U.S. Hwy 53 to La Crosse, and then along U.S. Hwy 61 to the WI-IL State line, IL on or east of a line extending from E. Dubuque, along U.S. Hwy 20 to Freeport, then along IL Hwy 26 to Dixon, then along U.S. Hwy 52 to Mendota, then along U.S. Hwy 51 to Sandovel, then along U.S. Hwy 50 to the IL-IN State line (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet, then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then south along the IL-IN State line to point of beginning), (26) from points

in Hidalgo, Cameron, Kenedy, Kleberg, Nueces, and San Patricio Counties, TX to points in KY (except Louisville), WI on or east of U.S. Hwy 51, and IL on or east of U.S. Hwy 51 (except points on and within that part of IL bounded by a line beginning at the IL-IN State line and extending west along U.S. Hwy 36 to Decatur, then north along U.S. Hwy 51 to La Salle, then east along U.S. Hwy 6 to Joliet; then north along Alternate U.S. Hwy 66 to junction U.S. Hwy 66, then along U.S. Hwy 66 to Chicago, and then south along the IL-IN State line to point of origin), for 180 days. Supporting shippers: There are approximately 98 certifications of support attached to the application which may be examined at the Interstate Commerce Commission, Washington, D.C., or copies thereof may be examined at the field office named below. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

NOTE.—Applicant indicates that all of the above authority is presently held in MC 73165 (Sub-E-4), published in the FEDERAL REGISTER of June 21, 1974, at pages 22320-23. The purpose of this application is to continue such operations after October 17, 1978, the effective date of an order served July 19, 1978, revoking the Sub-E-4 authority on grounds that no public notice of tacking possibilities had been given in connection with a predecessor authority, MC 73165 (Sub-272), published in the FEDERAL REGISTER of October 9, 1969.

MC 103051 (Sub-457TA), filed August 9, 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: *Alumina hydrate*, in bags, from Campobello, SC to Boston and Sharon, MA, for 180 days. Supporting shipper: A. B. Wood Chemical Co., Inc., Campobello, SC. Send protest to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 104104 (Sub-15TA), filed September 25, 1978. Applicant: GEORGE A. FETZER, INC., RD 1, Newton Sussex Road, Augusta, NJ 07822. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers*, accessories therefor and cartons when moving in mixed shipments with glass containers from the facilities of Thatcher Glass Manufacturing Co., division of Dart Indus-

tries at Wharton, NJ to points in CT, MA, ME, NH, NY, RI, VT, and points in PA east of U.S. Hwy 15, for 180 days. Supporting shipper: Thatcher Glass Manufacturing Co., division of Dart Industries, P.O. Box 265, Elmira, NY 14902. Send protest to: Joel Morris, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 107295 (Sub-887TA), filed October 11, 1978. Applicant: PRE-FAB TRANSIT, CO., P.O. Box 146, 100 South Main Street, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Laundry machine parts*, between Fairfield, IA and Frankfort, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. H. Sellars, Materials Manager, the Dexter Co., 501 North 8th, Fairfield, IA 52556. Send protest to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 109689 (Sub-338TA), filed October 3, 1978. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, UT 84078. Representative: Mark K. Boyle, Attorney at Law, 10 West Broadway Building, Suite 400, Salt Lake City, UT 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Sweetwater County, WY to Pacola and El Reno, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corp., P.O. Box 1139R, Morristown, NJ 07960. Send protest to: District Supervisor, L. D. Helfer, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 110563 (Sub-243TA), filed September 25, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Victor J. Tambascia, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roasted coffee, in cans in fiber cartons; instant coffee in jars in fiber cartons; beverage preparations, dry in cans in fiber cartons*, from the facilities of Hills Bros. Coffee, Inc., located at or near Edgewater, NJ to Denver, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hills Bros. Coffee, Inc., Two Harrison Street, San Fran-

cisco, CA. Send protest to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 111302 (Sub-138TA), filed October 3, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Peterson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles from the facilities of Central Soya in Chattanooga, TN, to Atlanta and Decatur, GA; Baltimore, MD; and Pennsauken, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Soya Co., Inc., 1300 Fort Wayne National Bank Building, Fort Wayne, IN 46802. 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.

MC111401 (Sub-532TA), filed October 11, 1978. Applicant: GROEN-DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, P.O. Box 632, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum naptha* (in bulk, in tank vehicles), from Cyril, OK, to points in IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Drake Petroleum Co., 6231 North Pulaski Road, Chicago, IL 60646. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, OK. 73102.

MC 111434 (Sub-96TA), filed September 26, 1978. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216. Representative: J. Albert Sebald, 1700 Western Federal Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in WY to points in CO, MT, and SD, for 180 days. Applicant has also filed an ETA seeking up to 90 days of operating authority. Supporting shipper: Pozzolan Northwest, Inc., 1449 Kent West Mall, Kent, WA 98031. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 112822 (Sub-465TA), filed September 25, 1978. Applicant: BRAY LINES, INC., 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Representative: Dudley G. Sherrill, 1401 North Little Street, P.O. Box 1191, Cushing, OK 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Fox De Luxe Pizza Co. at Joplin, MO, and the facilities of the Pillsbury Co. at or near Joplin and Carthage, MO, to points in CO, IA, IL, IN, KS, MN, OK, TX, and UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Totino's Frozen Foods Division, the Pillsbury Co., 7350 Commerce Lane, Fridley, MN 55432. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest Third, Oklahoma City, OK 73102.

MC 113908 (Sub-452TA), filed October 11, 1978. Applicant: ERICKSON TRANSPORT, INC., 2105 East Dale Street, P.O. Box 3180 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: *Flour* (in bulk, in tank vehicles), from Minneapolis, MN to Springfield, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., Chicago, IL. Send protests to: John V. Barry, District Supervisor, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 115841 (Sub-650TA), filed October 11, 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: *Frozen foods*, from the facilities of Flowers Industries, located at or near Fountain Inn, SC., to points in the States of AL, MS, OH, TX, MI, MO, KS, WI, NE, CO, GA, PA, OK, AR, and AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flowers Industries, Old Laurens Road, Fountain Inn, SC 29644. 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 118202 (Sub-93TA), filed October 11, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Eugene A. Schultz, P.O. Box 406, Winona, MN 55987. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except commodities in bulk), from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA., to points in CO, KS, MN, MO, NE, ND, SD and WI, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. 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 119654 (Sub-62TA), filed October 11, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and fibreboard*, from the facilities of the Alton Box Board Co. at or near Alton, IL, to Aurora, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alton Box Board Co., 401 Alton Street, Alton, IL 62002. 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 126899 (Sub-122TA), filed October 11, 1978. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, KY 42001. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Evansville, IN, and Newport, KY, to St. Louis, MO; and (2) *empty malt beverage containers, pallets and rejected shipments of malt beverages*, from St. Louis, MO, to Evansville, IN, and Newport, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, WI 54601. 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 127840 (Sub-78TA), filed October 12, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Chicago, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk, in tank vehicles), from Wichita, KS, to Danbury, CT, and Deepwater, NJ, for 180 days. Supporting shipper: William F. Kelly, Senior Traffic Specialist, Abbott Laboratories, 14th Sheridan Road, North Chicago, IL 60064. Send protests to: Lois Stahl, Transportation Assistant, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128246 (Sub-31TA), filed August 2, 1978, and published in the FEDERAL REGISTER issue of October 6, 1978, and republished as corrected this issue. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, CA 95076. Representative: Michael P. Groom, Esq., 500 Swenson Building, 777 North First Street, San Jose, CA 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Co. at or near Clovis, NM, to CO, KS, OK, TX, and UT, under a continuing contract or contracts with Swift & Co., Chicago, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to District Supervisor, Michael M. Butler, 211 Main, Suite 500, San Francisco, CA 94105. The purpose of this republication is to include *meat* in the commodity description as previously omitted.

MC 129032 (Sub-58TA), filed October 11, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 40th West Avenue, Tulsa, OK 74107. Representative: Jerry D. Garland, 6015 South 49th West Avenue, Tulsa, OK 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and materials and supplies*, used in the manufacturing of automotive parts, between the facilities of Ford Motor Co. in the State of MI, on the one hand, and, on the other, St. Louis, MO; Kansas City, MO; and St. Paul, MN, for 180 days. Applicant has also filed an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Co., 1 Parkland Boulevard, Parkland Towers East, Suite 200, Dearborn, MI 48126. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, OK 73102.

MC 133655 (Sub-124TA), filed September 25, 1978. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, boxed and hanging*, from Palestine, TX, to Chicago, IL, Detroit, MI, Milwaukee and Madison, WI, St. Paul, MN, North Baltimore, Cincinnati, and Columbus, OH, St. Louis, Springfield, and Kansas City, MO, Davenport and Fort Madison, IA, Topeka, KS, Oklahoma City, OK, Searcy, AR, and Memphis, TN, for 180 days. Supporting shipper: Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75801. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 133655 (Sub-126TA), filed October 11, 1978. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Newman Grove, NE, to points in CT, IL, KS, MN, MO, NJ, NY, OH, and PA, for 180 days. Supporting shipper: Newman Grove Creamery Co., Box 338, Newman Grove, NE 68758. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 134150 (Sub-17TA), filed October 3, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Casts*, from the facilities of Cutter Laboratories, Inc., at or near San Diego, CA, to points in the United States (except AK and HI), for 180 days. Restrictions: Restricted to traffic originating at the facilities of Cutter Laboratories, Inc., and further restricted to a transportation service to be performed under a con-

tinuing contract or contracts with Cutter Laboratories, Inc. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, CA 94710. Send protests to: Glenda Kuss, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

NOTE.—Applicant holds common carrier authority in MC 138157 and subs thereunder, therefore dual operations may be involved.

MC 134467 (Sub-34TA), filed October 11, 1978. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, Kimball, Williams & Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery products, and foodstuffs* (except in bulk), from the facilities utilized by the Nestle Co., at or near Burlington, WI, to Memphis, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Nestle Co., 100 Bloomingdale Road, White Plains, NY 10605. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 134701 (Sub-4TA), filed October 3, 1978. Applicant: J-V, INC., 9832 Tonya Drive, Sandy, UT 84070. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from the international port of entry between the United States and Canada located at Sweetgrass, MT, to points in Maricopa, Pima, and Yuma Counties, AZ, and Los Angeles, San Francisco, Fresno, Placer, Sacramento, Nevada, King, Tulare, Orange, Kern, Ventura, Riverside, San Bernardino, and Imperial Counties, CA, under a continuing contract or contracts with Sherritt Gordon Mines, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sherritt Gordon Mines, Ltd., Fort Saskatchewan, AL, Canada T8L2P2. Send protests to: District Supervisor, L. D. Helfer, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 134783 (Sub-43TA), filed September 25, 1978. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Canned and preserved apple products, and canned and preserved apple by-products*, from the facilities of National Fruit Product Co., Inc., at or near Lincolnton, NC, to points in AR, LA, OK, and TX, for 180 days. Supporting shipper: National Fruit Product Co., Inc., P.O. Box 2040, Winchester, VA 22601. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

MC 136220 (Sub-61TA), filed October 11, 1978. Applicant: SULLIVAN'S TRUCKING CO., INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum dross, aluminum scrap, and smelting residue* (in bulk, in tank vehicles), from points in and east of TX, KS, NE, SD, and ND, to Sapulpa and Checotah, OK, for 180 days. Supporting shipper: Teller Metal Co., 12115 Lackland Road, St. Louis, MO 63141. Send protests to: Connie Stanley, Transporting Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, OK 73102.

MC 139495 (Sub-377TA), filed August 21, 1978, and published in the FEDERAL REGISTER issue of October 25, 1978, and republished as corrected this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the facilities of Union Camp Corp. at or near Tifton, GA, to points in the United States, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the United States to the facilities of Union Camp Corp. at or near Tifton, GA, for 180 days. Supporting shipper: Union Camp Corp. 1600 Valley Road, Wayne, NJ 07470. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202. The purpose of this republication is to complete the territorial description as previously omitted.

MC 139836 (Sub-5TA), filed July 26, 1978. Applicant: LINT TRANSFER, INC., 4549 Delaware Avenue, Des Moines, IA 50313. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority

sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tires, tire parts, inner tubes, and materials, equipment, and supplies*, used in the manufacture of tires and inner tubes, between the facilities of the Firestone Tire & Rubber Co., at Des Moines, IA, on the one hand, and, on the other, points in NE, and points in IL in the Moline, East Moline, and Rock Island Commercial Zones, under contract with the Firestone Tire & Rubber Co., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, OH 44317. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 140086 (Sub-1TA), filed October 11, 1978. Applicant: De LARIA TRANSPORT, INC., 327 Eighth Avenue Northwest, New Brighton, MN 55112. Representative: Bruce A. Rasmussen, 1110 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crude coffee oil* (in bulk, in tank vehicles), from Gonvick, MN, to Ripon, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Sun Products Co., P.O. Box 646, Gonvick, MN 56644. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 South Fourth Street, U.S. Court House, Minneapolis, MN 55401.

MC 140118 (Sub-7TA), filed September 25, 1978. Applicant: S. T. L. TRANSPORT, INC., 1000 Jefferson Road, P.O. Box 9776, Rochester, NY 14623. 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: *Beverages, in cans and bottles* (except malt beverages), from Boston, MA, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, for 180 days, under a continuing contract with White Rock Products Corp. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White Rock Products Corp., 1705 Columbus Avenue, Boston, MA 02119. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260.

MC 141330 (Sub-2TA), filed September 25, 1978. Applicant: MALCOLM POWELL, d.b.a. Powell Trucking,

Route 1, Lumber City, GA. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Lumpkin, GA, to FL, GA, NC, SC, and TN, for 180 days, under a continuing contract with St. Regis Paper Co. Applicant has also filed an ETA seeking up to 90 days of operating authority. Supporting shipper: St. Regis Paper Co., P.O. Box 26324, Jacksonville, FL 32218. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 142204 (Sub-7TA), filed October 3, 1978. Applicant: ROBERT R. GUNVILLE, JR., Star Route 2, Iron Mountain, MI 49801. 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: *Crushed stone* (roofing granules) in bulk, from the facilities of GAF Corp. at or near Pembine, WI, to Chicago, IL and its Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: GAF Corp., Pembine, WI 54156. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 142268 (Sub-35TA), filed September 26, 1978. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, ON, Canada NOR 1G0. Representative: Bernard S. Gorski, 843 Central Avenue, Windsor, ON, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tomatoe paste*, in bulk, in tank vehicles, from the facilities of Hunt-Wesson Foods, Inc., at Perrysburg, OH, to Duluth, MN; from Oakdale and Davis, CA, to Salina, KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: T. S. Quinn, District Supervisor, Interstate Commerce Commission, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

MC 142559 (Sub-56TA), filed September 25, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in

bulk, between the facilities of Woldert Canning Co. at Lindale and Tyler, TX, on the one hand, and, on the other, points in the United States (except AK and HI) for 180 days. Supporting shipper: Woldert Canning Co., P.O. Box 1140, Tyler, TX 75710. Send protests to: Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 144110 (Sub-3TA), filed September 25, 1978. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., at or near Barnesville and Benson, MN to points in ND and SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 Fourth Street, Minneapolis, MN 55401.

MC 144330 (Sub-42TA), filed October 3, 1978. Applicant: UTAH CARRIERS, INC., Post Office Box 1218, Freeport Center, Clearfield, UT 84016. Representative: Rick J. Hall, Post Office Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, couplings, fittings and accessories* used for the installation thereof (except commodities in bulk), from the facilities of Certain-Teed Corp. at St. Louis, MO to points in ND, for 180 days. Supporting shipper(s): Certain-Teed Corp., 1400 Union Meeting Road, Bluebell, PA 19422. Send protests to: District Supervisor, L. D. Helfer, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 144709 (Sub-3TA), filed September 25, 1978. Applicant: MINERAL CARRIERS, INC., 183 East Main Street, Bridgewater, NJ 08807. Representative: Paul J. Keeler, Esquire, P.O. Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground coffee*, in dump trailers, from Freehold, NJ to Gonvick, MN, under a continuing contract with the Nestle Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Nestle Co., 100 Bloomingdale Road, White Plains, NY

10605. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 145202 (Sub-1TA), filed September 26, 1978. Applicant: K-LINES, LTD., 3125 South 11th Street, Council Bluffs, IA 51501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meat*, from the facilities of Coast Packing Co., of Omaha, Inc., at Omaha, NE to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN, under continuing contract or contracts with Coast Packing Co. of Omaha, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joseph A. DeLuca, Sales Manager-Traffic Manager, Coast Packing Co. of Omaha, Inc., P.O. Box 37525, Omaha, NE 68137. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 No. 14th Street, Omaha, NE 68102.

MC 145264 (Sub-2TA), filed September 26, 1978. Applicant: GONZALO MENDOZA, d.b.a. MENDOZA TRUCKING CO., 3262 South Bell, Chicago, IL 60631. Representative: James Madler, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *The transportation of paint, varnish, solvents, cleaning compounds, and materials, equipment and supplies* used in the manufacture, distribution and application of paint, varnish, solvents, cleaning compounds (except in bulk), between the Chicago, IL commercial zone, on the one hand, and, on the other, points in MI on and south of State Hwy 46; points in IN on and north of U.S. Hwy 20; restricted to shipments originating at the facilities of the Enterprises Cos., for 180 days. Supporting shipper(s): The Enterprise Cos., Patrick J. Del Monico, Traffic Manager, 1191 South Wheeling Road, Wheeling, IL 60090. Send protests to: Lois M. Stahl, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145268 (Sub-3TA), filed September 25, 1978. Applicant: KENNETH B. HOLM & GLENN STEED, d.b.a. H & S Enterprises, 3150 South 1200 West, Salt Lake City, UT 84125. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Plate, sheet and structural steel and steel pipe*, (1) from Portland, OR, and Oakland, CA, to Salt Lake, Weber, Davis, and Utah Counties, UT; and (2) from Portland, OR, to Oakland, CA; restricted to traffic originating at the facilities of Metra Steel at Portland, OR, and Oakland, CA, under a continuing contract with Metra Steel, for 180 days. Supporting shipper: Metra Steel, 5851 North Lagoon, Portland, OR 97217. Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Building, Salt Lake City, UT 84138.

MC 145301 (Sub-1TA), filed September 19, 1978. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Boulevard, No. 327, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, flat and automotive*, from Broken Arrow (at or near Tulsa), OK, to points in AL, AZ, AR, CA, CO, DE, GA, IL, IN, IA, KY, KS, LA, MD, MI, NM, MS, MO, NE, NJ, MN, NY, NC, ND, OH, PA, SC, SD, TN, TX, VA, WV, WI, DC, for 180 days. Supporting shipper: Ford Motor Co., Glass Division, 300 Renaissance Center, Detroit, MI 48243. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 145345 (Sub-1TA), filed September 25, 1978. Applicant: PUBLISHERS TRANSPORTATION SERVICES, INC., 418 South Yale, Garland, TX 75040. Representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books and magazines*, from Dallas, TX to Paris, Tyler, Lufkin, Houston, Beaumont, Corpus Christi, Bryan, Victoria, Galveston, and Lubbock, TX, for 180 days, under a continuing contract with Magazine Cartage Co., Inc. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Magazine Cartage Co., Inc., 12330 East Northwest Highway, Dallas, TX 75238. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 145384 (Sub-2TA), filed September 26, 1978. Applicant: ROSE-WAY, INC., 1914 East Euclid, Des Moines, IA 50313. 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, trans-

porting: *Steel castings and forgings*, from the facilities of American Western Foundries at or near Santa Barbara, CA, to points in AZ, IL, IN, KY, MO, NM, OH, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Western Foundries, 831 State Street, Santa Barbara, CA 93102. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 145384 (Sub-4TA), filed September 26, 1978. Applicant: ROSE-WAY, INC., 1914 East Euclid, Des Moines, IA 50313. 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: *Lumber and lumber products*, from Scotia, Fortuna, Eureka, and Standard, CA, to points in IA, IL, MN, WI, and Upper Peninsula of MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Lumber Associates, 600 West Main Street, Sun Prairie, WI 52590. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Des Moines, IA 50309.

MC 145407 (Sub-1TA), filed September 25, 1978. Applicant: R. B. GARRARD & W. L. GARRARD, d.b.a. G & G Trucking, Route 4, Box 488, Florence, MS 39073. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm supplies* between points in AL, AR, LA, MS, MO, TN, and TX, for 180 days, under a continuing contract with MFC Services. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MFC Services, P.O. Box 500, Madison, MS 39110. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

MC 145416 (Sub-1TA), filed September 25, 1978. Applicant: HEINEMAN DISTRIBUTING, INC., 301 West Second Street, Port Clinton, OH 43452. Representative: Arthur R. Cline, attorney-at-law, 420 Security Building, Toledo, OH 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, WI; Pittsburgh, PA; Newport, KY; and Fulton, NY, to Bowling Green and Port Clinton, OH, under a continuing contract or con-

tracts with Heineman Beverages, Inc., and Bowling Green Beverage, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Heineman Beverage, Inc., 301 West Second Street, Port Clinton, OH 43452; and Bowling Green Beverage, Inc., Nims Road and North Dixie Highway, Bowling Green, OH 43402. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 145468TA, filed September 25, 1978. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, 1 & Adams Station, North Brunswick, NJ 08902. Representative: Daniel C. Sullivan, Esq., 10 S. LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of metal tool and utility boxes, tool chests, medical cabinets, benches and shelves (except commodities in bulk)*, (A) from the facilities of Waterloo Industries, Inc., at Waterloo, IA; Sedalia, MO; Pochontas and Walnut Ridge, AR; and the facilities of Lumidor Manufacturing at Los Angeles, CA, to points in the United States (except AK and HI); (B) from Des Moines and Clarksville, IA; Janesboro, AR; Independence, MO; Ft. Wayne and Evansville, IN; Louisville, KY; Minneapolis, MN; Worcester, MA; Los Angeles, CA; Greenville, TN; and points in IL to the facilities of Waterloo Industries, Inc., at Waterloo, IA; Sedalia, MO; and Pochontas, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Waterloo Industries, Inc., P.O. Box 209, Waterloo, IA 50704. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

By the Commission.

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

[FR Doc. 78-32575 Filed 11-17-78; 8:45 am]

7035-01-M

[Notice No. 131]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 20, 1978.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, 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. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 11, 1978. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

MC-FC-77797, filed July 27, 1978. Transferee: QUASAR EXPRESS, INC., 1812 K Avenue, Sioux Falls, SD 57101. Transferor: Williams Truck Service, Inc., 1812 K Avenue, Sioux Falls, SD 57101. Transferee's Representative: Scott E. Daniel, Esq., Suite 500, the Atrium, 1200 North Street, P.O. Box 82028, Lincoln, NE 68501. On November 8, 1978, the Motor Carrier Board approved this application but included in such approval, and not shown in the FEDERAL REGISTER notice of September 21, 1978, Permit MC 111720 (Sub-18), issued October 23, 1978, in the name of the transferor, as follows: *Meat, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Sioux Falls, SD to points in IL, IN, and WI. Petitions for reconsideration may be filed within 20 days from the date of this publication. Send petitions for reconsideration to: The Secretary, Interstate Commerce Commission, Washington, DC 20423.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32570 Filed 11-17-78; 8:45 am]

[7035-01-M]

[Notice No. 132]

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 by December 20, 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 applicant's 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 synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77914, filed November 1, 1978. Transferee: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Road, Baltimore, MD 21225. Transferor: SECON SERVICE SYSTEM, INC., Foot of Meadowland Parkway, Secaucus, NJ 07094. Representatives: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904; Arthur M. Wisheart, 36 West 44th Street, New York, NY 10036. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate MC 17778, issued January 9, 1978, as follows: *General commodities*, in bulk (except those requiring dump truck service), over specified regular routes, between New York, NY, and Amsterdam, NY, serving the intermediate points of Yonkers, Poughkeepsie, Newburgh, Hudson, Albany, and Schenectady, NY, and the off-route points of Cohoes, Troy, Johnstown, Gloversville, Voorheesville, Middleville, Colonie, Menands, Saratoga Springs, Tuckahoe, and White Plains, NY, and Pittsfield, MA; between New York, NY, and Boston, MA, serving the intermediate points of Bridgeport, New Haven, New London, and Hartford, CN, Springfield and Brookline, MA, and Providence, RI,

and those between Bridgeport and New York, and the off-route points of Waterbury and New Britain, CN, Mount Vernon and Westchester, NY, and Roxbury, MA; between New York, NY, and Washington, DC, serving the intermediate points of Jersey City, Newark, and Trenton, NJ, Philadelphia, and Marcus Hook, PA, and Baltimore, MD, and the off-route points of Hoboken, New Brunswick, Hillside, Elizabeth Port, Elizabeth, Edgewater, Bayonne, Bayway, Perth Amboy, Paterson, Kearny, Passaic, Bergenfield, Bloomfield, and Silver Lake, NJ; between junction U.S. Hwy 1 and NJ Hwy 3 and Secaucus, NJ, serving no intermediate points and with no service at junction U.S. Hwy 1 and NJ Hwy 3; between New York, NY, and Walton, NY, serving no intermediate points; between New York, NY, and Farmingdale, Long Island, NY, serving all points and off-route points in Nassau County, Long Island, NY. Irregular routes: *Fertilizer*, in bulk, from North Weymouth, MA, to West Haven, CN, from Baltimore, MD, to West Haven, CN; from West Haven, CN, to points in MA., From Carteret, NJ, to points in CT; *Insecticides and fungicides*, in bulk, between West Haven, CN, and Baltimore, MD; *Liquid linoleum cement*, in bulk, in tank vehicles, from Whippany, NJ, to Fullerton, PA, and Wilmington, DE. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32571 Filed 11-17-78; 8:45 am]

[7035-01-M]

[Notice No. 219]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 17, 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 appli-

cant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 128273 (Sub-310TA), filed July 21, 1978, published in the FEDERAL REGISTER on September 29, 1978, republished this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt Street, Fort, Scott, KS 66701. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. The Motor Carrier Board granted authority in this proceeding on October 30, 1978, to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, distributed, or dealt in, by manufacturers or converters of paper and paper products (except in bulk), from Chillicothe and Schooleys, OH, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

This grant of statewide authority differs from the prior notice of September 29, 1978, which indicated that applicant was seeking voluminous specific points within the above States. The grant of temporary authority coincides with the evidence furnished by the supporting shipper.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-32569 Filed 11-17-78; 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]

(M-178, Amdt; Nov. 15, 1978)

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the November 16, 1978, meeting agenda.

TIME AND DATE: 9:30 a.m., November 16, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Applicability of Airline Deregulation Act to pending cases (OGC, BPDA). 18a. Docket 26838—Priority Reserved Air Freight Rate Investigation (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Staff work on this item was completed on Monday, November 13, 1978, and because of the Thanksgiving Holiday there will be no scheduled meeting for 2 weeks. This item concerns questions of interest to parties and judges in pending cases. Item 18a is being added in order for the Board to give the parties notice of its decision to take review sufficiently in advance of the deadlines for petitions for discretionary review. Accordingly, the following Members have voted that agency business requires the addition of item 8a and item 18a to the November 16, 1978, agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

(S-2344-78 Filed 11-16-78; 3:52 pm)

[6570-06-M]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Friday, November 17, 1978.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Recommended procedures for office appeals and review.
2. Proposed designation of the Corpus Christi (Texas) Human Relations Commission as a 706 agency.
3. Final affirmative action guidelines.
4. Freedom of Information Act Appeal No. 78-9-FOIA-224, concerning a request by an attorney for EEO-4 reports submitted to the Commission by various local governments.
5. Report on Commission operations by the Executive Director.

Closed to the public:

Litigation Authorization: General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued November 9, 1978.

(S-2335-78 Filed 11-16-78; 11:58 am)

[6570-06-M]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, November 21, 1978.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Final affirmative action guidelines.
2. Report on Commission operations by the Executive Director.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued November 14, 1978.

(S-2334-78 Filed 11-16-78; 11:58 am)

[6740-02-M]

4

NOVEMBER 15, 1978.

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., November 22, 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—208TH MEETING, NOVEMBER 22, 1978, REGULAR MEETING (10 A.M.)

- CAG-1 Docket No. RP77-58 (TT79-1), Mid Louisiana Gas Co.
 CAG-2 Docket No. RP79-6, United Gas Pipe Line Co.
 CAG-3 Docket No. RP74-14 and RP74-34, Mountain Fuel Resources, Inc.
 CAG-4 Docket No. RP78-11, Trunkline Gas Co.
 CAG-5 Docket No. R-389-B, Transco Exploration Co.
 CAG-6 Docket No. CI77-541, Transco Exploration Co.
 CAG-6 Docket No. CI72-1169, et al., Bobby Joe Manziel, et al.
 CAG-6 Docket No. CI73-750, et al., Chevron U.S.A., Inc., et al.
 CAG-6 Docket No. G-4547, et al., Atlantic Richfield Co., et al.
 CAG-6 Docket No. CI78-745, Southland Royalty Co.
 CAG-6 Docket No. G-11637, Gulf Oil Corp.
 CAG-6 Docket No. CI73-4, Energy Reserves Group, Inc.
 CAG-6 Docket No. G-4547, Atlantic Richfield Co.
 CAG-6 Docket No. CI77-394, Amoco Production Co.
 CAG-6 Docket No. CI65-95, Amoco Production Co.
 CAG-6 Docket No. CI78-519, Gulf Oil Corp.
 CAG-6 Docket No. CI62-1388, Atlantic Richfield Co.
 CAG-6 Docket No. CI75-38, Gulf Oil Corp.
 CAG-6 Docket No. CI78-1175, Hunt Oil Co.
 CAG-6 Docket No. CS72-1169, et al., Bobby Joe Manziel, et al.
 CAG-6 Docket No. CI78-1083, J. M. Huber Corp.
 CAG-6 Docket No. CI78-1197, Terra Resources, Inc.
 CAG-6 Docket No. CI78-1091, Gulf Oil Corp.
 CAG-6 Docket No. CI78-710, et al., American Natural Gas Production Co.
 CAG-6 Docket No. CI78-1141, Cotton Petroleum Corp.
 CAG-7 Docket No. G-16287, Texaco, Inc.

I. PIPELINE RATE MATTERS

- RP-1. Docket No. RP79-4, Cities Service Gas Co.
 RP-2. Docket No. RP78-87, Texas Eastern Transmission Corp.
 RP-3. Docket No. RP78-76, Gas Research Institute.

II PIPELINE CERTIFICATE MATTERS

- CP-1. Docket No. CP78-4, Transcontinental Gas Pipe Line Corp.
 CP-2. Docket No. CP78-172, El Paso Natural Gas Co.
 CP-2. Docket No. CP78-257, Western Gas Interstate Co.
 CP-2. Docket No. CP76-87, El Paso Natural Gas Co.
 CP-3. Docket No. CP76-60, Arkansas Louisiana Gas Co., complainant v. McColloch Oil Corp. of Texas, defendant.

POWER AGENDA—208TH MEETING, NOVEMBER 22, 1978, REGULAR MEETING

- CAP-1. Docket No. ER79-47, Ohio Power Co., Cleveland Electric Illuminating Co.
 CAP-2. Docket Nos. ER78-599 and ER78-610, Consolidated Edison Co. of New York.
 CAP-3. Docket No. ER78-365, Consolidated Edison Co. of New York.
 CAP-4. Docket No. ER78-568, Florida Power Corp.

- CAP-5. Docket No. EL78-10, Delmarva Power & Light Co., Delmarva Power & Light Co. of Maryland, and Delmarva Power & Light Co. of Virginia.
 ER-1. Docket Nos. ER78-460 and ER78-483, Potomac Edison Co.
 ER-2. Docket No. ER78-509, Northern Indiana Public Service Co.
 ER-3. Docket No. ER76-320, The Connecticut Light & Power Co.

KENNETH F. PLUMB,
Secretary.

[S-2333-78 Filed 11-016-78; 10:33 am]

[7020-02-M]

5

[USITC SE-78-57A]

INTERNATIONAL TRADE COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, November 21, 1978.

CHANGES IN THE MEETING: Additional agenda item:

9. Titanium dioxide (Inv. AA1921-Inq.-23)—Briefing and vote.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2343-78 Filed 11-16-78; 3:30 p.m.]

[7527-01-M]

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME: 9 a.m. to 4:30 p.m., and 8:30 a.m. to 12:30 p.m., respectively.

DATE: December 7 and 8, 1978.

PLACE: Beverly Wilshire Hotel, Beverly Hills, Calif.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Opening remarks, Chairman, Commission Appointments—Status. White House Conference on Library and Information Services:

Advisory Committee—Status.
 Discussion of content—Thematic priorities for the White House Conference.

Discussion of possible speakers for the major content themes.

Literacy theme conferences.
 Establishment of a proposed information industry working group for the White House Conference.

Public information and fund raising efforts.

Information Society Film Project.
 Discussion of agenda for Chairman's anticipated meeting with the President.

Discussion of report of the Ad Hoc Committee on Governance.
 Commission Committees.

National Periodicals Advisory Committee Report on meeting.

CONTACT PERSON FOR MORE INFORMATION:

Alphonse F. Trezza, Executive Director, NCLIS, 202-653-6252.

NOVEMBER 15, 1978.

[S-2336-78 Filed 11-16-78; 11:58 am]

[4910-58-M]

7

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Wednesday, November 15, 1978 [NM-78-39].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Closed under exemption 10 of the Government in the Sunshine Act.

MATTER CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board required that the following item be discussed on this date and that no earlier announcement was possible:

Consideration of reverse Freedom of Information Act request and associated pending litigation, *Pacific Southwest Airlines, Inc., v. National Transportation Safety Board*, U.S. District Court for the District of Columbia.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-2337-78 Filed 11-16-78; 3:30 pm]

[7905-01-M]

8

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:30 a.m., November 28, 1978.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Ill. 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

(1) Special achievement awards, possible increase of award amounts which may be authorized by the Chief Executive Officer without Board approval.

(2) Occupational disability standards.

Portions closed to the public:

(3) Appeal from referee's denial of disability annuity application, Lois S. Baker.

(4) Appeal from referee's denial of application for "period of disability", Ben W. Casey.

(5) Appeal from referee's denial of application for disabled widow's insurance annuity, Anita J. Gilley.

(6) Appeal from referee's denial of application for spouse's annuity, Mildred R. Gustafson.

(7) Appeal from referee's denial of application for disability annuity application, Anthony Zlotkowski.

(8) Appeal from referee's denial of application for widow's insurance annuity, Mary C. Kennedy.

(9) Appeal from referee's denial of disability annuity application, Clyde A. Harris.

(10) Appeal from referee's denial of disabled child's insurance annuity, Nannie Houston.

(11) Appeal of James B. Flewellen under the Railroad Unemployment Insurance Act.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board,
COM No. 312-751-4920, FTS No. 387-4920.

[S-2332-78 Filed 11-16-78; 10:33 am]

[7910-01-M]

9

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 52603, November 13, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Monday, December 4, 1978; 2 p.m.

CHANGE IN MEETING: Date changed to: Monday, November 27, 1978; 2:30 p.m.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated November 16, 1978.

GOODWIN CHASE,
Chairman.

[S-2338-78 Filed 11-16-78; 3:30 pm]

[7910-01-M]

10

RENEGOTIATION BOARD.

DATE AND TIME: Monday, November 27, 1978; 9 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: U.S. Electronic Publications, Inc., fiscal years ended May 27, 1969, De-

cember 31, 1969, 1970, 1971, 1972, and 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: November 16, 1978.

GOODWIN CHASE,
Chairman.

[S-2339-78 Filed 11-16-78; 3:30 pm]

[7910-01-M]

11

RENEGOTIATION BOARD.

DATE AND TIME: Monday, November 27, 1978; 9:30 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: IBM Corp., fiscal years ended December 31, 1969, and December 31, 1970.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street N.W., Washington, D.C. 20446, 202-254-8277.

Dated November 15, 1978.

GOODMAN CHASE,
Chairman.

[S-2340-78 Filed 11-16-78; 3:30 pm]

[7910-01-M]

12

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, November 28, 1978; 10 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 6 are open to public observation. Matters 7 through 10 are closed to public observation. Matters 11 through 12 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held November 14, 1978, and other Board meetings, if any.

2. Recommended clearance: Clark Equipment Co., fiscal year ended December 31, 1970.

3. Exemption recommendations—Application for commercial exemption (No. 3010): Midland-Ross Corp., fiscal year ended September 30, 1976.

Sperry Rand Corp., fiscal year ended September 30, 1976.

Tektronix, Inc., fiscal year ended September 30, 1976.

4. Report on partial year filings.

5. Recommended determination of excessive profits:

A. Kaiser Industries Corp., fiscal year ended December 31, 1972.

B. Henry J. Kaiser Co., fiscal year ended December 31, 1972.

C. Kaiser Engineers, Inc., fiscal year ended December 31, 1972.

D. Kaiser Industries Corp., consolidated with: Kaiser Aerospace & Electronics Corp., Henry J. Kaiser Co., Kaiser Engineers, Inc., Hallanger Engineers, Inc., fiscal year ended December 31, 1973.

6. Recommended determination of excessive profits: U.S. Electronic Publications, Inc., fiscal years ended May 27, 1969, December 31, 1969, 1970, 1971, 1972, and 1973.

7. Court of Claims case: CCI Corporation v. United States, Court of Claims No. 4-74.

8. Recommended finding of excessive profits: IBM Corp., fiscal years ended December 31, 1969, and December 31, 1970.

9. Recommended finding of excessive profits: Howard P. Foley Co., fiscal year ended March 31, 1969.

10. Recommended finding of excessive profits: Kaiser Aerospace & Electronics Corp., fiscal year ended December 31, 1972.

11. Approval of agenda for meeting to be held December 12, 1978.

12. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: November 15, 1978.

GOODWIN CHASE,
Chairman.

[S-2341-78 Filed 11-16-78; 3:30 pm]

[8010-01-M]

13

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 20, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, November 21 at 10 a.m. and on Wednesday, November 22, 1978, immediately following the open meeting scheduled for 10 a.m. An open meeting will be held on Wednesday, November 22, 1978 at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams and Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 21, 1978, at 10 a.m., will be:

Access to investigative files by Federal, State or self-regulatory authorities.

Chapter X.

Formal orders of investigation.

Freedom of Information Act appeal.

Institution of administrative proceedings of an enforcement nature.

Other litigation matters.

Regulatory matter regarding financial institutions.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive action.

Subpoena enforcement action.

The subject matter of the closed meeting scheduled for Wednesday, November 22, 1978, immediately following the open meeting scheduled for 10 a.m., will be:

Personnel security matter.

The subject matter of the open meeting scheduled for Wednesday, November 22, 1978, at 10 a.m., will be:

1. Review, by the Commission, pursuant to section 11A of the Securities Exchange Act of 1934, of a dispute between the Options Price Reporting Authority and Bunker Ramo Corp. and GTE Information Systems, Inc., two vendors of securities information. For further information, please contact Nancy H. Wojas at 202-755-8965.

2. Consideration of whether to publish for comment proposed amendments to Regulation S-X [17 CFR Part 210] concerning (1)

the presentation in financial statements of the amounts applicable to preferred stocks subject to mandatory redemption requirements, preferred stocks which are not redeemable or are redeemable solely at the option of the issuer, and common stocks, and (2) certain disclosure requirements for preferred stocks subject to mandatory redemption requirements. For further information, please contact Edmund Coulson at 202-472-3782.

3. Consideration of whether to adopt proposed Rule 13d-1(c), which would implement section 13(g) of the Securities Exchange Act of 1934, and certain technical amendments to Regulation 13D. For further information, please contact John A. Granda at 202-755-1750.

4. Consideration of whether to adopt amendments to the management remuneration disclosure requirements of Regulation S-K, item 4 as proposed in Securities Act Release No. 5950 (July 28, 1978). For further information, please contact Steven J. Paggioli at 202-376-8090.

5. Consideration of an application by Colonial Gas Energy System ("Colonial"), a registered holding company, and its two public utility subsidiaries, seeking authorization for the issue and sale of up to \$5,500,000 cumulative convertible preferred stock by Colonial and an exemption from competitive bidding. Authorization is also being sought for the issuance and sale of common stock to Colonial by Lowell Gas Co. and Cape Cod Gas Co., its public utility subsidiaries, for an aggregate purchase price of approximately \$3,100,000. For further information, please contact Mary Ann Oliver at 202-523-5651.

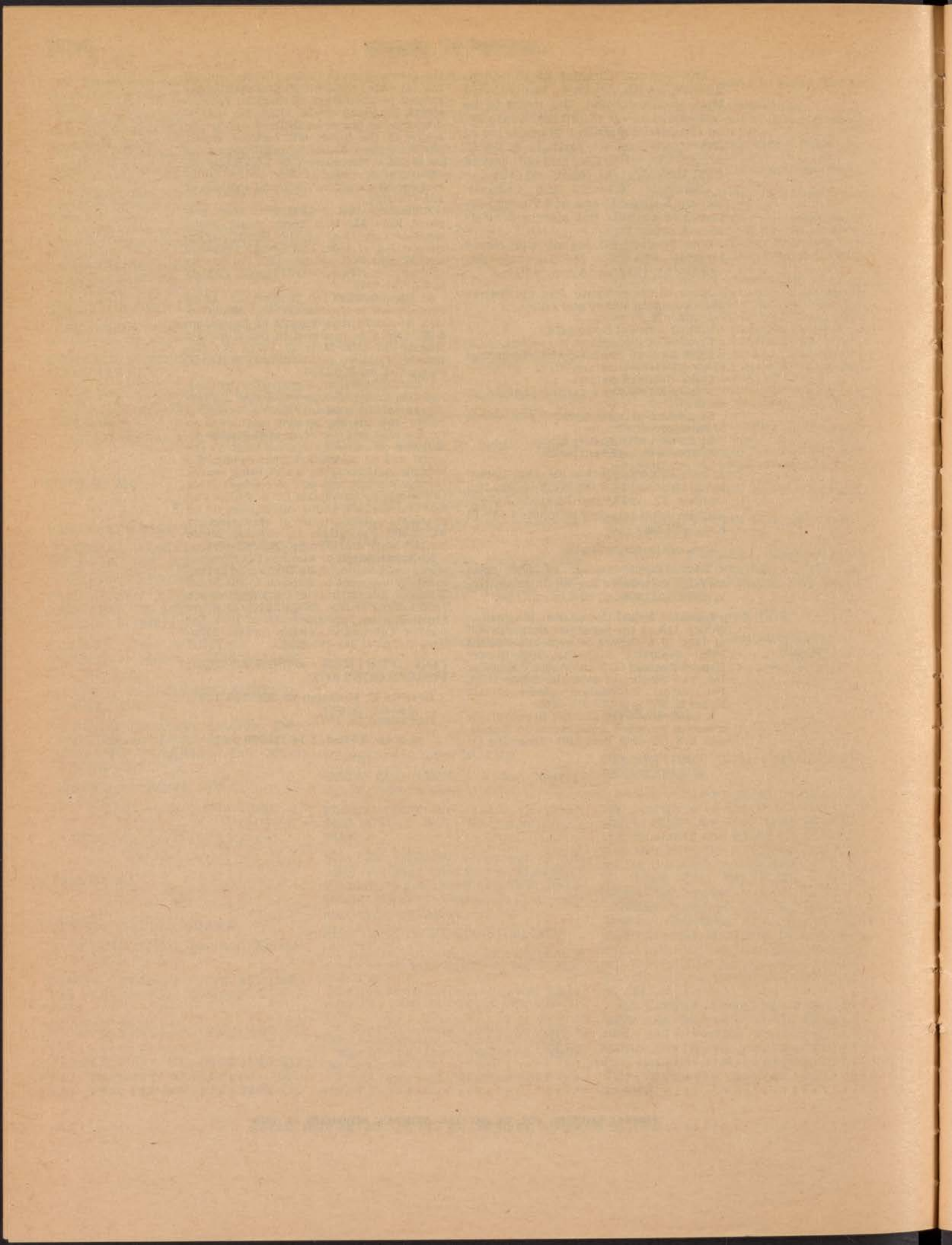
6. Consideration of whether the Commission should authorize its Division of Investment Management to transmit to the Small Business Administration the Commission's report under section 308(g)(2)(H)-(J) of the Small Business Investment Act of 1958. For further information, please contact Elizabeth T. Tsai at 202-755-0210.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Beverly C. Rubman at 202-755-1103.

NOVEMBER 16, 1978.

[S-2342-78 Filed 11-16-78; 3:30 pm]



MONDAY, NOVEMBER 20, 1978

PART II



**DEPARTMENT OF
ENERGY**

**Economic Regulatory
Commission**



**SPECIAL SET-ASIDE
PROCEDURES FOR
MIDDLE DISTILLATES**

**Proposed Rulemaking; Public
Hearing**

**Registered
Proposed**

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

[Docket No. ERA-R-78-20]

SPECIAL SET-ASIDE PROCEDURES FOR MIDDLE DISTILLATES

Proposed Rulemaking; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to amend the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) to reinstate, by the adoption of a special rule No. 6, set-aside procedures for middle distillates to be administered by the State energy offices and DOE regional offices for the period from the date of issuance of the final rule adopted in this proceeding through March 31, 1979. The proposal would permit wholesale purchaser-consumers and end-users who have made unsuccessful efforts to obtain supplies for an emergency or hardship to acquire that volume required to meet their certified requirements.

DATES: Comments by December 20, 1978; requests to speak by November 27, 1978, 4:30 p.m.; hearing date: December 7, 1978, 9:30 a.m.

ADDRESS: Comments, requests to speak, copies of oral statements to: Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-78-20, Room 2313, 2000 M Street NW., Washington, D.C. 20461; Hearing location: Room 2105, 1000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, Room 2222A, 2000 M Street NW., Washington, D.C. 20461, 202-254-5201.

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 M Street NW., Washington, D.C. 20461, 202-634-2170.

William E. Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street NW., Washington, D.C. 20461, 202-254-8034.

Jack O. Kendall (Office of General Counsel), Room 5146B, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

II. STATE SET-ASIDE PROPOSAL

III. HEARING AND COMMENT PROCEDURES

IV. OTHER MATTERS

I. BACKGROUND

On June 15, 1976, the Federal Energy Administration (FEA) issued and submitted to the Congress two separate amendments which provided for the exemption of middle distillates from allocation and price controls. These amendments became effective July 1, 1976.

Despite decontrol, however, in the winter of 1976-77 the FEA established a State-administered set-aside program to insure that no marketer would lose its supply source without adequate time to arrange a new supplier during the transitional period following removal of controls. (Special Rule No. 3, 41 FR 33881, August 11, 1976.) Under this program, state offices were enabled to make assignments to marketers which could demonstrate an inability to obtain adequate supplies of middle distillates after reasonable efforts in this regard and directly to consumers who could meet the same hardship criteria that had been in effect for the state set-aside program prior to the exemption of middle distillates.

On November 14, 1977 (42 FR 59488, November 18, 1977), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) adopted Special Rule No. 5, reinstating special set-aside procedures for middle distillates for the winter of 1977-78. The special set-aside procedures were designed primarily to permit ultimate consumers of middle distillates who had made unsuccessful efforts to obtain supplies for an emergency or hardship to acquire that volume necessary to meet their certified requirements.

II. SPECIAL SET-ASIDE PROPOSAL

While the middle distillate set-aside procedures in effect during the past two heating seasons were utilized in only a few instances, it is our belief that such procedures are an important means of insuring adequate supplies of middle distillates to consumers to meet unforeseen emergency conditions or hardship situations. Accordingly, the ERA proposes to reinstate a set-aside program by adopting a new special rule No. 6 for subpart A of 10 CFR Part 211.

The special procedures proposed hereby are essentially the same as those provided by special rule No. 5 in effect last winter. Special rule No. 6 would provide that, notwithstanding the exemption of middle distillates

form controls, a special set-aside program for middle distillates would be in effect from the date of issuance of any final rule adopted in this proceeding through March 31, 1979, so as to permit assignments to marketers and consumers by State energy offices or, if a State energy office declines administration of the procedures, by the appropriate DOE regional office.

Within 20 days after the effective date of this special rule, each supplier would designate for each state within which the supplier operates as a prime supplier a representative who would act on behalf of the prime supplier with regard to these special procedures. The set-aside would constitute 4 percent of a prime supplier's estimated portion of its total supply of middle distillates for the particular month to be sold into the distribution system of the state for consumption therein. The set-aside requirement for a particular month would not be carried over to the following month if not used, and might be released totally or partially at any time during the month by order of the state energy office (or the DOE Regional Office where appropriate). Inasmuch as the set-aside for the 1977-1978 winter was used sparingly, you are specifically requested to comment as to whether four percent of a prime supplier's supplies is too great a percentage to be set aside and whether a smaller portion—for example, 2 percent—may be more appropriate.

Set-aside volumes would be available for assignments to wholesale purchaser-consumers and end-users who have made unsuccessful efforts to obtain supplies to meet an emergency or hardship. Such assignments would be limited to that volume required to satisfy certified requirements and conditioned upon the demonstrations of hardship. Assignments would also be made to wholesale purchaser-resellers who are unable to obtain a sufficient volume of product to meet the emergency or hardship needs of those wholesale purchaser-consumers and end-users with whom the wholesale purchaser-reseller had a supplier/purchaser relationship on December 1, 1978.

An application for assignment of set-aside volumes would be made to the appropriate state energy office which would approve or disapprove the application. Since an assignment would only be made in response to emergency situations, an applicant would not be required to make its application in writing. Each applicant would be required, however, to submit a written certification as to the validity of the emergency or hardship situation to the state energy office within 5 days of its verbal or written application.

If the State energy office were to approve an application, it would assign a

prime supplier to furnish the applicant an amount from the set-aside. The State energy office would issue to both the applicant and the representative of the prime supplier a document authorizing such assignment. This document would entitle the applicant to receive the assigned volume from any convenient local distributor of the prime supplier from which the set-aside assignment had been made. Such document would expire 10 days after issuance unless it had been presented to the prime supplier or a designated local distributor of the prime supplier.

Each month the State energy office would submit to the appropriate DOE Regional Office copies of all authorizing documents issued during the previous month and a tabulation of the usage of the middle distillate set-aside during the previous month.

In reimposing special set-aside procedures for middle distillates, we would be taking action under section 12(f) of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA, Pub. L. 93-159), which permits the President to prescribe such a regulation upon a determination by him that such regulation is necessary to and consistent with the attainment of the objectives specified in section 4(b)(1) of the EPAA. Our preliminary determination is that adoption of a set-aside program for the 1978-79 winter would be necessary to and consistent with the attainment of these objectives. In particular, we believe that such a regulation would promote public health, safety and welfare (including maintenance of residential heating for individual homes, apartments and similar occupied dwelling units) and the equitable distribution of refined petroleum products among all regions and areas of the United States, and sectors of the petroleum industry, and among all users.

For these reasons we have also determined that this is a significant proposal subject to the requirements of the DOE's interim management directive issued on April 25, 1978 (43 FR 18634, May 1, 1978), establishing procedures for the development and analysis of significant regulations. The directive requires that notices of proposed significant regulations provide at least a 60-day public comment period, except that a shorter comment period may be approved by the Secretary, Deputy Secretary, or Under Secretary of Energy under extraordinary circumstances. Inasmuch as the use of middle distillates for heating purposes has already begun in some areas of the country, the Deputy Secretary has approved the establishment of a 30-day period for public comment on this proposal. In this connection, we are also proposing to make any final rule

adopted in this proceeding effective on its date of issuance.

III. HEARING AND COMMENT PROCEDURES

A public hearing on the matters considered in this proposal will begin at 9:30 a.m. on December 7, 1978, and will be continued, if necessary, to December 8, 1978, in Room 2105, 2000 M Street NW., Washington, D.C. 20461. Any person who has an interest in this proceeding, or who is a representative of a group or class of persons that has an interest in this proceeding, may make a written request for an opportunity to make an oral presentation. Your request should be directed to Public Hearing Management, Docket No. ERA-R-78-20, Room 2313, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m. on November 27, 1978. You may hand-deliver your request between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Label your request both on the document and on the envelope "Special Set-Aside Procedures for Middle Distillates."

In your request, you should briefly describe your interest; if appropriate, state why you are a proper representative of a group or class of persons having such interest; and give a concise summary of the proposed oral presentation and a phone number where we may contact you through November 30, 1978. If you are selected to be heard, we will notify you before 4:30 p.m., local time, November 30, 1978. You must submit 100 copies of your statement to Public Hearing Management, Docket No. ERA-R-78-20, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m. on December 7, 1978.

We reserve the right to select the persons to be heard at the public hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard.

We will designate a DOE official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who had made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. Rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to Public Hearing Management, Docket No. ERA-R-78-

20, Room 2313, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m. on December 4. If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer. We will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing.

We will have a transcript of the hearing made, and we will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Office of Public Information, Economic Regulatory Administration, Room B-110, 2000 M Street NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

We also invite you to participate in this rulemaking proceeding by submitting data, views or arguments with respect to the proposal set forth in this notice to Public Hearing Management, Docket No. ERA-R-78-20, Room 2313, 2000 M Street NW., Washington, D.C. 20461. You should identify your comments on the outside envelope and on each document with the docket number and the designation "Special Set-Aside Procedures for Middle Distillates." You should submit fifteen copies. We will consider all comments received by December 20, 1978, and all relevant information before taking further action on this matter.

Any information or data you submit pursuant to the above procedures and which you consider to be confidential must be so identified and submitted in one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

IV. OTHER MATTERS

As required by section 7(a) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

We have determined that a regulatory analysis pursuant to the President's Executive Order No. 12044 (43 FR 12661, March 24, 1978), which requires analysis of proposals that would have a major economic impact, is not required for this proposed rulemaking on the ground that it will not have a major economic impact.

Pursuant to the requirements of Section 404(a) of the DOE Act, we have referred this proposed rule, con-

currently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination in its discretion whether the proposed rule would significantly affect any function within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, part 211 of chapter II, title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., November 14, 1978.

HAZEL ROLLINS,
Deputy Administrator,
Economic
Regulatory Administration.

The appendix to subpart A of part 211 is amended by adding special rule No. 6 to read as follows:

SPECIAL RULE NO. 6

SPECIAL SET-ASIDE PROCEDURES FOR MIDDLE DISTILLATES

1. *Scope.* This special rule provide for a set-aside program for middle distillates for the period (from the date of publication of this Special Rule) through March 31, 1979, as provided below, notwithstanding the exemption of middle distillates from the mandatory petroleum allocation and price regulations effective July 1, 1976.

2. *Provision for middle distillate set-aside.* Notwithstanding the provisions of paragraphs (b) and (c) of § 210.35 of part 210 of this chapter and of subparagraphs (b) (5) and (6) of § 211.1 of this part, a set-aside is hereby established for the period (from the date of publication of this special rule) through March 31, 1979, for designated middle distillates for assignment by State offices in accordance with the provisions of this special rule.

For purposes of this special rule the term middle distillates includes the following, as defined in § 212.31 of part 212 of this chapter: No. 1 heating oil, No. 1-D diesel fuel, No. 2 heating oil, No. 2-D diesel fuel and kerosene.

3. *Set-aside volume.* A prime supplier shall inform each appropriate State office monthly of the estimated volume of middle distillates to be sold into a State for consumption within that State. The set-aside volume available in a State for a particular month shall be the sum of the amounts calculated by multiplying four (4) percent by each prime supplier's estimated portion of its total supply for that month which will be sold into that State's distribution system for consumption within the State. The set-aside for a particular month cannot be accumulated from prior months or deferred to

later months; it shall be made available from stocks of prime suppliers whether directly or through their wholesale purchaser-resellers.

4. *State representative.* Each supplier shall designate a representative for each State in which the supplier is a prime supplier to act for and on behalf of the prime supplier with respect to set-aside petitions and assignments from the set-aside to be supplied by that prime supplier. Each prime supplier for a State shall designate its representative for that State and shall notify in writing the appropriate State and DOE regional offices of such designation within twenty (20) days after the effective date of this special rule. The State office shall to the maximum extent possible consult with a prime supplier's representative prior to issuing any authorizing document affecting set-aside volumes to be provided by the prime supplier.

5. *Eligible recipients of set-aside volumes.* The set-aside provided for by this special rule shall be utilized by the State offices in issuing authorizations to applicants for designated middle distillates to be supplied by a prime supplier to meet hardship and emergency requirements of wholesale purchaser-consumers and end-users. To facilitate relief of the hardship and emergency requirements of wholesale purchaser-consumers and end-users, the State office may also direct that a wholesale purchaser-reseller be supplied from the set-aside to enable the wholesale purchaser-reseller to supply the emergency and hardship needs of wholesale purchaser-consumers and end-users with whom the wholesale purchaser-reseller had a supplier/purchaser relationship on December 1, 1978.

6. *Term of assignments.* Assignments to eligible end-users and wholesale purchaser-consumers under section 5 of this special rule by a State office shall be made to meet the emergency or hardship conditions being experienced during that period. Assignments to wholesale purchaser-resellers shall be only for the period necessary to preclude hardship and provide emergency requirements to that wholesale purchaser-reseller's wholesale purchaser-consumers and end-users. No assignments under this special rule shall relate to any period subsequent to March 31, 1979.

7. *Application for assignment.* All applications for assignment under this special rule shall be made to the State office having jurisdiction over the State in which the applicant conducts its business operations, in accordance with the procedures set forth in §§ 205.211-218 of subpart Q of part 205 of this chapter with respect to the State set-aside, except as otherwise provided in this special rule. Within five (5) days of its application for assignment of middle distillates under these special procedures, an applicant shall submit to the State office a written certification that such application was for a valid hardship or emergency situation.

8. *Transfer of functions to DOE regional office.* Any State may elect irrevocably at any time to transfer administration of the middle distillate set-aside established by this special rule from its State office to the DOE regional office which has jurisdiction over said State, and will inform the DOE regional office in writing of such election. In the event of such an election by a particular State, all applications by applicants conducting business within that State shall be made to the appropriate DOE regional office. With respect to applications made to

a DOE regional office under this section all references to a State office in this special rule and subpart Q of Part 205 of this chapter shall be deemed to refer to the appropriate DOE regional office.

9. *Approval of application.* If a State office approves an application for assignment, it shall assign a prime supplier an amount from the set-aside to the applicant necessary to meet the expressed emergency hardship condition. To determine an appropriate prime supplier, the State office may coordinate with the State representatives of prime suppliers.

10. *Authorizing document.* The State office shall issue to an applicant granted an assignment a document authorizing such assignment. A copy of the authorizing document (or a summary) shall also be provided by the State office to the designated State representative of the prime supplier assigned to the applicant. An authorizing document not presented to either the prime supplier or a designated local distributor of the prime supplier within ten (10) days of issuance shall expire after that ten-day period. The State office shall by the 20th day of each month submit to the appropriate DOE regional office copies of all authorizing documents issued during the previous month and a tabulation of the usage of the middle distillate set-aside during the previous month.

11. *Supplier's responsibilities.* When presented with an authorizing document, suppliers shall provide the assigned amount of middle distillates to an applicant. The authorizing document shall entitle the applicant to receive product from any convenient local distributor of the prime supplier from which the set-aside assignment has been made. Wholesale purchaser-resellers of prime suppliers shall, as nonprime suppliers, honor such authorizing documents upon presentation and shall not delay deliveries required by the authorizing documents while confirming such deliveries with the prime supplier. Any nonprime supplier which provides middle distillates pursuant to an authorizing document shall in turn receive from its prime supplier an equivalent volume of the product. The requirements of paragraph (b) of § 210.62 of part 210 of this chapter continue to apply to suppliers to whom an authorizing document is presented pursuant to this special rule to prohibit any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating or impairing the objectives, purposes and intent of this special rule.

12. *Prime suppliers.* All prime suppliers shall supply designated middle distillates from their set-aside volume each month, as directed by the State offices, not to exceed the total set-aside volume for such middle distillates for that month for the State concerned.

13. *Release of set-aside.* At any time during the month, a State office may order the release of part or all of a prime supplier's set-aside volume through the prime supplier's normal distribution system in the State.

14. *Orders issued by State offices.* Authorizing documents and other orders issued pursuant to this special rule shall be in writing and effective immediately upon presentation to the prime supplier's designated State representative. Authorizing documents shall represent a call on the prime supplier's set-aside volumes for the month of issuance irrespective of the fact that de-

livery cannot be made until the following month. Any order issued by a State office pursuant to this special rule may be appealed to the DOE regional office that has jurisdiction over the State involved, in accordance with the procedures set forth in subpart H of part 205 of this chapter. Any appeal from such an order shall be filed within ten (10) days of service of the order from which the appeal is taken. If a State office fails to take action on an application within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this section.

[FR Doc. 78-32550 Filed 11-15-78; 3:11 pm]

MONDAY, NOVEMBER 20, 1978
PART III



**DEPARTMENT OF
TRANSPORTATION**

Coast Guard

**ENFORCEMENT; CIVIL
AND CRIMINAL PENALTY
PROCEEDINGS**

**Registered
Property**

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-82]

PART 1—GENERAL PROVISIONS

Enforcement; Civil and Criminal Penalty Proceedings

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: These amendments describe the Coast Guard practices and procedures for determining whether to assess a civil penalty in the case of a reported violation of a law enforced by the Coast Guard. Increases in the number of civil penalty cases being processed by the Coast Guard and additions to the statutory authority for imposing civil penalties made a review of existing procedures desirable. The procedures set forth in this regulation will improve the penalty process used by the Coast Guard.

DATES: Effective date: February 20, 1979.

Comments should be received on or before 1 Sept. 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 78-82), 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, 202-426-1444.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Steven J. Delaney, U.S. Coast Guard (G-LMI/81), Room 8109, Department of Transportation, Nassif Building, Washington, D.C. 20590, 202-426-1527.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to rules of agency procedure and practice, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(A). However, the Coast Guard is interested in obtaining the benefit of public comment on these rules. Therefore, they are promulgated as an interim final rule. The Coast Guard intends to evaluate its experience under these rules during the first 6 months they are in effect. The public is invited to submit comments during this period. Since this regulation concerns procedures only, no sector of the public will be required to make any investment

which would be affected by subsequent changes. As a result, any changes which appear to be desirable after the evaluation period may be implemented at a later date with no disadvantage to the public.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are: Lt. Comdr. Steven J. Delaney, Project Manager, and Mr. A. F. Bridgman, Jr., Project Counsel, Office of Chief Counsel.

DISCUSSION OF REGULATION

Due to an increased congressional emphasis on civil penalties as a form of sanction, the Coast Guard in recent years has seen the number of its administrative penalty cases expand to more than 20,000 per year. Certain of the laws specifying administratively assessed sanctions, such as the Federal Water Pollution Control Act Amendments of 1972 and the Federal Boat Safety Act of 1971, cut across a broad range of society and apply to many citizens who have little experience in dealing with the government and administrative processes. Therefore, regulations which clearly describe agency procedures are necessary in the interest of informing parties in penalty proceedings of the applicable procedures and rights. In addition, experience gained in implementing many of these administrative penalty systems has demonstrated that detailed penalty regulations, which are uniform to the maximum extent possible, are necessary to eliminate confusion and promote the efficiency of agency employees. To the extent that agency employees and the members of the public who are involved in the administrative penalty process understand the procedures which apply, the rights of the party being charged with an infraction will be better safeguarded.

In developing these penalty procedures, consideration was given to a number of factors, including: the need for a simple procedure which is understandable and in which a citizen can afford to participate; the desire to provide the alleged violator with procedural rights which are consistent with the sanction being considered; the fact that penalties are normally only pecuniary in nature; and, the need of the agency to be able to administer a case load numbering in the tens of thousands. At the outset, it must be noted that the statutory civil penalty provisions administered by the Coast Guard do not require determinations to be made on the record and, therefore, the hearing procedures specified in sections 554, 556, and 557 of Title 5, United States Code are not applicable. In addition, many of the civil penalty statutes administered by the Coast Guard do not provide authority for the issuance of subpoenas or other

process in the assessment proceedings. However, it is intended that, to the extent possible, the rights associated with the concept of due process and a fair and impartial hearing will be accorded to all persons charged with infractions for which a civil penalty may be assessed.

The procedures established in this regulation provide that before the assessment of a civil penalty, a person is entitled to: notice of the initiation of the action; notice of the alleged violation; notice of the applicable laws and regulations; notice of the procedures to be followed; notice of the maximum penalty; the right to examine evidence in the case file; the right to be represented by counsel; an opportunity to be heard and to present evidence at a hearing, or to submit written material in lieu of a hearing; and, the right to appeal any assessment to the Commandant of the Coast Guard. These rights are provided to protect the interests of the alleged violator and of the public. However, the hearing may still be conducted in an informal atmosphere with the maximum degree of flexibility consistent with the need to have an orderly framework and a record of what was done during the administrative process.

EVALUATION

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket. It may be examined at or copies may be obtained from, the Marine Safety Council at the above address.

In consideration of the foregoing, Part 1, Subpart 1.07 (except for the Appendix), is hereby revised to read as follows:

Subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings

Sec.	
1.07-1	Purpose.
1.07-5	Definitions.
1.07-10	Reporting and investigation.
1.07-15	Hearing officer.
1.07-20	Initiation of action.
1.07-25	Preliminary matters.
1.07-30	Disclosure of evidence.
1.07-35	Request for confidential treatment.
1.07-40	Counsel.
1.07-45	Location of hearings.
1.07-50	Witnesses.
1.07-55	Hearing procedures.
1.07-60	Records.
1.07-65	Hearing officer's decisions.
1.07-70	Right to appeal.
1.07-75	Action on appeals.
1.07-80	Reopening of hearings.
1.07-85	Collection of civil penalties.
1.07-90	Criminal penalties.
1.07-95	Civil and criminal penalties.

AUTHORITY: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, sec. 2, 63 Stat. 496, as amended; 5 U.S.C. 552, 14 U.S.C. 2, 633.

Subpart 1.07—Enforcement; Civil and Criminal Penalty Proceedings

§ 1.07-1 Purpose.

This part describes procedures for enforcement and administration of all statutory penalty provisions that the Coast Guard is authorized to enforce.

§ 1.07-5 Definitions.

(a) The term "District Commander," when used in this subpart, means the District Commander or a member of his staff.

(b) The term "Hearing Officer" means a Coast Guard officer or employee who has been delegated the authority to assess civil penalties.

(c) The term "party" means the person alleged to have violated a statute or regulation to which a civil penalty applies and includes an individual or public or private corporation, partnership or other association, or a governmental entity.

§ 1.07-10 Reporting and investigation.

(a) Any person may report an apparent violation of any law, regulation, or order that is enforced by the Coast Guard to any Coast Guard facility. When a report of an apparent violation has been received, or when an apparent violation has been detected by any Coast Guard personnel, the matter is investigated or evaluated by Coast Guard personnel.

(b) Reports of any investigation conducted by the Coast Guard or received from any other agency which indicate that a violation may have occurred are forwarded to the District Commander of the District in which the violation is believed to have occurred. The District Commander reviews the reports to determine if there is sufficient evidence to establish a *prima facie* case. If there is insufficient evidence, the case is either returned for further investigation or closed if further action is unwarranted. The case is closed in situations in which the investigation has established that a violation did not occur, the violator is unknown, or there is little likelihood of discovering additional relevant facts. If it is determined that a *prima facie* case does exist, a case file is prepared and forwarded to the Hearing Officer, with a recommended action. A record of any prior violations by the same person or entity, is forwarded with the case file.

§ 1.07-15 Hearing officer.

(a) Each District Commander delegates to one or more Coast Guard officers or employees on his staff the authority to act as Hearing Officer. The Hearing Officer has no other responsi-

bility, direct or supervisory, for the investigation of cases referred to him for the assessment of civil penalties.

(b) The Hearing Officer decides each case on the basis of the evidence before him, and must have no prior connection with the case. The Hearing Officer is solely responsible for the decision in each case referred to him.

(c) The Hearing Officer is authorized to administer oaths and issue subpoenas necessary to the conduct of a hearing, to the extent provided by law.

§ 1.07-20 Initiation of action.

(a) When a case is received for action, the Hearing Officer makes a preliminary examination of the material submitted. If, on the basis of the preliminary examination, the Hearing Officer determines that there is insufficient evidence to proceed, or that there is any other reason which would make penalty action inappropriate, the Hearing Officer returns the case to the District Commander with a written statement of the reason. The District Commander may close the case or cause a further investigation of the alleged violation to be made with a view toward resubmission of the case to the Hearing Officer.

(b) If on the basis of the preliminary examination of the case file, the Hearing Officer determines that a violation appears to have been committed, the Hearing Officer notifies the party in writing of:

(1) The alleged violation and the applicable law or regulations;

(2) The amount of the maximum penalty that may be assessed for each violation;

(3) The general nature of the procedure for assessing and collecting the penalty;

(4) The amount of penalty that appears to be appropriate, based on the material then available to the Hearing Officer;

(5) The right to examine all materials in the case file and have a copy of all written documents provided upon request; and,

(6) The fact that the party may demand a hearing prior to any actual assessment of a penalty.

(c) If at any time it appears that the addition of another party to the proceedings is necessary or desirable, the Hearing Officer provides the additional party with notice as described above.

§ 1.07-25 Preliminary matters.

(a) Within 30 days after receipt of notice of the initiation of the action, as described above, the party, or counsel for the party, may request a hearing. Provide any written evidence and arguments in lieu of a hearing, or pay the amount specified in the notice as being appropriate. A hearing must be

requested in writing; the request must specify the issues which are in dispute. Failure to specify a nonjurisdictional issue will preclude its consideration.

(b) The right to a hearing is waived if the party does not submit the request to the Hearing Officer within 30 days after receiving notice of the alleged violation. At the discretion of the Hearing Officer, a hearing may be granted if the party submits a late request.

(c) The Hearing Officer must promptly schedule all hearings which are requested. The Hearing Officer shall grant any delays or continuances which may be necessary or desirable in the interest of fairly resolving the case.

(d) A party who has requested a hearing may amend the specification of the issues in dispute at any time up to 10 days before the scheduled date of the hearing. Issues raised later than 10 days before the scheduled hearing may be presented only at the discretion of the Hearing Officer.

§ 1.07-30 Disclosure of evidence.

The alleged violator may, upon request, receive a free copy of all the written evidence in the case file, except material that would disclose or lead to the disclosure of the identity of a confidential informant. Other evidence or material, such as blueprints, sound or video tapes, oil samples, and photographs may be examined in the Hearing Officer's offices. The Hearing Officer may provide for examination or testing of evidence at other locations if there are adequate safeguards to prevent loss or tampering.

§ 1.07-35 Request for confidential treatment.

(a) In addition to information treated as confidential under § 1.07-30, a request for confidential treatment of a document or portion thereof may be made by the person supplying the information on the basis that the information is:

(1) Confidential financial information, trade secrets, or other material exempt from disclosure by the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt by law from disclosure.

(b) The person desiring confidential treatment must submit the request to the Hearing Officer in writing and state the reasons justifying nondisclosure. Failure to make a timely request may result in a document being considered as nonconfidential and subject to release.

(c) Confidential material is not considered by the Hearing Officer in reaching a decision unless—

- (1) It has been furnished by a party, or
 (2) It has been furnished pursuant to a subpoena.

§ 1.07-40 Counsel.

A party has the right to be represented at all stages of the proceeding by counsel. After receiving notification that a party is represented by counsel, the Hearing Officer directs all further communications to that counsel.

§ 1.07-45 Location of hearings.

(a) The hearing is normally held at the office of the Hearing Officer.

(b) The party may request that a case be transferred to another Hearing Officer or that the hearing be held at a location other than the office of the Hearing Officer. The request must be in writing and state the reasons why the requested action is necessary or desirable. Action on the request is at the discretion of the Hearing Officer.

§ 1.07-50 Witnesses.

A party may present the testimony of any witness either through a personal appearance or through a written statement. The party may request the assistance of the Hearing Officer in obtaining the personal appearance of a witness. The request must be in writing and state the reasons why a written statement would be inadequate, the issue or issues to which the testimony would be relevant, and the substance of the expected testimony. If the Hearing Officer determines that the personal appearance of the witness may materially aid in the decision on the case, the Hearing Officer seeks to obtain the witness' appearance. Because many statutes prescribing civil penalties do not provide subpoena power, there may be cases where a witness cannot be required to attend. In such a case, the Hearing Officer may move the hearing to the witness' location, accept a written statement, or accept a stipulation in lieu of testimony. If none of these procedures is practical, the Hearing Officer shall proceed on the basis of the evidence before him.

§ 1.07-55 Hearing procedures.

(a) The Hearing Officer must conduct a fair and impartial proceeding in which the party is given a full opportunity to be heard. At the outset of the hearing, the Hearing Officer insures that the party is aware of the nature of the proceeding and of the alleged violation, and of the provisions of the law or regulation allegedly violated.

(b) The material in the case file pertinent to the issues to be determined by the Hearing Officer is presented. The party has the right to examine, and to respond to or rebut, this mate-

rial. The party may offer any facts, statements, explanations, documents, sworn or unsworn testimony, or other exculpatory items which bear on appropriate issues, or which may be relevant to the size of an appropriate penalty. The Hearing Officer may require the authentication of any written exhibit or statement.

(c) At the close of the party's presentation of evidence, the Hearing Officer may allow the introduction of rebuttal evidence. The Hearing Officer may allow the party to respond to any such evidence submitted.

(d) In receiving evidence, the Hearing Officer is not bound by strict rules of evidence. In evaluating the evidence presented, the Hearing Officer must give due consideration to the reliability and relevance of each item of evidence.

(e) The Hearing Officer may take notice of matters which are subject to a high degree of indisputability and are commonly known in the community or are ascertainable from readily available sources of known accuracy. Prior to taking notice of a matter, the Hearing Officer gives the party an opportunity to show why notice should not be taken. In any case in which notice is taken, the Hearing Officer places a written statement of the matters as to which notice was taken in the record, with the basis for such notice, including a statement that the party consented to notice being taken or a summary of the party's objections.

(f) After the evidence in the case has been presented, the party may present argument on the issues in the case. The party may also request an opportunity to submit a written statement for consideration by the Hearing Officer and for further review. The Hearing Officer shall allow a reasonable time for submission of the statement and shall specify the date by which it must be received. If the statement is not received within the time prescribed, or within the limits of any extension of time granted by the Hearing Officer, the Hearing Officer renders his decision in the case.

§ 1.07-60 Records.

(a) A verbatim transcript will not normally be prepared. The Hearing Officer prepares notes on the material and points raised by the party, in sufficient detail to permit a full and fair review and resolution of the case, should it be appealed.

(b) A party may, at its own expense, cause a verbatim transcript to be made. If a verbatim transcript is made, the party shall submit two copies to the Hearing Officer not later than the time of filing an administrative appeal. The Hearing Officer includes them in the record.

§ 1.07-65 Hearing officer's decisions.

(a) The Hearing Officer issues a written decision. Any decision to assess a penalty is based upon substantial evidence in the record. If the Hearing Officer finds that there is not substantial evidence in the record establishing the alleged violation or some other violation of which the party had full and fair notice, the Hearing Officer shall dismiss the case and remand it to the District Commander. A dismissal is without prejudice to the District Commander's right to refile the case and have it reheard if additional evidence is obtained. A dismissal following a rehearing is final and with prejudice.

(b) If the Hearing Officer assesses a penalty, the Hearing Officer's decision contains a statement advising the party of the right to an administrative appeal. The party is advised that failure to submit an appeal within the prescribed time will bar its consideration and that failure to appeal on the basis of a particular issue will constitute a waiver of that issue in any subsequent proceeding.

§ 1.07-70 Right to appeal.

(a) Any appeal from the decision of the Hearing Officer must be submitted by a party within 30 days from the date of receipt of the decision. The appeal and any supporting brief must be submitted to the Hearing Officer. The only issues which will be considered on appeal are those issues specified in the appeal which were properly raised before the Hearing Officer and jurisdictional questions.

(b) The failure to file an appeal within the prescribed time limit results in the action of the Hearing Officer becoming the final agency action in the case.

§ 1.07-75 Action on appeals.

(a) Upon receipt, the Hearing Officer provides a copy of the appeal and any supporting brief to the District Commander. Any comments which the District Commander desires to submit must be received by the Hearing Officer within 20 days. The Hearing Officer includes the District Commander's comments in the record and furnishes a copy to the party. Upon receiving the District Commander's comments, or not later than 20 days after receipt of the appeal if no comments are submitted by the District Commander, the Hearing Officer forwards all materials in the case to the Commandant.

(b) The Commandant issues a written decision in each case and furnishes copies to the party, the District Commander, and the Hearing Officer. The Commandant may affirm, reverse, or modify the decision, or remand the case for new or additional proceedings. In the absence of a remand, the decision of the Commandant on appeal

shall be final. In addition to the actions which may be taken by the Commandant on appeal, the Commandant may also remit, mitigate or suspend the assessment in whole or in part. Upon the taking of remission, mitigation, or suspension action, the Commandant will inform the party of the action and any conditions placed on the action.

§ 1.07-80 Reopening of hearings.

(a) At any time prior to final agency action in a civil penalty case, a party may petition to reopen the hearing on the basis of newly discovered evidence.

(b) Petitions to reopen must be in writing describing the newly found evidence and must state why the evidence would probably produce a different result favorable to the petitioner; whether the evidence was known to the petitioner at the time of the hearing and, if not, why the newly found evidence could not have been discovered in the exercise of due diligence. The party must submit the petition to the Hearing Officer and provide a copy to the District Commander.

(c) The District Commander may file comments in opposition to the petition. If comments are filed, a copy is provided the party.

(d) A petition to reopen is considered by the Hearing Officer unless an appeal has been filed, in which case the petition is considered by the Commandant.

(e) The decision on the petition is decided on the basis of the record, the petition, and the comments in opposition, if any. The petition is granted only when newly found evidence is described which has a direct and material bearing on the issues and when a valid explanation is provided as to why the evidence was not and could not have been, in the exercise of due diligence, produced at the hearing. The decision is rendered in writing.

(f) Following a denial of a petition to reopen, the party is given 30 days to file an appeal if one has not already been filed, or to amend an appeal which has already been filed.

§ 1.07-85 Collection of civil penalties.

(a) Authority for the collection of civil penalties is hereby delegated to the Commander of each Coast Guard District.

(b) Payment of a civil penalty may be made by check or postal money order payable to the U.S. Coast Guard.

(c) Within 30 days after the Commandant's decision on appeal, or within 30 days after the Hearing Officer's decision in a case in which no appeal has been filed, the party must submit payment of any assessed penalty to the District Commander. Failure to make timely payment will result in the institution of appropriate action under the Federal Claims Collection Act and the regulations issued thereunder.

(d) When a penalty of not more than \$200 has been assessed under the Federal Boat Safety Act of 1971, the matter may be referred for collection of the penalty directly to the Federal Magistrate of the jurisdiction wherein the person liable may be found, for the institution of collection procedures under supervision of the district court, if the court has issued an order delegating such authority under section 636(b) of Title 28, United States Code.

§ 1.07-90 Criminal penalties.

(a) Prosecution in the Federal courts for violations of those laws or regulations enforced by the Coast Guard which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding

whether and under what conditions to prosecute or to abandon prosecution.

(b) Except in those cases where the approval of the Commandant is required, the District Commander is authorized to refer the case to the U.S. attorney. The Commandant's approval is required in the following cases where evidence of a criminal offense is disclosed:

(1) Marine casualties or accidents resulting in death.

(2) Marine Boards (46 CFR Part 4).

(3) Violations of port security regulations (33 CFR Parts 6, 121 to 126 inclusive).

(c) The District Commander will identify the laws or regulations which were violated and make specific recommendations concerning the proceedings to be instituted by the U.S. attorney in every case.

§ 1.07-95 Civil and criminal penalties.

(a) If a violation of law or regulation carries both a civil and a criminal penalty, the District Commander is authorized to determine whether to institute civil penalty proceedings or to refer the case to the U.S. attorney for prosecution in accordance with § 1.07-90.

(b) When the U.S. Attorney declines to institute criminal proceedings, the District Commander decides whether to initiate civil penalty proceedings or to close the case.

(Authority: Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545, sec. 2, 63 Stat. 496, as amended; 5 U.S.C. 552, 14 U.S.C. 2, 663.)

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: November 13, 1978.

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

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